

Directive 2008/115/EC of the European Parliament and of the Council  
of 16 December 2008 on common standards and procedures in  
Member States for returning illegally staying third-country nationals

CHAPTER III

**PROCEDURAL SAFEGUARDS**

*Article 13*

**Remedies**

1 The third-country national concerned shall be afforded an effective remedy to appeal against or seek review of decisions related to return, as referred to in Article 12(1), before a competent judicial or administrative authority or a competent body composed of members who are impartial and who enjoy safeguards of independence.

2 The authority or body mentioned in paragraph 1 shall have the power to review decisions related to return, as referred to in Article 12(1), including the possibility of temporarily suspending their enforcement, unless a temporary suspension is already applicable under national legislation.

3 The third-country national concerned shall have the possibility to obtain legal advice, representation and, where necessary, linguistic assistance.

4 Member States shall ensure that the necessary legal assistance and/or representation is granted on request free of charge in accordance with relevant national legislation or rules regarding legal aid, and may provide that such free legal assistance and/or representation is subject to conditions as set out in Article 15(3) to (6) of Directive 2005/85/EC.