

CCBE statement in support of all lawyers working in the field of migration and of the need to safeguard access to asylum

2 October 2025

The Council of Bars and Law Societies of Europe (CCBE) represents the Bars and Law Societies of 46 countries, and through them more than 1 million European lawyers.

With this statement, the Bars and Law Societies of Europe, with a united voice, wish to express their deep concern with regards to decisions by some Member States' authorities that aim at curtailing the right to apply for asylum and the access to legal assistance.

In particular, the CCBE is concerned by the declarations of the Greek Minister for Migration and Asylum, Mr Thanos Plevris, criticising lawyers for using remedies foreseen by law, such as application for interim measures to the European Court of Human Rights (ECtHR).¹

The CCBE is equally concerned by the temporary suspension by Greece of the possibility to apply for asylum for people arriving from North Africa and notes that a similar, worrying measure was recently enacted in Poland.²

The CCBE notes that the Plenary of the Greek Bars issued **the following statements that the CCBE wishes to support:**³

- The right of access to asylum is provided for and protected by provisions of international and European Union (EU) law of superior normative force. The right to international protection for asylum seekers and the avoidance of torture, inhuman and degrading treatment constitute institutional obligations of states from which they cannot derogate (ECtHR, *Khlaifia v. Italy*, 16483/12, 15-12-2016, para. 158). The right of every person to seek asylum “must be recognized regardless of the likelihood of success of their application” (CJEU, *C-821/19 Commission v. Hungary*, 16-11-2021, para. 136).

¹ EPT News, “Θ. Πλεύρης στο EPT News: Κυρώσεις για όποιον δεν σέβεται τις αποφάσεις της Πολιτείας για το Μεταναστευτικό – Διαχειριστικός έλεγχος για ΜΚΟ”, 20.08.2025, [link](#).

² Rozporządzenie w sprawie czasowego ograniczenia prawa do złożenia wniosku o udzielenie ochrony międzynarodowej, Polish Government website, 27.03.2025, [link](#). See also the reaction by the Polish bar to this draft law, KIRP, “Komisja Praw Człowieka Krajowej Rady Radców Prawnych wyraża zaniepokojenie ustawą zawieszającą prawo do azylu”, [link](#).

³ Statement of the Plenary of the Greek Bars 12 August 2025 on the occasion of the regulation providing for a three-month suspension of the submission of asylum applications by individuals who enter the country illegally by any floating means originating from North Africa; Statement of the Plenary of the Greek Bars of 18 August regarding Adherence to International and Constitutional Legality as an Imperative for Every Law-Abiding Democratic State; Statement of the Plenary of the Greek Bars 27 August 2025 following the meeting of the Delegation of the Plenary of the Presidents of the Bar Associations of Greece with the Minister and the Deputy Minister of Migration and Asylum.

- Article 15 of the European Convention on Human Rights (ECHR) applies under the strict conditions provided therein. Any application of it does not exempt the State from its obligation to comply with other international obligations, while certain rights (the right to life, the prohibition of torture and inhuman or degrading treatment, etc.) cannot be restricted. Otherwise, the rule of law, the respect of fundamental rights, as well as the state's obligations under international law, are put to the test.
- Even if there are problems arising from increased migratory flows and there is need for measures to be taken, such measures, in any case, must comply with international and EU law and with the principle of proportionality, while appropriate facilities must also be created to ensure the dignified detention of these individuals.
- There are serious concerns regarding the compatibility, under superior-ranking provisions of international and EU law, of the measure imposing a three-month suspension of the submission of asylum applications by individuals entering the country irregularly by any maritime vessel originating from North Africa.
- The Greek State currently does not provide free legal assistance to persons subject to deportation or return, in clear violation of its legal obligations. Access to justice constitutes an inalienable right, and no individual may be excluded from judicial review. Any attempts to undermine the right to judicial protection are incompatible with the rule of law and are particularly unacceptable when they concern matters governed by international treaties ratified by Greece, which enjoy higher-ranking legal authority.
- Lawyers are indispensable in safeguarding every individual's right of access to justice within the Greek territory, in upholding the law, and in ensuring legality. Any attempt to target or intimidate lawyers engaged in immigration and asylum law in the course of exercising their professional duties and representing their clients should be condemned.

Moreover, against this background, the CCBE:

- Stresses that all lawyers, whether working as individuals, for law firms or for NGOs, should be able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, in line with UN Principles.⁴
- The CCBE stands behind European Lawyers in Lesvos (ELIL) of which it is a proud founder and a shareholder, and all lawyers providing legal assistance and expresses its solidarity with lawyers assisting asylum seekers in particularly challenging conditions such as on the Greek islands. It is thanks to those lawyers that access to justice is ensured to all, even the most deprived and vulnerable.

⁴ According to the UN basic principles on the role of lawyers: "16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics."

- In a society governed by the rule of law, everyone's rights need to be protected, and lawyers must be able to freely and independently protect those rights.
- Recalls that the lack of legal assistance may be an obstacle hindering access to a remedy and falls within the scope of Article 13 ECHR, particularly where asylum seekers are concerned, as indicated by the ECtHR in its ruling *M.S.S. v Belgium and Greece*.⁵
- The CCBE categorically rejects any insinuation or argument that by using remedies foreseen by law such as applying for interim measures to the ECtHR, making appeals or acting in front of courts, lawyers abuse the law.⁶ Lawyers, when representing their clients or assisting the vulnerable, are and should be independent from the authorities and act as essential actors of the justice system and allow those who have rights to claim them.
- The CCBE finds it unacceptable that lawyers assisting migrants and refugees in compliance with the law are under increased pressure and receive threats mostly from far-right.
- The CCBE reiterates that the right to asylum and the principle of non-refoulement are fundamental rights that cannot be simply suspended and have to be preserved even in situations of significant pressure on Member States. Member States, also bound by Articles 18, 19 and 47 of the EU Charter, should ensure that asylum seekers are able to exercise in an effective manner the right to make an application for international protection including at their borders, as stated by the CJEU.⁷ Measures that envisage returning individuals without registration to their country of origin or provenance put the right to asylum at risk and create risks of violation of the principle of non-refoulement.
- Member States must be in full compliance with the ECHR. So far, the ECtHR considers that the provisions of the EU asylum system clearly embrace the principle of non-refoulement, as guaranteed by the Geneva Convention, and also applies it to persons who are subjected to border checks before being admitted to the territory of one of the Member States.⁸

⁵ See also CCBE Statement on recent developments and upcoming EU actions in the field of asylum, 21.22.2024, [link](#). The ECtHR considered that the lack of information concerning access to organisations which offer legal advice and guidance combined with the shortage of lawyers on the list drawn up for the legal aid system may also be an obstacle hindering access to a remedy and falls within the scope of Article 13 ECHR, particularly where asylum seekers are concerned, [link](#).

⁶ CCBE statement condemning stigmatisation of and threats to immigration lawyers, 04.04.2025, [link](#).

⁷ A systemic avoidance of applications for international protection would deprive the Geneva Convention of its essential effect and impossibility to make an application for international protection at the border would deprive those persons of the effective enjoyment of their right to seek asylum. See CCBE Statement on recent developments and upcoming EU actions in the field of asylum, 21.22.2024, [link](#).

⁸ Those provisions (i) are clearly aimed at providing all asylum seekers with effective access to the proper procedure by which their claims for international protection may be reviewed and (ii) oblige the State to ensure that individuals who lodge applications for international protection are allowed to remain in the State in question until their applications are reviewed. It is crucial for the consistency of the European legal system, and for the effectiveness of the rights of those concerned, that the EU does not stray from the ECtHR's case law.