

# Legal assistance and representation - Czechia | DIP EUAA

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## Overview

### Relevant EU legislation

Czechia is bound by the recast Asylum Procedures Directive, the recast Reception Conditions Directive and the Dublin III Regulation and has transposed their provisions through the [Act No 325/1999 Coll. on Asylum](#) | Zákon č. 325/1999 Sb., o azylu, (11 November 1999).

### National legislation

[Act No 325/1999 Coll. on Asylum](#) | Zákon č. 325/1999 Sb., o azylu, (11 November 1999)

[Act No 326 on the Residence of Foreign Nationals in the Territory of the Czech Republic](#)

[Act No 150/2002, Code of Administrative Justice](#)

## Competent authority and stakeholders

Area	National authority/stakeholder
<b>Provision of legal and procedural information on the applicant's rights and obligations</b>	Department for Asylum and Migration Policy (Ministry of the Interior of the Czech Republic)   <a href="#">Odbor azylové a migrační politiky</a> (Ministerstvo vnitra České republiky)
<b>Legal assistance at first instance determination</b>	<p>An applicant in the proceedings is entitled to request assistance from a legal entity or natural person engaged in providing legal aid to refugees - see Section 21 of the <a href="#">Act No 325/1999 Coll. on Asylum</a>.</p> <p>The Ministry of the Interior <a href="#">signed a mutual contract</a> with the Law firm Volopich, Tomšíček &amp; others on 7 June 2022, renewed in October 2024 (<a href="#">free legal services</a>).</p>
<b>Legal counselling provided by civil society organisations or other organisations</b>	Yes, <a href="#">civil society organisations</a> can provide legal counselling (example OPU <a href="#">Organizace pro pomoc uprchlíkům</a> ) Centers for support of integration of foreigners ( <a href="https://www.integracnicentra.cz">https://www.integracnicentra.cz</a> - South Bohemian, Karlovy Vary, Vysočina, Liberec, Moravian-Silesian, Olomouc, Pardubice, Pilsen, Central Bohemian and Zlín region, <a href="https://www.cizincijmk.cz">https://www.cizincijmk.cz</a> - South Moravian region, <a href="http://www.centrumcizincu.cz">http://www.centrumcizincu.cz</a> - Ústí region), <a href="https://cizincihradec.cz">https://cizincihradec.cz</a> in the Hradec Králové region) and <a href="https://icpraha.com">https://icpraha.com</a> in the Prague).

Area	National authority/stakeholder
<p><b>Legal assistance at second instance determination</b></p>	<p>Applicants can be represented by a legal representative, a lawyer or a representative of their choice, if they wish (Section 35(2) of <a href="#">Act No 150/2002, Code of Administrative Justice</a>) or by a legal entity (NGO) established by law if the legal entity provides legal aid to refugees or foreigners. Services are provided by attorneys from the <a href="#">Czech Bar Association   Česká advokátní komora</a>, who are appointed by the court Administrative Chambers within Regional Court   <a href="#">Krajský soud</a>. The legal entity is represented by an employee or a member who has a university degree in law (Section 35(5) of <a href="#">Act No 150/2002, Code of Administrative Justice</a>). The Ministry of the Interior signed a mutual contract with the Law firm Volopich, Tomšíček &amp; others on 7 June 2022, renewed in October 2024 (<a href="#">free legal services</a>).</p>
<p><b>Legal assistance for other related procedures</b></p>	<p>The Ministry of the Interior <a href="#">signed a mutual contract</a> with the Law firm Volopich, Tomšíček &amp; others on 7 June 2022, renewed in October 2024 (<a href="#">free legal services</a>).</p> <p><a href="#">Civil society organisations</a></p> <p>Centers for support of integration of foreigners (<a href="https://www.integracnicentra.cz">https://www.integracnicentra.cz</a>)</p>

## Access to legal assistance and representation

### Provision of information on legal assistance and representation

The Department for Asylum and Migration Policy (Ministry of the Interior of the Czech Republic) | [Odbor azylové a migrační politiky \(Ministerstvo vnitra České republiky\)](#) is responsible to organise the provision of information regarding the

procedure and the right to legal assistance and representation – see Section 10 of the [Act No 325/1999 Coll. on Asylum](#).

Applicants can find information on the [Ministry website](#) on modalities to access legal assistance.

Section § 3a (2) of the [Act No 325/1999 Coll. on Asylum](#) provides that the police or a legal aid provider shall ‘provide a person who intends to apply for international protection with information related to international protection already at the border crossing or in the transit area of an international airport’. Such information is provided in person in a language that the applicant can understand.

## **Access to premises**

An applicant has the right to be in contact with legal aid providers and with UNHCR – see Section 10 of the [Act No 325/1999 Coll. on Asylum](#).

According to Section 21 (3) of the [Act No 325/1999 Coll. on Asylum](#), an applicant has the right to communicate with the legal aid provider in the reception facility, in special designated areas.

Section 144 (3) of the [Act No 326 on the Residence of Foreign Nationals in the Territory of the Czech Republic](#) provides that, while in detention, a foreign national including detained asylum applicant has the right to receive visits from a lawyer or a representative of a legal entity, who must prove that they are lawfully authorised to provide legal assistance to foreign nationals. An authorised employee or a member of a legal entity who has completed their study of law at university, which is required for the execution of a lawyer’s duties, may act on behalf of the legal entity.

## **Requirements: Means test and merits test**

There is no requirement for means test or merits test for accessing [free legal services](#) for the procedure at the first instance determination, as provided in the cooperation agreement between the Ministry of the Interior and the law firm.

At second instance determination, applicants must request the court to be provided with free legal aid and provide proof of financial and social circumstances. The proof of financial and social statement comes in the form of a statutory declaration. The court decides on the request by resolution.

## **Modalities to submit a request for legal aid**

There is no time limit to apply for legal aid at first instance and appeal procedure. However, it is recommended to do so when submitting the appeal/cassation complaint. For cassation complaint, it must be done so within the deadline set by the Administrative Court.

At first instance appointments can be made through the staff of the Refugee Facilities Administration at the given centre/ facility.

The request for free legal assistance at first instance determination is to be made to one of the offices of the law firm, based on the mutual contract between the Ministry of the Interior and the Law firm Volopich, Tomšíček & spol. for [free legal services](#). No special requirements are provided for access to free legal services at first instance determination.

For free legal services at second instance determination, the request must be made before the regional court which rules on the first instance appeal. Applicants must request the court to be provided with free legal aid and provide proof of financial and social circumstances. The court decides on the request by resolution.

## **Outcome of the request for legal aid**

For appeals, the Administrative Chambers within Regional Court | [Krajský soud](#) decides on the provision of free legal counselling and representation services.

There is a possibility for applicants to choose another law company than the one provided by the Ministry of the Interior, but at their own cost. In the, rather uncommon, occurrence that there is a refusal to grant free legal assistance, no remedy is available to contest this refusal.

## **Legal assistance and representation at first instance determination**

### **Service provider**

A participant in proceedings is entitled to request assistance from a legal entity or natural person engaged in providing legal aid to refugees; the Ministry shall contribute towards costs to a legal entity or natural person who has entered into a written agreement with the Ministry for provision of charge-free legal aid.

According to the agreement concluded by the Ministry of the Interior with the Law firm Volopich, Tomšíček & spol., for [free legal assistance and representation](#), assistance is provided by lawyers.

Legal assistance and representation can be also provided by civil society organisations. For example, the Organisation for Refugee Assistance (OPU) provides [free legal services for asylum seekers](#).

### **Scope of legal assistance**

According to the agreement concluded by the Ministry of the Interior with the Law firm Volopich, Tomšíček & spol., for [free legal assistance and representation](#), the scope of legal assistance includes the following activities:

- oral consultation on the international protection procedure and on procedures for removal, detention or other measures
- preparation of written observations and other documents related to the international protection procedure and the procedures for removal, detention and, including the preparation of procedural documents necessary for bringing judicial proceedings (e.g. lodging an appeal, requesting the appointment of a lawyer)
- where applicable, representation in international protection procedures and procedures related to removal, detention.

## **Procedural aspects**

Procedural aspects are regulated in the contract with law firm. To ensure interpretation, the clients shall make an appointment with legal counsel/adviser in advance. In case the clients don't make an appointment in advance, the interpreter might not be available. Apart from the legal counselling, representing clients before administrative authorities is also possible. Legal representants have right to access applicant's file (upon request). Classified information can be provided only to persons with a given security clearance. General rules concerning access to and use of classified information apply, as foreseen in the [Act on the Protection of Classified Information and Security Eligibility](#).

## **Representation**

Representation is the same as legal assistance at first instance

## **Aspects related to special procedures**

The provision of legal assistance and representation in special procedures is the same as for asylum applicants in the asylum procedure. However, upcoming changes are foreseen in legislation and practice in accordance with the instruments of the Pact on Migration and Asylum.

## **Aspects related to applicants with special needs**

The legal assistance and representation for applicants with special needs is the same as for asylum applicants in the asylum procedure.

The civil society organisation Organization for Refugee Assistance (OPU) implemented in 2024 the project: [Direct Assistance to Victims of Torture among Asylum Seekers, Refugees and Migrants](#), which included legal assistance to victims.

Appointment of a guardian (in case of UAM, it will be OSPOD) is done by a court decision. In this case, OSPOD/guardians also represent UAMs in different procedures and may ask for legal counselling.

## **Legal assistance and representation in appeals**

### **Service provider**

Applicants can be represented by a legal representative, a lawyer or a representative of their choice, if they wish (Section 35(2) of [Act No 150/2002, Code of Administrative Justice](#)) or by a legal entity (NGO) established by law if the legal entity provides legal aid to refugees or foreigners. The legal entity is represented by an employee or a member who has a university degree in law (Section 35(5) of [Act](#)

[No 150/2002, Code of Administrative Justice](#)).

In general, service providers are lawyers or attorneys from the Czech Bar Association (Česká advokátní Komura), appointed by the court, or civil society organisations working with refugees and migrants.

According to Section 35 (5) of the [Act No 150/2002, Code of Administrative Justice](#)):  
*“If a party seeks judicial protection by means of an action in the matter of international protection, a decision on administrative expulsion, a decision on the obligation to leave the territory, a decision on the detention of a foreigner, a decision on the extension of the duration of the detention of a foreigner, as well as other decisions, the consequence of which is the restriction of the personal freedom of a foreigner, he may also be represented by a legal entity established on the basis of a special law, whose activities, as specified in the statutes, include the provision of legal assistance to refugees or foreigners. The legal entity shall be represented by its authorized employee or member who has a university degree in law, which is required for the practice of law according to special regulations. The provisions of this paragraph on the representation of a foreigner by a legal entity shall also apply in cases in which a directly applicable regulation of the European Union in the field of free movement of workers”.*

Also, according to the agreement concluded by the Ministry of the Interior with the Law firm Volopich, Tomšíček & spol., [free legal assistance and representation](#) in appeals can be provided by the lawyers of this law firm.

## **Scope of legal assistance**

According to the agreement concluded by the Ministry of the Interior with the Law firm Volopich, Tomšíček ‘spol., for [free legal assistance and representation](#), the scope of legal assistance includes the following activities:

- oral consultation on the international protection procedure and on procedures for removal, detention or other measures

- preparation of written observations and other documents related to the international protection procedure and the procedures for removal, detention and, including the preparation of procedural documents necessary for bringing judicial proceedings (e.g. lodging an appeal, requesting the appointment of a lawyer)
- where applicable, representation in international protection procedures and procedures related to removal, detention.

There is a possibility to provide remote counselling via telephone or by replying to requests and inquiries by email.

## **Procedural aspects**

Pursuant to Section 35(9) of [Act No 150/2002, Code of Administrative Justice](#), an applicant may have only one representative in the same case. The representative must act in person unless a special law expressly states otherwise.

Legal counsels, depending on the individual circumstances and needs of the applicant make the necessary arrangements to meet, discuss, and prepare for the appeal.

If needed, interpretation is provided to facilitate communication between the counsel and the applicant. The [Act No 150/2002, Code of Administrative Justice](#) provides under Section 36 the rights and obligations of the parties, and under Section 36 (2) the right to interpretation, covered from the state budget.

The lawyer can submit the appeal and any other relevant documents online, via a platform called [ePodatelna](#). It requires electronic signature which law firms typically have.

The counsel's access to the applicants file is ensured by Section 38 of the Administrative Procedure Code. To this end, a request to access the applicant's file must be submitted. Classified information can be provided only to persons with a given security clearance.

## **Type of appeal**

Legal assistance and representation for the first instance appeal can be provided subject to the means and merits test.

At the Supreme Administrative Court, representation by a lawyer is mandatory. An exception applies only if the applicant or a representative has a university degree in law pursuant to Section 105(2) of the [Act No 150/2002, Code of Administrative Justice](#).

If the applicant has been granted free legal aid before the regional court, this applies also to the appeal proceedings before the Supreme Administrative Court, pursuant to Section 36(3) of the [Act No 150/2002, Code of Administrative Justice](#).

If the representative is a lawyer, he/she represents the applicant also at the Supreme Administrative Court as provided under Section 35(10) of the [Act No 150/2002, Code of Administrative Justice](#).

## **Representation**

Representation is the same as for legal assistance at second instance determination for the regular procedure.

## **Aspects related to applicants with special needs**

For applicants with special needs, a guardian can be appointed by a decision of a court. This guardian then ensures legal representation. In case of UAMs, OSPOD/guardians also represent UAMs in different procedures.

## Right to counselling in the Dublin procedure

Persons concerned receive the document “Information about the Dublin procedure for applicants for International Protection,” which outlines the essential procedural aspects of the Dublin procedure. Contact details for various NGOs and state institutions that can provide assistance are included.

Caseworkers from the Dublin Unit or, in some cases, staff from the Asylum Unit may provide oral explanations as well.

Otherwise, the legal representation and assistance is not different from the regular procedure. Written information about legal advice (i.e. what is provided, by whom, at what time are the provider's representatives present/available), is available in several languages in all asylum facilities where applicants or foreigners under the Dublin transfer procedure are accommodated.

Applicants usually inform social workers that they are interested in legal advice. Social workers also help them to arrange interpreting.

The Ministry of the Interior of the Czech Republic | [Ministerstvo vnitra České republiky](#) covers legal aid and representation costs for entities or professionals who have entered into a written agreement. According to the agreement concluded by the Ministry of the Interior with the Law firm Volopich, Tomšíček & spol., [free legal assistance and representation](#) in appeals can be provided by the lawyers of the law firm.

For appeals, the Administrative Chambers within Regional Court | [Krajský soud](#) decides on the provision of free legal counselling and representation services. Services are provided by attorneys from the Czech Bar Association | [Česká advokátní komora](#), who are appointed by the court or by civil society organisations working with refugees and migrants.

## **Access to legal aid while in detention**

Legal assistance is not provided ex officio, since the person has right to choose their own legal adviser (they can use the options 1-2 mentioned below or they can find their own lawyer of choice financed by his/her own means if they wish to do so.)

There are 2(-3) types of legal providers, the first one is Tomšíček and Volopich law firm who has an agreement with the Ministry of the Interior. These are advocates and shall be present at least once a week in detention facility.

The second provider is ensured via Konsorcium (organisation that regroups multiple NNOs) and is funded by AMIF and the persons who provide legal counselling are employees of several NNOs, however, they do not have lawyer's license. Similar to Volopich and Tomšíček, they shall be present at least once a week in an asylum facility and once a week in detention facility.

A [brochure with general information on detention](#) is available for migrants in detention centres. The information about dates and hours of legal advisers are present on notice boards and TVs in the facilities and are also communicated to asylum seekers by RFA's social workers. A phone number is also provided in case the applicants need to speak with the adviser/counsel via phone. They also receive the information in a language they are able to communicate about legal assistance upon their arrival to the facility.

A foreign national has the right to receive visits from a lawyer or a representative of a legal entity, who must prove that they are lawfully authorised to provide legal assistance to foreign nationals. An authorised employee or a member of a legal entity who has completed their study of law at university, which is required for the execution of a lawyer's duties, may act on behalf of the legal entity.

A dedicated room allocated to ensure the confidentiality of the discussions with the legal adviser/counsel is ensured. The confidentiality measures are included in the contract between DAMP and law firm.

According to the agreement concluded by the Ministry of the Interior with the Law firm Volopich, Tomšíček & spol., free legal assistance and representation is provided by their lawyers to applicants who are in detention. The scope of legal assistance includes the following activities:

- oral consultation on the international protection procedure and on procedures for removal, detention or other measures
- preparation of written observations and other documents related to the international protection procedure and the procedures for removal, detention and, including the preparation of procedural documents necessary for bringing judicial proceedings (e.g. lodging an appeal, requesting the appointment of a lawyer)
- where applicable, representation in international protection procedures and procedures related to removal, detention.

The provision of legal aid for asylum seekers in detention is the same as for the regular procedure.

## **Quality assurance**

### **Selection, qualifications and training**

The Ministry of the Interior selected a provider for legal services and completed an agreement for provision of [free legal services](#) with the Law firm Volopich, Tomšíček & spol., covering services for both first and second instance determination.

Applicants can be represented by a legal representative, a lawyer or a representative of their choice, if they wish (Section 35(2) of [Act No 150/2002, Code of Administrative Justice](#)) or by a legal entity (NGO) established by law if the legal entity provides legal aid to refugees or foreigners. The legal entity is represented by an employee or a member who has a university degree in law (Section 35(5) of [Act No 150/2002, Code of Administrative Justice](#)).

## **Mechanisms for quality assurance**

The law firm providing the service is selected through public procurement processes for which they need to meet certain requirements. The scope of services and the specific conditions under which services are provided are defined in the contract with the law firm. Lawyers in the firm are members of the Czech Bar Association, which means they are bound by the rules of the Professional Code of Conduct and Rules of Competition. If they violate the rules, they can be subjected to sanctions by the Bar Association.

## **Inter-institutional cooperation**

No special mechanism exists for regular meetings between legal counsels and relevant institutions. Nevertheless, there are ad hoc channels of communication, based on actual needs.

Relevant documentation including country of origin information are included in the applicant's file to which the lawyer has access.

## **Legal assistance and representation for related procedures**

### **Reception conditions**

Legal assistance and representation for reception conditions is not applicable

### **Family reunification**

Legal assistance and representation for family reunification is not applicable

## Temporary protection procedure

CSOs provide free legal services for displaced persons from Ukraine (for example, [The Organisation for Refugee Assistance \(OPU\)](#)).

## Beneficiaries of international protection

Legal assistance for beneficiaries of international protection is offered by integration centers which have these activities as part of their main project.

According to the [Ministry of the Interior](#), the [Centers for Support of Integration of Foreigners](#) (Integration Centres), operate in every region and are funded by the AMIF national program. The aim of the Integration centres is to act as information contact points for foreigners for the implementation of an integration policy on regional level. They provide legal counselling and other types of support, as mentioned in the regional counselling platforms for integration:

- <http://www.integracnicentra.cz> (South Bohemian, Karlovy Vary, Vysočina, Liberec, Moravian-Silesian, Olomouc, Pardubice, Pilsen, Central Bohemian and Zlín region),
- <https://www.cizincijmk.cz> (South Moravian region),
- <http://www.centrumcizincu.cz> (Ústí region),
- <https://cizincihradec.cz> (Hradec Králové region),
- <https://icpraha.com> (Prague).

Also, the cooperation agreement with the law firm Volopich, Tomšíček & spol., includes beneficiaries of international protection as the recipients of free legal services.