

## CCBE response to the call for evidence on the five-year European migration and asylum strategy 6 October 2025

*The CCBE is recognised as the voice of the European legal profession representing, through its members, more than 1 million European lawyers.*

The CCBE wishes too contribute to the [call for evidence](#) launched by the Commission regarding the first five-year European asylum and migration strategy, to be presented by the end of 2025.

The CCBE suggests that **effective access to good quality legal assistance and representation is included among key priorities in the strategy.**

The following **key and additional initiatives**, related to this priority, would contribute to the efficient implementation of the Pact:

1. Recommendations encouraging Member States (MSs) to make free legal assistance available starting at the earliest possible stage. <sup>1</sup>
2. Measures checking if Member States implement the safeguards foreseen in the Pact and people have effective access to information, to high-quality free legal counselling, and to legal assistance and representation. This needs to be looked at as part of a broader principle of access to justice, and the right to effective remedy, anchored in EU and international law obligations for MSs.
3. As the concept of legal counselling is new, adopting of a cautious approach and monitoring its implementation, in close coordination and consultation with the legal professions.<sup>2</sup> The term “counselling” must not serve as an excuse for providing asylum seekers with advice of lower quality by persons or bodies who are not independent, not qualified lawyers, and who do not have the experience or qualification necessary for the task.<sup>3</sup> The concept shall be introduced in national system in a way that it runs smoothly along the legal assistance and representation. Moreover, the Commission common implementation plan specifically refers to lawyers’ associations as examples of actors to be identified to play a role in the implementation.
4. In line with the duties to inform migrants under the Pact, measures encouraging MSs to inform foreigners under different migration and asylum procedures about available legal aid. MSs must make more efforts to disseminate information in all relevant languages and also

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<sup>1</sup> CCBE recommendations on a framework on legal aid in the field of migration and international protection, available [here](#).

<sup>2</sup> In this regard, see the CCBE’s observations and suggestions with regards to the concept of free legal counselling (FLC) conveyed to the EU Asylum Agency, available [here](#).

<sup>3</sup> CCBE Statement on recent developments and upcoming EU actions in the field of asylum, available [here](#).

through electronic means. Where an individual may be eligible for legal aid, this information should be provided to the individual with details of those who can assist.<sup>4</sup>

5. Recommending to MSs to guarantee well functioning and properly resourced national legal aid systems which must be flexible and accessible from the earliest possible stage.
6. Encourage MSs to set up legal information points for migrants at the borders, especially in situations of higher numbers of arrivals. These contact points should be staffed with lawyers from the legal aid system and/or be funded from national, regional or local budgets. It is the States' responsibility to ensure access to justice and effectiveness of fundamental rights through legal aid and therefore the costs of such activities should not be transferred to lawyers.<sup>5</sup> Such centres would make first information more accessible to migrants. There should be no situations where legal assistance is excluded in principle - such as states of emergency excluding access of lawyers to the border areas.<sup>6</sup>
7. Ensure adequate remuneration for legal aid cases. The rates of remuneration for legal aid cases should be adapted to the volume and complexity of work involved in the cases. Proportionate fees will ensure that lawyers with sufficient expertise in the area will opt to provide the required services, thereby continuing to develop as experts in the field as well as providing a much-needed service. Economically viable and sustainable work would also attract more young practitioners. All these elements will ultimately improve access to justice and effectiveness of rights.<sup>7</sup>
8. Make available funds for the training of lawyers specialised in EU migration and asylum law.<sup>8</sup>
9. Conducting regular meetings and consultations with bars and lawyers providing legal assistance to migrants. For instance, the EUAA event of October 2025 regarding legal assistance could be continued in an annual format. Moreover, Bars should be invited to targeted consultations touching upon the legal counselling, assistance and representation.
10. Measures ensuring that all the areas of EU law recognise and allow lawyers and civil society actors to play their role without undue and disproportionate restrictions, mindful of the effectiveness of the rights foreseen within the EU Charter.<sup>9</sup> This should include addressing the specific threats and challenges faced by lawyers, including verbal, physical, and legal harassment, and the chilling effect on civil society. These threats have become more evident recently towards the immigration lawyers.<sup>10</sup>

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<sup>4</sup> CCBE recommendations on a framework on legal aid in the field of migration and international protection, available [here](#). In *M.S.S. v Belgium and Greece*, 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.

<sup>5</sup> CCBE recommendations on a framework on legal aid in the field of migration and international protection, available [here](#).

<sup>6</sup> See also the CCBE position paper on the proposal for an Instrumentalisation Regulation, available [here](#).

<sup>7</sup> CCBE recommendations on a framework on legal aid in the field of migration and international protection, available [here](#).

<sup>8</sup> CCBE recommendations on a framework on legal aid in the field of migration and international protection, available [here](#).

<sup>9</sup> This is in particular the case of such legislation like the proposal for an EU Anti-Smuggling Directive, see the CCBE position paper on this proposal [here](#).

<sup>10</sup> See for example the publication on 30 January 2025 by a French extreme-right magazine of a special issue targeting lawyers working in the field of immigration law and the CCBE statement in reaction to this development, available [here](#). See also the CCBE response to the European Commission call for evidence and consultation regarding EU Civil Society Strategy, available [here](#).

11. The Commission should fulfil its role as guardian of the treaties and recall the duty of MSs to apply international and European law in force (e.g. New Pact) and the case law of the Court of Justice.
12. Make sure that any future proposals for legislation (e.g. on returns<sup>11</sup> or European Border and Coast Guard Agency) do not reduce the access to legal assistance and procedural safeguards for migrants.

These actions **would allow to achieve two key objectives** of the strategy: first, ensuring compliance with international and EU obligations and second, facilitating swift and fair access to international protection processes for asylum seekers.

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Please see more detailed considerations of the CCBE on the abovementioned points here:

- [CCBE recommendations on a framework on legal aid in the field of migration and international protection](#)
- [CCBE Recommendations on legal aid](#)
- [CCBE's observations and suggestions with regards to the concept of free legal counselling \(FLC\) conveyed to the EU Asylum Agency](#)
- [CCBE response to the European Commission call for evidence and consultation regarding EU Civil Society Strategy](#)

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<sup>11</sup> See the CCBE position paper on the proposal for a Return Regulation, available [here](#).