



State legal aid in asylum procedures

Information note by the Hungarian Helsinki Committee (HHC)

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Asylum seekers' right to state-funded legal aid in asylum procedures in Hungary is guaranteed in the law, but it does not function properly in practice, especially for those detained. This note examines the gap between Hungary's formal legal aid guarantees and the system's practical inaccessibility, which can lead to a lack of meaningful access to justice for asylum seekers, in breach of EU law.

Hungarian legislation and practice

Hungarian law formally guarantees access to free legal aid for asylum seekers who are in need.¹ Asylum seekers are considered in need based on their statement regarding their income and financial situation.² Under the Act LXXX of 2003 on Legal Aid (Legal Aid Act), asylum seekers may receive state-funded legal advice and representation in administrative asylum procedures and in judicial review proceedings against negative asylum decisions.³ Legal aid providers may attend the personal interview of the asylum seeker, have access to the documents produced during the procedure and have access to reception and detention facilities to contact their client.⁴

Applications for state legal aid are examined by the capital and county government offices. The application form (available in Hungarian and English) must be submitted either in person or by post. No specific procedural rules exist for persons in immigration detention.

Although access to state legal aid exists in law, it is ineffective in practice. This is particularly true for persons held in detention facilities. No specific assistance is available to help detained applicants complete and submit legal aid applications. Detainees face difficulties filling in the required forms and must send applications by post at their own expense.

The HHC is aware of the following example, where lack of assistance to fill out the form led to refusal of legal aid:

An asylum seeker detained in Nyírbátor sought to apply for state legal aid. Although the staff printed an application form for him and instructed him to send it to Budapest, they provided no practical assistance in completing or submitting it. He mistakenly put his previous address as a place of residence, which caused the application to be sent to the wrong authority, delaying its receipt by the competent authority by two months. In addition, the request to remedy deficiencies in the application

¹ Section 37(3) of Act LXXX of 2007 on Asylum (Asylum Act) and Section 4(b) of Legal Aid Act.

² Section 5(2)(d) Legal Aid Act.

³ Sections 3(1)(e) and 13(b) Legal Aid Act.

⁴ Section 37(4) Asylum Act.

was sent to the incorrect address, where the applicant could not receive it. Consequently, the legal aid procedure was terminated on procedural grounds before the applicant could obtain legal assistance.

The government office first assesses eligibility. Once legal aid is granted, the applicant must secure the services of a legal aid provider registered in the Legal Aid Service system.⁵ However, this procedure presents several practical obstacles.

The official register and related information materials are available only in Hungarian. Legal aid providers may indicate in the official register the areas of law in which they undertake cases. According to data provided by the Ministry of Justice, as of 31 December 2025, the legal aid register included 205 contracted legal aid providers. However, only 19 of them indicated immigration and asylum as their field of activity.⁶ In 2026 the number of legal aid providers dropped to 187, out of which 15 indicated immigration and asylum as their field of activity.⁷ The territorial distribution and language capacity of providers further limit access. Based on currently available data, 37 legal aid providers have indicated that they are willing to take on cases in English. Out of them, only 7 have listed immigration and asylum as their specialisation. In Szabolcs-Szatmár-Bereg county, where the Nyírbátor immigration detention is located, only two attorneys listed immigration and asylum as their specialisation in the register, and only one of them indicated English as a spoken foreign language. This illustrates a significant gap between the formal availability of legal aid providers and the practical availability of lawyers with relevant expertise and language knowledge.

Even when legal aid is granted, access to actual representation is not guaranteed. In most cases, the applicant receives only the official register of available providers, and they must contact them independently and at their own expense, which presents an additional obstacle for those detained. Legal aid providers are not required to accept cases. This creates a serious risk that applicants who are formally granted legal aid remain without a lawyer in practice.

The HHC is aware of the following example, where the applicant, despite being granted state legal aid, could not actually secure a lawyer:

An asylum seeker detained in Nyírbátor was granted state legal aid for appealing a negative asylum decision. He received a list with the lawyers providing state legal aid in Budapest and in Szabolcs-Szatmár-Bereg county. Both the decision on state legal aid and the list were in Hungarian, a language that the applicant does not speak. He reached out to several attorneys on the list, but most of them told him that they do not specialize in asylum cases, or that they are too far from the detention centre where he is being held.

Further practical barriers undermine the effectiveness of the system. According to the HHC's experience, asylum seekers are not informed about the possibility to request state legal aid at any point of the asylum procedure, not even when they receive a negative asylum decision.

Legal aid providers must arrange interpretation themselves. This creates an additional practical and financial burden, particularly in cases involving applicants who do not speak Hungarian or another language spoken by the provider.

⁵ Official legal aid registry, available [here](#).

⁶ Information provided to the HHC by the Ministry of Justice, 27 February 2026.

⁷ According to the publicly available [official legal aid registry](#), accessed on 22 June 2026.

Specific rules apply where a third-country national seeks judicial review of a final expulsion decision. This is relevant for asylum seekers who were not previously expelled and whose expulsion decision is issued together with the negative asylum decision. Where a person expelled requests legal aid, the decision granting legal aid simultaneously appoints a legal aid provider and, where necessary, an interpreter⁸ and the Legal Aid Service shall immediately notify both.⁹ If the third-country national is in immigration detention, the legal aid decision and the appointment are served through the immigration authority. The appointed legal aid provider must then contact the person in detention without delay, and no later than within five days, to prepare the application for judicial review.¹⁰ After establishing personal contact, the legal aid provider must submit the judicial review application to the competent court without delay, and no later than on the next working day.¹¹ These safeguards, however, apply specifically in the context of final expulsion decisions and do not resolve access problems in asylum procedures mentioned above.

The level of compensation is not commensurate with the complexity and time-consuming nature of asylum cases, which significantly reduces the willingness of legal aid providers to undertake such cases. The hourly fee payable to legal aid providers in 2026 is 7,000 HUF (approximately 18 EUR). Providers are also entitled to a flat-rate reimbursement of expenses corresponding to 25% of the total hourly fee. The number of hours available is determined individually in the decision granting legal aid.¹² However, the Decree does not provide a specific mechanism for the reimbursement of travel expenses in non-litigation legal aid cases. As a result, financing visits to remote locations – such as immigration detention facilities or reception centres – may pose significant practical difficulties. The low level of remuneration, combined with the need for specialised expertise, travel to remote facilities, and interpretation-related challenges, significantly reduces incentives for lawyers to undertake asylum cases.

In practice, therefore, the state-funded legal aid system remains largely ineffective and inaccessible for asylum seekers. The number of applications for state legal aid in asylum-related matters is extremely low, despite the evident need for legal assistance. In 2023, only one person requested state legal aid;¹³ in 2024, two persons did so;¹⁴ and in 2025, three persons submitted five applications.¹⁵ These figures indicate a structural failure of access rather than a lack of need.¹⁶

As a result, asylum seekers largely rely on NGO-provided legal assistance. The Hungarian Helsinki Committee remains the only NGO providing free legal assistance and representation in asylum procedures, relying on its own fundraising rather than state-funded legal aid. As resources available for civil society organisations are limited, the HHC cannot meet all needs, and must provide legal aid selectively and cannot meet all needs. While this support is essential, it cannot substitute for an effective, accessible and adequately resourced state legal aid system.

⁸ Section 41(2) Legal Aid Act.

⁹ Section 47(A)(1) Legal Aid Act.

¹⁰ Section 47(B)(1) Legal Aid Act.

¹¹ Section 47(C) Legal Aid Act.

¹² Decree No. 11/2004 (III. 30.) of the Minister of Justice on the remuneration of legal aid providers.

¹³ Information provided by the Ministry of Justice, 5 February 2024.

¹⁴ Information provided by the Ministry of Justice, 11 February 2025.

¹⁵ Information provided by the Ministry of Justice, 27 February 2026.

¹⁶ The Ministry noted that the Legal Aid Service database does not distinguish between asylum seekers and other third-country nationals.

EU law

According to the Asylum Procedures Regulation¹⁷ that entered into force on 12 June 2026, Member States have to ensure access to legal counselling, assistance and representation for applicants for international protection at different stages of the asylum procedure. The applicant has the right to be informed about their right to request free legal counselling or free legal assistance and representation already before the asylum application is registered.¹⁸

Free legal assistance and representation in the administrative procedure is optional.¹⁹ The regulation foresees, upon the request of the applicant, mandatory right to free legal assistance and representation at the appeal stages only,²⁰ with possible exclusions.²¹ This includes preparing procedural documents, preparing the appeal, and participating in a hearing before a court or tribunal where applicable.

Member States must set procedural rules for requesting and processing free legal counselling, assistance and representation, as well as rules on exclusion. The rules shall not render access to free legal counselling or free legal assistance and representation impossible or excessively difficult.²²

Conclusion

Hungary's legal framework formally recognises the importance of state-funded legal aid for asylum seekers. However, the implementation of this framework falls significantly short of ensuring effective access to legal assistance. The discrepancy between the legal entitlement and the extremely low number of state legal aid applications points to systemic barriers.

The current system places excessive responsibility on asylum seekers to navigate a complex Hungarian-language administrative procedure and is undermined by a lack of information, language barriers and the shortage of specialised and available legal aid providers. Even where legal aid is granted, applicants may remain without effective representation because they are expected to identify and contact providers themselves, while lawyers are not obliged to accept cases and are insufficiently compensated for complex asylum work, travel to remote facilities, and interpretation-related costs. These barriers are especially difficult to overcome by asylum seekers in detention, since they are without access to external support.

The state legal aid system therefore fails to provide meaningful access to justice in asylum procedures. These shortcomings are difficult to reconcile with the requirements of EU law, in particular the

¹⁷ 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.

¹⁸ Article 15(2) Asylum Procedures Regulation.

¹⁹ Article 15(3) Asylum Procedures Regulation.

²⁰ Article 17 Asylum Procedures Regulation.

²¹ Free legal assistance and representation at appeal stage may be excluded where the applicant has sufficient resources, the appeal has no tangible prospect of success or is abusive, the case is at a second or higher appeal level, or the applicant is already assisted or represented by a legal adviser. If a non-judicial authority refuses legal assistance because the appeal lacks prospects or is abusive, the applicant must have an effective remedy before a court or tribunal and must be entitled to request free legal assistance and representation for that purpose.

²² Article 19 Asylum Procedures Regulation.

obligation to ensure that access to free legal counselling, assistance and representation is not rendered impossible or excessively difficult.

To make legal aid meaningful, Hungary must ensure that asylum seekers are effectively informed of their rights, that procedures are accessible in practice, that detained applicants receive specific assistance, that qualified lawyers and interpretation are available and adequately funded, and that meaningful access to applicants in reception and detention facilities is ensured. Until such safeguards are in place, the state-funded legal aid system cannot be considered an effective guarantee of access to justice for asylum seekers.

Recommendations

To ensure effective access to legal aid for asylum seekers, the following measures should be adopted:

1. **Ensure proactive access to legal aid for asylum seekers.** Asylum seekers, including detained persons, should receive accessible information and practical assistance in applying for legal aid.
2. **Guarantee actual appointment of a legal aid provider or introduce an obligation or incentive structure for registered providers to accept cases.** Where legal aid is granted, the system should ensure that a provider is appointed or otherwise made available, rather than placing the burden on applicants to contact providers independently. The current system should be revised to prevent situations where formally granted legal aid does not result in representation.
3. **Increase remuneration for asylum-related legal aid.** Fees should reflect the specialised and complex nature of asylum law, the urgency of procedures, travel requirements, and the need for effective preparation.
4. **Ensure interpretation in asylum legal aid cases.** Interpretation should be regulated and funded beyond expulsion-related procedures, including in administrative asylum procedures and judicial review.
5. **Improve access for independent NGO lawyers.** NGOs providing legal assistance should have effective access to reception and detention facilities so that asylum seekers can receive timely information and legal counselling.