



## **AD HOC QUERY ON 2019.17 Border procedures - information to citizens at detention facilities**

**Requested by PT EMN NCP on 29 January 2019**

**Responses from EMN NCP Austria, EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Greece, EMN NCP Hungary, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Malta, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Portugal, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Spain, EMN NCP Sweden, EMN NCP United Kingdom plus EMN NCP Norway (25 in Total)**

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## **1. Background information**

In the context of border procedures, SEF - Immigration and Borders Service seeks to improve procedures for guaranteeing the rights of citizens who are subject to a refusal of entry decision or non-admissibility for international protection application decision, in particular as regards the availability of information and legal advice.

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**2. Questions**

- 1. How is information available on the possibility of appealing against the refusal of entry decision or against non-admissibility for international protection application decision for those in detention facilities located near the border posts?**
- 2. Is legal advice or assistance available for free under these border procedures?**
- 3. If available, what kind of organization provides this service (government entity, professional association, NGO, other)?**

We would very much appreciate your responses by **15 April 2019**.

**3. Responses**

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		Wider Dissemination <sup>2</sup>	
	EMN NCP Austria	Yes	1. The officials of the public security service are authorized to prevent the entry of foreigners who attempt to enter the Federal territory irregularly. Such a hindrance to

<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then

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			<p>entry pursuant to Art. 41 Aliens Police Act 2005 is a measure of administrative command and coercive power (Supreme Administrative Court, 18 May 2001, 98/02/0319). The Federal Administrative Court is competent for complaints against such measures. In contrast to administrative decisions (Art. 58 General Administrative Procedures Act 1991), the law does not provide for instructions about a person's right to appeal in the case of acts of administrative command and coercive power. Decisions on asylum applications are always issued in the form of an administrative decision (<a href="https://www.parlament.gv.at/PAKT/VHG/XXIV/II/I_01803/fname_255385.pdf">https://www.parlament.gv.at/PAKT/VHG/XXIV/II/I_01803/fname_255385.pdf</a> ,p. 14). According to Art. 58 General Administrative Procedures Act 1991, administrative decisions must contain instructions on legal remedies, which according to Art. 12 para 1 Federal Office for Immigration and Asylum Procedures Act must be contained in a language understandable to the foreigner or in a language that can reasonably be assumed to be understood by the foreigner. It should also be pointed out that asylum seekers are given an information sheet on their rights and obligations when they apply for asylum in Austria. This information sheet is available in those languages assumed to be understood by asylum seekers (Art. 17 Asylum Act 2005). It also contains information about the sequence and possible outcomes of the individual process steps (<a href="http://www.bfa.gv.at/publikationen/formulare/start.aspx">http://www.bfa.gv.at/publikationen/formulare/start.aspx</a>).</p> <p>2. During the admission procedure, every asylum seeker in Austria has the right to a free legal counsellor (Art 49 para 1 Federal Office for Immigration and Asylum Procedures Act) which has to be provided ex officio. During the asylum procedure before the Federal Office for Immigration and Asylum, free supporting advice may be granted, but there exists no legal entitlement to supporting advice (Art 50 para 1 Federal Office for Immigration and Asylum Procedures Act). Furthermore, asylum seekers are ex officio provided with a free legal counsellor when arrested on grounds of a detention order (Art 51 para 1 Federal Office for Immigration and Asylum Procedures Act). Finally, when a substantive decision is issued by the Federal Office for Immigration and Asylum,</p>
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for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>asylum seekers also have to be informed by means of procedural instructions that free legalcounselling has to be provided ex officio (Art 52 para 1 Federal Office for Immigration and Asylum Procedures Act).</p> <p>3. In Austria, legal counselling is provided by legal counsellors (jurists or persons with perennial pertinent experience) respectively legal persons active in the field of immigration law. Selection of counsellors and accordingly legal persons for the asylum procedure falls under the responsibility of the Federal Minister of the Interior. Selection of counsellors and accordingly legal persons for the appeal procedures falls under the responsibility of the Federal Chancellor (Art 48 para 1, 4 Federal Office for Immigration and Asylum Procedures Act).</p>
	EMN NCP Belgium	Yes	<ol style="list-style-type: none"> <li>1. The police or the staff of the detention centre are required to inform all persons, upon their arrest or detention, of their rig</li> <li>2. All residents detained at the border (applicants for international protection and others) can ask for free support from a lawyer</li> <li>3. If the resident demands a pro deo lawyer, the social team of the centre contacts the competent bureau of legal assistance or dir</li> </ol>
	EMN NCP Bulgaria	Yes	<ol style="list-style-type: none"> <li>1. Regarding TCNs detained in violation of the state border of the Republic of Bulgaria, including those in need of protection, actions shall be taken according to the Ministry of Interior Act and the Regulation for Mol's Strucrure and Activity, observing the rights of the detainees, regulated in the Constitution of the Republic of Bulgaria, the Convention on the Status of Refugees of 1951, the New York Protocol of 1967 and the European Convention on Human Rights and Fundamental Freedoms. According to the Tripartite</li> </ol>


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			<p>Memorandum of Understanding on the co-operation and co-ordination in supporting the access of persons seeking protection to the territory of the Republic of Bulgaria and to the procedure for granting protection in Bulgaria, signed on 14.04.2010 by the Bulgarian Border Police, the UNHCR and Bulgarian Helsinki Committee, monitoring is carried out to ensure the access of persons seeking international protection to the procedure for granting international protection in the Republic of Bulgaria and to ensure the protection of persons against forcible return from the border ("non refoulement"). In order to inform the foreigners in need of protection, the UNHCR, the State Agency for Refugees, the Bulgarian Red Cross and the Bulgarian Helsinki Committee provide printed information materials in different languages, which are in a prominently displayed at the border checkpoints and at places of detention at the border. All Regional Border Police Departments have been instructed to comply with the principle of non-refoulement, to observe the rights of detained persons and for prevention of rude and inhumane treatment. Also, the FRONTEX Agency has provided the Border Police with handbooks and practical tools for first contact and effective access to international protection procedures. They are applied under different border conditions, at external land borders, including the green / sea border, in the transit zones of the international airports, as well as in the premises for temporary detention of persons. All border checkpoints are open, accessible and operate in 24/7 mode. Everyone can declare to the Border Police authorities that they want protection in Bulgaria and receive enough information about their rights.</p> <p>2. In fulfillment of the Tripartite Memorandum, the Bulgarian Helsinki Committee provides specialized legal assistance, translation and representation in order to create additional guarantees for access to international protection on Bulgarian territory.</p> <p>3. The Chief Directorate Border Police are actively cooperating with UNHCR and the Bulgarian Helsinki Committee to improve the access to international protection and reduce cases of refoulement, in accordance with the Tripartite Memorandum.</p>
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	<p>EMN NCP Croatia</p>	<p>Yes</p>	<p>1. Please see the clarification box, our answer could not fit this box                  Regarding the refusal of entry decision, in case that foreigner does not fulfill the conditions of entry prescribed in Article 6 of the Schengen Borders Code, he will be refused entry into the Republic of Croatia in accordance with Art. 38 of the Aliens Act. According to the Ordinance on the treatment of third country nationals (Official Gazette, no. 68/18) form of the refusal of entry is issued to a foreigner (bilingual form with text in Croatian and English), which shows that foreigner can lodge an appeal against the decision on refusal of entry and which is contained in the Legal Remedy, which states as follows: You are entitled to appeal within 15 days following the refusal of entry. The appeal shall be lodged at the Commission for appeal which decides on appeals in proceedings conducted pursuant to the provisions of the Aliens Act through the competent diplomatic mission or consular post of the Republic of Croatia. The appeal does not postpone the enforcement of the refusal of entry. As regards the international protection, border procedure is legally defined by article 42 of the Act on international and temporary protection, but so far no border procedures have been undertaken by the authorities. In all cases all information about possibility of appealing is provided by asylum officers under the Ministry of the interior. The information is given to the applicants during the delivery of the decision. Information on the possibility of appealing against the decision is also written down in the decision and is a normal component of the decision. In addition, every applicant is informed by the officer that legal advice and assistance is completely free of charge for applicants in the first-degree appeal procedure at their own request if they do not possess sufficient financial resources or things of significant value. The Administrative Court decides on the right to free legal assistance.</p> <p>2. Please see the clarification box, our answer could not fit this box                  For the refusal of entry, no. As regards the international protection, yes, the legal advice and assistance is completely free of charge for applicants in the first degree appeal procedure and it is on the expense of the State in case applicant does not possess sufficient financial resources or things of significant value. The Administrative Court decides on the right to free legal assistance under these conditions.</p>
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			<p>3. Please see the clarification box, our answer could not fit this box</p> <p>As regards the international protection, this service is provided by professional lawyers (attorneys at law) and legal experts from associations registered with the ministry competent for judicial affairs to provide legal assistance and listed on the official List of legal aid providers in the process of assessment of international protection, approved by the Ministry of the interior. After receiving decision concerning non-admissibility for international protection, the applicants would be given the List of free legal aid providers from which they can choose on their own any attorney/legal expert from the list. Also, the applicant fills in the form for the approval of free legal aid. After that the asylum officer notifies the chosen attorney/legal expert about being hired and chosen attorney/legal expert can start the appeal procedure.</p>
	EMN NCP Cyprus	Yes	<p>1. N/A. Cyprus, as an island, has no actual external borders and therefore no detention facilities located near the border posts.</p> <p>2. Not applicable</p> <p>3. Not applicable</p>
	EMN NCP Estonia	Yes	<p>1. Persons refused entry have the right to appeal within 30 days pursuant to the procedure provided for in the Code of Administrative Court Procedure. Lodging such an appeal has no suspensive effect on a decision to refuse entry. Persons subject to refusal of entry are not allowed to enter the territory of Estonia, except in cases where the third country national applies for international protection. In case of a negative decision for international protection, the applicant has a right to appeal within 10 days and a right for a free legal aid and representation during the appeal proceedings. Estonia does not have a separate border procedure of international protection as such in place. We have one detention centre for the applicants for international protection</p>

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			<p>and for returnees. Free legal counselling is provided for all detainees. The counselling includes explanation and practical assistance for applying for the free legal aid. In all decisions rejecting international protection, irrespective of the ground, it is clearly and in detail stated how, where and during which deadline the appeal can be filed.</p> <p>2. Free legal counselling is provided to all applicants applying for the international protection (including the applicants who are detained in the detention center) throughout the procedure. Counselling primarily consists of providing detailed information on the rights and obligations of a specific person and concerning a specific case. Legal help and representation is provided during the appeal stage.</p> <p>3. The counsellors are working under the Police and Border Guard Board structure, one full time counsellor in the detention centre and another counsellor in the accommodation centre. Representatives of international or non-governmental organisations have the right to visit the persons detained in the detention centre.</p>
	EMN NCP Finland	Yes	<p>1. Finland has not implemented the border procedure, although the process would most likely be the same as now. Every detainee is informed in their own language within 48 hours from the beginning of the detention on their possibility to appeal.</p> <p>2. In the asylum process (including appeal), the applicant has the right to free legal aid. This will most likely be the case also if the border procedure is implemented, if the legislation is not changed.</p> <p>3. Legal advice and aid are provided by a government entity. The legal aid offices (<a href="https://oikeus.fi/oikeusapu/en/index/yhteystiedot.html">https://oikeus.fi/oikeusapu/en/index/yhteystiedot.html</a>) which are part of the Finnish juridical administration (<a href="https://oikeus.fi/oikeusapu/en/">https://oikeus.fi/oikeusapu/en/</a>). The reception or detention centre provides information from where the person can get legal aid.</p>




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	EMN NCP France	Yes	<p>1. In the context of the Border Procedure, asylum seekers are held in “waiting zones” while awaiting a decision on their applicatio</p> <p>2. YES</p> <p>3. The list of accredited NGOs and other representatives (UNHCR, etc.) who have access to the "waiting zones" can be found in all w</p>
	EMN NCP Greece	Yes	<p>1. In regard to refusal of entry, those who have been refused entry at the borders are provided with the standard form for refusal</p> <p>2. If the person who has been refused entry wishes, they can be provided with information (telephone numbers) of the local layers a</p> <p>3.</p>
	EMN NCP Hungary	Yes	<p>1. According to the Annex V Part B of the Regulation (EU) 2016/399 (Schengen Borders Code), when refusing the entry of a TCN at the Hungarian external border the police officer fills out the standard form for refusal of entry at the border and indicates therein the references to the Hungarian national law and procedure regarding the right of appeal. According to the Hungarian legislation, all decisions made by the Immigration and Asylum Office, including the decisions on the non-admissibility for international protection, contain the detailed information of available remedies (where, when and how to launch an appeal).In the border facilities (so-called transit zones) contact details of international organizations’ (UNHCR, IOM etc.), law offices and legal aid bureaux with the profile of legal representation in immigration cases are available. However it is important to note that Hungarian transit zones at the border are not to be considered as detention facilities, due to the fact that the transit zones are closed only</p>

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			<p>in the direction of Hungary, while a TCN can freely leave the transit zone in the direction of Serbia. 2019_17_hu.docx</p> <p>2. See the attached document In the crisis caused by mass migration situation regulations for border procedures do not apply in Hungary, all procedures are based on the same immigration and asylum related regulations. Free legal assistance is provided by the state.</p> <p>3. See the attached document Free legal assistance is provided by the Legal Assistance Units of the Government Offices located in Budapest Capital and 19 Hungarian regional Government Offices. In other cases law offices and legal aid bureaux with the profile of legal representation in immigration cases are providing legal services.</p>
	EMN NCP Italy	Yes	<p>1. According to article 6 of Law 142/2015 and 2 of Regulation concerning the management of Center for return (emanated by Minister of Interior on 11 December 2017), foreigner in detention has the right to receive all the information about the possibility to ask for international protection. The information are provided through a brochure, drafted by National Commission for Asylum, containing all the indications regarding (art. 10 comma 1 and 2 of Law 25/2008): a) Phases of asylum procedure included the possibility to appeal in front of a judge a refusal decision of the administrative authority (Commissioni Territoriali): art. 35 of Law 25/2008;b) Rights and duties of the asylum seekers during the procedure;c) The right to medical and reception assistance;d) The possibility to contact UNHCR and other human rights organizations to be supported in every step of the procedure.All these information are communicated in a language understandable by the claimant, who has the right to be assisted by an interpreter and a cultural mediator. Art.10-bis of Law 25/2008 extends the above mentioned rights to migrants who ask for asylum in the</p>


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			<p>border and transit zones, where it is guaranteed the presence of UNCHR's officials and other protection institutions. ahq_2019.17.docx</p> <p>2. In Italy, the right of defence is guaranteed in every kind of procedure by a free system of legal aid and assistance, based on economic grounds (Law n.115/2002). Moreover, some associations provide a free service of legal clinic to support this category of vulnerable claimants (for example, they offer a free legal advice to migrant and, if it is necessary, they put him/her in contact with a lawyer).</p> <p>3. The system of free legal aid, necessary during the judicial procedure of appeal, is financed by the government, in order to respect the constitutional right of defence (art. 24 of Italian Constitution), while the legal clinics and other support services are managed by private associations and organizations.</p>
<p>==</p>	EMN NCP Latvia	Yes	<p>1. National legislation of the Republic of Latvia defines that the procedure of appeal of a decision (also in border procedures) is described in the decision issued. To inform the asylum-seekers on the asylum procedures and their rights in the procedure informative brochures are used.</p> <p>2. In case of refusals of entry free legal aid (advice or assistance) is not provided. It is defined in the Immigration law that a foreigner has the right to contest the decision on refusal of entry to the Chief of the State Border Guard or a person authorized by him within 30 days after taking the decision by submitting it to the Embassy of the Republic of Latvia. Contesting of the decision does not suspend the execution of the decision. A decision on the contested administrative act may be appealed to the Administrative District Court. The appeal does not suspend the execution of the decision. As relates to the asylum procedure free legal assistance is provided to the asylum seeker at the stage of appeal of asylum related decisions (inter alia detention, application of a</p>


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			<p>restrictive measure, non-admissibility of application for international protection). Legal Aid Administration is an institution under subordination of the Ministry of Justice.</p> <p>3. Legal Aid Administration provides free legal aid in the Republic of Latvia in accordance with State Eshured Legal Aid Law.</p>
	EMN NCP Lithuania	Yes	<p>1. Different procedures apply for each of these situations.</p> <p>-A refusal of entry decision is made by a senior border guard officer if a foreigner does not comply with the conditions of entry into the Republic of Lithuania as defined in Article 6 of the Schengen Borders Code of entry. The border guard then fills in a standard form as provided in Annex V, Part B of the Schengen Borders Code. The decision states that a foreigner may appeal against this decision in the manner prescribed by the Law on Administrative Proceedings of the Republic of Lithuania, and indicates a court to which the complaint may be submitted. The foreigner is introduced to the decision in a language that he / she understands.</p> <p>-In the case of non-admissibility for international protection application decision, aliens who have applied for asylum, await for the Migration Department's decision at the Border Control Point or the Aliens Registration Center. Once made, the appeal procedure is specified in the Migration Department's decision.</p> <p>2. -In the case of a refusal of entry decision free legal advice or assistance is not provided. If the alien arrived by land, the decision shall be enforced immediately; if an alien arrives by air, he / she waits for the execution of the decision at the border control point (e.g. until a carrier provides a possibility to return).</p> <p>-A foreigner who wants to appeal against a non-admissibility for international protection application decision is granted free legal assistance. Moreover, border checkpoints and the Aliens Registration Center provide leaflets with information on the rights and</p>

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			<p>responsibilities of asylum seekers, the possibility of contacting representatives of the United Nations High Commissioner for Refugees and the Society of the Red Cross which provide advice and legal services to asylum seekers.</p> <p>3. Free procedural/legal advice/counselling is provided by the Migration Department and various NGOs (Lithuanian Red Cross Society, Caritas). Legal services (representation in the interviews/court hearings) are provided by lawyers, who have signed a contract for providing these services with the Migration Department.</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. In Luxembourg, it is necessary to clarify that there is a specific procedures for international protection applicants at the e In the context of border procedures, SEF - Immigration and Borders Service seeks to improve procedures for guaranteeing the rights of citizens who are subject to a refusal of entry decision or non-admissibility for international protection application decision, in particular as regards the availability of information and legal advice.</p> <ul style="list-style-type: none"> <li>• How is information available on the possibility of appealing against the refusal of entry decision or against non-admissibility for international protection application decision for those in detention facilities located near the border posts?</li> </ul> <p>In Luxembourg, it is necessary to clarify that there are no specific procedures for international protection applicants at the external borders because Luxembourg does not have external borders with the exception of the Luxembourg International Airport.</p> <p>If a person request international protection when s/he arrives at the airport, the airport police (Airport Control Unit) will contact the Directorate of Immigration and the person will be admitted into the territory of the Grand Duchy of Luxembourg. The police will collect the fingerprints and register the individual in the EURODAC database (LU2 – irregular entry). If this is done during regular working hours of the Directorate of Immigration and if there is a translator who is available, the concerned individual will be</p>

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			<p>conducted to the reception desk of the Directorate of Immigration in order to register the application.</p> <p>Article 35 (3) of the amended law of 18 December 2015 on international protection and temporary protection (Asylum Law) establishes that the TCN which receives an inadmissible decision can file an appeal before the First instance Administrative Court in a deadline of 15 days after being notified of the decision. The Court must decide in a deadline of 2 months. There is no further appeal against this decision.</p> <p>In case of entry of an individual who arrives at the external border in an irregular situation (without residence permit or visa), the person will be issued and notified a refusal to enter decision. The decision that refuses entry at the border has to be notified to the third-country national (TCN). S/he can introduce an annulment action against this decision at the First instance Administrative Court in accordance with article 105 of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law). The period of appeal is of 3 months (article 113 of the Immigration Law in accordance with article 16 of the Law of 21 June 1999). However, this annulment action does not have a suspensive effect.</p> <p>The person can be detained in the waiting area of the airport for 48 hours. S/he is allowed to contact any person of her/his choosing, her/his consulate or lawyer. In case the removal of the foreigner cannot be executed during the next 48 hours, the individual will be placed in the Detention Center.</p> <p>In the Detention Center, there is a list of all the members of the Bar Council of Luxembourg and Diekirch, which the detainee can contact.</p> <ul style="list-style-type: none"><li>• Is legal advice or assistance available free under these border procedures?</li></ul> <p>Yes. Article 17 (1) of the Asylum Law foresees that the applicant for international protection has the right to be assisted free of charge by a lawyer.</p> <p>In Luxembourg legal aid is guaranteed to ensure access to justice for all persons with limited financial resources (article 1 (1), (2), (3) and (4) of the grand-ducal regulation of</p>
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			<p>18 September 1995 on legal aid modified by grand-ducal regulation of 29 October 2004). The system allows that these persons are entitled to free assistance from a lawyer. Legal aid may be awarded for judicial or extra-judicial and contentious or non-contentious cases. However, foreigners are only entitled to legal aid if they fulfill the following conditions:</p> <ul style="list-style-type: none"><li>○ if they are in possession of a valid residence permit for Luxembourg and they fulfill the legal requirements mentioned above;</li><li>○ if they are involved in a procedure concerning international protection, access to the territory, residency, removal (amended law of 29 August 2008 on free movement of persons and immigration) or extradition (law of 20 June 2001 concerning extradition).</li></ul> <p>Also the person on irregular migration situation who had been refused entry at the airport has the possibility to be granted legal aid, but it will not be free as the individual has not been granted access to the territory.</p> <p>•If available, what kind of organization provides this service (government entity, professional association, NGO, other)?</p> <p>The Luxembourg State finances the legal aid, which is guaranteed by the Luxembourg Bar Council of Luxembourg and Diekirch.</p> <p>2. Yes. Article 17 (1) of the Asylum Law foresees that the applicant for international protection has the right to be assisted free</p> <p>3. The Luxembourg State finances the legal aid, which is guaranteed by the Luxembourg Bar Council of Luxembourg and Diekirch.</p>
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	EMN NCP Malta	Yes	<p>1. MT does not make use of a border procedure and therefore we are not in a position to reply.</p> <p>2. N/A</p> <p>3. N/A</p>
	EMN NCP Netherlands	Yes	<p>1. When the asylum seeker has been refused entry, the Immigration and Naturalisation Service (IND) provides the refused asylum seeker with practical information: a letter about the consequences of refusal, actions the refused asylum seeker could take and return possibilities. More information is available through a brochure of the Repatriation and Departure Service (DT&amp;V) which helps the refused asylum seeker with organising the return to the country of origin. In the detention center the (refused) asylum seeker is informed about the house rules and the possibilities to file complaints to the supervisory committee and his right to appeal to court.</p> <p>2. Yes. Yes, the Dutch Council for Refugees informs the refused asylum seeker for free. The Council for Legal Aid (RvR) arranges an independent lawyer for free.</p> <p>3. The Council for Legal Aid (RvR) is an independent professional association. The Dutch Council for Legal Aid is an NGO.</p>
	EMN NCP Poland	Yes	<p>1. Poland has not implemented the border procedures deriving from the directive of the European Parliament and of the Council on co</p> <p>2. n/a</p>






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			3. n/a
	EMN NCP Portugal	Yes	<ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> </ol>
	EMN NCP Slovakia	Yes	<ol style="list-style-type: none"> <li>1. See clarification. Information on the possibility to appeal the decision to refuse the entry of a TCN are provided directly in the "Standard form on entry refusal", which is issued in the format as given by the Regulation (EU) 2016/399 (Annex V, Part B). Information on the possibility to appeal the decision on rejecting the application for asylum as non-admissible is provided within the guidance part of the decision. This information is also given as a part of the Guidance of the applicant for asylum during the asylum proceedings - this also includes the information about free legal aid provided by the Centre for Legal Aid. The Centre for Legal Aid is a state budgetary organization providing legal aid in line with the legislation by its employees who are advocates and mediators. This aid is given regardless of where the applicants are placed.</li> <li>2. See clarification For appealing the decision on refusal to entry, the party to the proceeding and their representative and guardians can get a standard legal representation by an advocate or a representative of their choice. The full list of advocates is managed by Slovak Chamber of Advocates. For appealing the decision on rejection of the application for asylum as non-admissible the Centre for Legal Aid (see Q1) provides aid in these cases for free.</li> </ol>


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			3. The Centre for Legal Aid is a state budgetary organization (see Q1).
	EMN NCP Slovenia	Yes	<p>1. Such information is available in the form of leaflets and posters. It is also given orally as part of the procedure.</p> <p>2. Yes.</p> <p>3. NGO provide for such assistance.</p>
	EMN NCP Spain	Yes	<p>1. In these cases, people are kept inside the border control premises, not in facilities nearby. Information on the possibility to appeal is included in the text of the decision notified to the person.</p> <p>2. Yes</p> <p>3. Professional association</p>
	EMN NCP Sweden	Yes	<p>1. Every decision is communicated together with information on if/how the decision can be appealed</p> <p>2. -</p>



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			3. Government
	EMN NCP United Kingdom	Yes	<p>1. Administrative Review                      Administrative Review (AR) was introduced as part of the appeal changes brought about by the Immigration Act 2014. AR is an avenue of redress for those who have lost their right of appeal as a consequence of the appeal reforms. AR is only available to an individual who holds a valid UK Entry Clearance or Biometric Residence Permit and they have been refused entry. The application for AR can be made via an online process or by paper application in certain circumstances. For on-line applications, the applicant needs to fully complete the form and make the correct payment. If an individual is held in a short-term detention facility at a port and they are granted immigration bail, the application can be submitted during the bail period. Where bail is not granted and short-term detention is maintained, the applicant will be given online access to ensure they can submit an AR application. These details will be contained on the appropriate refusal notice that a Border Force Officer will serve on the individual. Full details of how to access the AR online form should be explained to the individual by the Officer. All information pertaining to AR applications is available on GOV.UK website.</p> <p>2. No                      It falls to the individual to decide if they wish to seek legal advice about the decision to refuse entry to the UK or any other immigration related matter. It is the individual's responsibility to make enquiries to obtain legal advice. Payment for legal services is a matter for the individual and the legal advisor.</p> <p>3. Please see Q2</p>

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	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. Information on the possibility of appealing against Refusal of Entry is a part of the Refusal of Entry form where also the form</li> <li>2. Legal advice is available.</li> <li>3. Usually it is NGO (for free).</li> </ol>
	<p>EMN NCP Norway</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. The police are required to inform all persons, upon their arrest or detention, of their rights.</li> <li>2. Yes. Foreign nationals are entitled to legal aid in accordance with the Free Legal Act.</li> <li>3. Lawyer`s offices. The police or the court will provide interpreters. Detention orders can be appealed in the ordinary court system. Decisions involving the use of force or other treatment at the detention centre can also be appealed at the National Police Directorate. Migrants who have their asylum applications rejected can appeal the decision to the Norwegian Directorate of Immigration or the Immigration Appeals Board, depending on whether the police or the directorate took the initial decision. Foreign nationals are entitled to legal aid in accordance with the Free Legal Act (Lov om fri rettshjelp 1980) and Section 92 of the Immigration Act, when general conditions are satisfied. The court shall appoint legal counsel when hearing a petition for remand in custody. Legal counsel shall as far as possible be appointed as soon as it is clear that an arrested foreign national will not be released, deported or remanded in custody within the expiry of the second day after the arrest. The legal council visits the foreign national in the detention center upon the court hearing, and the foreign national may call his or her legal council when ever he or she like.</li> </ol>

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