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Attack on “free lawyers”

How should Swiss asylum policy be organised? The Swiss people will decide on this issue on 5 June 2016. The referendum forced by the SVP is likely to see an extremely difficult debate over the approach towards refugees.

MARC LETTAU

Hundreds of thousands of refugees from war-torn and crisis-hit regions are currently seeking protection in Europe. This is also affecting Switzerland. The situation is very volatile. The State Secretariat for Migration had to continually revise its refugee figures upwards last year. By the end of 2015, 40,000 refugees had arrived in Switzerland – large numbers came from Eritrea (10,000), Afghanistan (8,000), Syria (5,000), Iraq (2,000) and Sri Lanka (2,000). The number of ref-



Should asylum seekers be provided with free legal aid? Opinion is divided over this issue.

Photo: HEKS/Sabine Buri

ugees stood at a similar level to during the wars in the former Yugoslavia.

Around 40,000 people will again seek asylum in Switzerland in 2016, according to forecasts by federal government’s migration experts. This may be a conservative estimate in light of recent developments. The countries in south-eastern Europe have increasingly attempted to seal themselves off from the influx of refugees since the beginning of the year. In February, Austria indicated its intention to significantly restrict the permeability of its southern border to refugees. This announcement may result in more refugees avoiding the route through the Balkans and in-

stead attempting to enter Europe via Italy. This would also bring Switzerland closer to developments as Italy’s northern neighbour.

Focus on two key issues

The asylum system will remain high on Switzerland’s political agenda regardless of the course of events as the referendum called by the SVP against the revised Asylum Act has now come to pass. By submitting 65,000 signatures, the party is forcing a popular

vote on the revised law that the Federal Council and Parliament supported by a large majority.

It is obvious which issues the referendum debate will stir up. The revision focuses on two key issues. Firstly, the asylum procedure, which can currently take years, should not exceed 140 days in future. This increased speed aims to establish clarity much more quickly about whether applicants will be admitted or not. Secondly, these short periods are to be supplemented by a safeguard against incorrect decisions. Asylum seekers would be provided with free legal aid. This aims to ensure constitutionally correct decisions. However, it is pre-

cisely this legal aid that the SVP deems excessive. It dubs the proposal “free lawyers for everyone” and argues that it will simply inflate an enormous aid and legal industry. The party hopes to see the exact opposite happen – a generally more restrictive policy with significant restrictions to the right to asylum.

If the Swiss people support the SVP on 5 June 2016 by voting against the revised Asylum Act, this would not only remove the contentious “free lawyers” from the table but initially also the reduced procedure time. The problem that this would cause is obvious from the figures. Of the 40,000 asylum applications submitted, only 28,000 of them were judged at first instance in 2015. The mountain of pending applications rose to 30,000. This stirs up the perpetual debate over the issue of how the negative consequences of lengthy procedures can be alleviated. The widely held view is that having poorly integrated refugees who find themselves in a seemingly endless queue leads to high welfare costs for Switzerland and poor integration and development prospects for those who will remain in Switzerland come what may. Minister of Justice Simonetta Sommaruga (SP) is therefore calling for access to the labour market or internships to be facilitated for those to whom Switzerland has granted protection. She would like to remove the major obstacles that currently exist in this area. This is the opposite of what the SVP is seeking to achieve through its referendum.

MARC LETTAU IS AN EDITOR WITH THE
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