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3.9.5. Continued legal assistance following an international protection procedure

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The need for legal assistance remains relevant in the asylum procedure when the outcome is not favourable for an applicant. For example, in Norway it was noted that the provision of legal aid can support rejected asylum seekers to obtain long-term residence, whereas in Switzerland the lack of state-guaranteed legal support for rejected Afghan asylum seekers can hinder their access to a legal status.

In Croatia, the Ministry of the Interior launched a call for lawyers to provide legal assistance in the return procedure, covering the period 2024-2027.766The contract was signed in April 2024.

Based on observations for 2022, NOAS noted that 73% of their cases had a positive outcome as a result of their legal aid and engagement on cases concerning rejected asylum seekers and stateless persons with a long residence in Norway. NOAS considered this outcome as an indication for the need to ensure access to legal aid and presence during the personal interview. 767

As in previous years,768 Asylex raised a particular concern about the lack of access to state-sponsored legal aid for Afghan asylum seekers for whom the Swiss SEM applies a specific policy, 769namely rejected asylum applicants can request the reconsideration of their case.770

In July 2023, the CPT published a report on Frontex-supported return operations from Belgium and Cyprus to the Democratic Republic of the Congo following a visit conducted in November 2022. For Belgium, the CPT noted that removed persons generally had access to a lawyer, but a late notification of an imminent removal could make it difficult to contact a lawyer. The CPT recommended that Belgian authorities ensure that all returnees can contact a lawyer up to the moment of boarding.771

- 766Ministarstvo unutarnjih poslova | Ministry of the Interior. (2024, January 18). *Poziv kandidatima za pružanje pravne pomoći u postupku povratka za razdoblje od 2024. do 2027. godine [Call for candidates to provide legal assistance in the return process for the period from 2024 to 2027].*

- 767Norwegian Organisation for Asylum Seekers | Norsk organisasjon for asylsøkere (NOAS). (2023, February 22). *Representantforslag om en ny engangsløsning for lengeværende asylsøkere og statsløse [NOAS opinion on the proposal on a one-off solution for long-term asylum seekers and stateless persons.]* https://www.noas.no/wp-content/uploads/2023/02/Representantforslag-om-lengevaerende.docx
- 768European Union Agency for Asylum. (2023). *Asylum Report 2023, Section 4.10.3*.

- 769State Secretariat for Migration | Staatssekretariat für Migration | Secrétariat d'État aux migrations | Segreteria di Stato della migrazione. (2023, September 26). *Afghanistan Crisis: Key Information*.

- 770Asylex. (2023, November 30). Input to the Asylum Report 2024.

- 771Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. (July 2023). *Report to the Government of Belgium carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 10 November 2022*. CPT/Inf (2023) 20.

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