Legal assistance and representation - Germany

Overview

Content updated and validated on: 29/08/2025

Relevant EU legislation

Germany 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 Asylum Act | Asylgesetz (AsylG), (2 September 2008)

National legislation

02/09/2008: Germany transposed the recast Reception Conditions Directive by Asylum Act | Asylgesetz ((AsylG)

02/09/2008: Germany transposed the recast Asylum Procedures Directive by the Asylum Act | Asylgesetz (AsylG)

The Dublin III regulation is directly applicable in Germany, however, reference to the regulation can be found in the Asylum Act | Asylgesetz (AsylG)

Competent authority and stakeholders

Area	National authority/stakeholder
Provision of legal and procedural information on the applicant's rights and obligations	Information currently not available

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Area	National authority/stakeholder
Legal assistance at first instance determination	A negative decision of the Federal Office can be appealed at an administrative court, as stipulated in the Asylum Act (*Asylgesetz*). In accordance with the Code of Administrative Court Procedure (*Verwaltungsgerichtsordnung*), it is not absolutely necessary for the litigant to be represented by an attorney before the administrative court.
Legal counselling provided by civil society organisations or other organisations	Information currently not available
Legal assistance at second instance determination	An appeal on points of fact and law can only be lodged against a ruling of the administrative court if it has been admitted by the Higher Administrative Court in response to an application (filed by the asylum applicant or by the Federal Office). Those concerned must have legal representation before the Higher Administrative Courts and the Federal Administrative Court
Legal assistance for other related procedures	Information currently not available

Access to legal assistance and representation

Provision of information on legal assistance and representation

According to section 12a, the Federal Government shall support an independent, cost free, individual and voluntary asylum procedure counselling. This asylum procedure counselling includes information on the procedure and may also include legal services in accordance with the Legal Services Act. The counselling shall take into account the particular circumstances of the applicant, e.g. if special procedural guarantees or special reception needs are required. Advice shall be provided prior to the interview and may be provided until the asylum procedure has been concluded. The providers of asylum procedure counselling

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shall transmit personal data to the Federal Office and to the responsible federal state authority or body which indicate that the applicant requires special procedural guarantees or has special reception needs, if the applicant explicitly gave consent to the transmission of the data.

Access to premises

Information currently not available

Requirements: Means test and merits test

Since 1 January 2023, the provisions on counselling were reformed and now include advice on legal remedies. Legal assistance depends on the place of residence. For those not residing any longer in a reception centre, they have access to advice centres or lawyers with special expertise in asylum law.

Asylum applicants must apply for legal aid to cover the lawyer's fees. The granting of legal aid to the applicant depends on how the court rates the chance of success of the case.

Applicants have to pay for legal representation themselves. It is possible to apply for legal aid.

The granting of the legal aid depends on how the court rates the chances of success. The merits test is carried out by the judge who decides on the case itself and is reportedly applied strictly by many courts.

Modalities to submit a request for legal aid

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Outcome of the request for legal aid

Information currently not available

Legal assistance and representation at first instance determination

Service provider

Information currently not available.

Scope of legal assistance

Information currently not available.

Procedural aspects

Information currently not available.

Representation

Information currently not available

Aspects related to special procedures

Applicants, whose asylum application got rejected in the airport procedure, are entitled to free and independent legal assistance.

With regard to access to facilities for civil society organisations which provide legal information and assistance, the Federal Administrative Court ruled on 28 March 2023 that the asserted right to access is not provided nor under national law neither in the recast APD. The court also mentioned that based on the revised Section 12a AsylG as of 1st January 2023, the counselling, although state funded, will be provided independently from the authorities but it does not

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include the possibility for these providers to access the reception facilities without prior mandates.

The court emphasised that the NGO cannot claim that such a right derives from previous administrative practice in connection with the principle of protection of legitimate expectations or from the requirement of equal treatment with other organisations with access rights because neither the recast APD or Article 18 (2)(c) RCD do not grant legal advisers and NGOs a right to access reception facilities without prior authorisation by an asylum seeker.

The court clarified that the access of legal counsel or consultants and relevant national and international organisations to help the applicants as provided by the aforementioned legislation, presupposes the desire for advice previously expressed by a specific asylum seeker without adding unreasonable difficulties in the provision of such counselling.

Aspects related to applicants with special needs

Information currently not available.

Legal assistance and representation in appeals

Service provider

It is possible to appeal against the rejection of an asylum application at an Administrative Court without a legal representative, but from the second appeal stage onwards the legal representation becomes mandatory.

Scope of legal assistance

Information currently not available.

Procedural aspects

Information currently not available.

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Type of appeal

Information currently not available.

Representation

Information currently not available.

Aspects related to applicants with special needs

Information currently not available.

Right to counselling in the Dublin procedure

There are no specific regulations for legal assistance in Dublin procedures. There is the possibility to apply for legal aid for the appeal procedure.

Access to legal aid while in detention

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Quality assurance

Selection, qualifications and training

Information currently not available.

Mechanisms for quality assurance

Information currently not available.

Inter-institutional cooperation

Information currently not available.

Legal assistance and representation for related procedures

Reception conditions

Information currently not available.

Family reunification

Information currently not available.

Temporary protection procedure

Information currently not available.

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Beneficiaries of international protection

Information currently not available.

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