

Mandates of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the human rights of migrants

Ref.: AL PRT 1/2025
(Please use this reference in your reply)

10 November 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on the human rights of migrants, pursuant to Human Rights Council resolutions 53/12 and 52/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning reports that lawyers working on migration and asylum cases are facing obstacles to their work in Portugal due to administrative decisions by the public administration Agency for Integration, Migration, and Asylum (AIMA, Agencia Migrações e Asilo).

The AIMA, established by Decree-Law 41/2023 of 2 June 2023, is a public institution integrated into the indirect administration of the State, endowed with administrative and financial autonomy, with jurisdiction and decentralized services throughout the national territory, and subject to the oversight and supervision of the member of the Government responsible for equality and migration. Its mission is to implement national and European public policies on migration and asylum, regarding the entry and residence, and the reception and integration of foreign citizens in the national territory of Portugal.¹

The current system is appointment-only and reportedly has a significant backlog. Tickets are used to secure a place in the queue and prove an appointment is scheduled at the AIMA, as you can only be served with an appointment. The ticket acts as a queue number or priority pass that is generated after an appointment is booked online or if there was pre-scheduled appointment with a visa request.

According to the information received:

As of 20 February 2025, reportedly without any explanation, the AIMA limited service to only 10 tickets per day for lawyers. This decision is allegedly forcing lawyers to make long queues and to compete among themselves for the chance to defend their clients in matters arising under the Foreigner's Law. Reports suggest that the current situation has interfered with the work of lawyers in Portugal as the ticket limitation is an obstacle in obtaining information, reviewing files, requesting certificates, scheduling hearings, and following up on their clients' requests.

Circumstances have reportedly worsened as of the end of March and beginning of April.

¹ <https://aima.gov.pt/pt/a-aima/sobre-nos>

The Portuguese Bar Association, Ordem dos Advogados, as the national authority for legal practice, has received hundreds of written complaints from lawyers, and other hundreds from citizens and applicants for some months now. The AIMA has only once replied to the Bar Association's several requests to meet since the crisis got worse.

Incidents include:

- Refusal by AIMA to provide information on cases, procedures, and current status of pending requests when this information is requested;
- Limitations to lawyers' in-person contact with employees at the counter or via telephone call to access services at AIMA;
- Closed or limited access to counters and severe limits on the number of tickets for lawyers;
- Services declare they will hear either the applicant or the lawyer in the case, in clear violation of the Charter of Fundamental Rights of the European Union.

Once open, reports indicate that service at AIMA is slow and inefficient, that applicants and lawyers must stand in line for more than 8 hours, which, in the summer, entailed standing under the sun with temperatures up to 32° Celsius, or start to queue from 4 a.m., with no guarantee of being heard on that date. In several cases, applicants queue with babies and toddlers.

The information further suggests that no technical training has been given to AIMA clerks providing services. The clerks reportedly reply with unclear information regarding procedures; and different criteria is reportedly applied when it comes to accepting the documentation being submitted. The AIMA's online platforms are reportedly also an obstacle to legal services as these digital forms and platforms are frequently inoperative or freeze when in use. The premises at AIMA reportedly have no available area for lawyers to wait and lawyers have to stand over 5 hours to be able to communicate with asylum seekers and applicants who declare they want a lawyer. Reports also suggest that AIMA does not have the so-called *Yellow Book* (Complaints' Book) available for comments from applicants and lawyers, which is illegal.

The information suggests that these actions are also in violation of the former Memorandum of Understanding (2024), and Good Practices Code (2025) between Ordem dos Advogados and AIMA.

Without prejudging the veracity of the allegations, we would like to express our serious concern at information describing actions that appear to seek to impede the work of legal professionals, attempting to work with clients who are migrants or asylum-seekers in Portugal.

We recall that the free exercise of the legal profession contributes to ensuring access to justice, oversight of state power, protection of due process and judicial

guarantees. According to international standards, States must ensure that those who practise law are able to do so free from intimidation, hindrance, harassment or interference. These actions are also not in line with the Basic Principles on the Role of Lawyers. Principle 16 states that lawyers: "shall not be subject to, or be threatened with, prosecution or administrative, financial or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics".

Limits aimed at severely limiting the work of these lawyers may also have an impact on the fair trial rights of clients in specific cases. In addition to ensuring access to a lawyer, international standards on the right to a fair trial also state that accused persons should have adequate time and facilities for the preparation of their defense and should be able to communicate with a lawyer of their choice.

The magnitude of the potential violations set out in the information received is alarming.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate how the pattern described above complies with Portugal's international human rights obligations.
3. Please indicate what measures have been taken to ensure that lawyers, especially those working on human rights issues and with migrants, are able to carry out their legitimate work in a safe and enabling environment.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any persons and entities responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's

to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Gehad Madi
Special Rapporteur on the human rights of migrants

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to draw the attention of your Excellency's Government to the applicable international standards and norms, in particular the Universal Declaration of Human of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), ratified by Portugal on 15 June 1978.

I would like to remind your Excellency's Government of the due process guarantees provided for in article 14 of the ICCPR. Indeed, this article provides that everyone is entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law in the determination of any criminal charge against him or of his rights and obligations in a suit at law. I would also like to underline that the UN Basic Principles on the Independence of the Judiciary provide that "judges shall decide matters before them impartially, on the basis of the facts and in accordance with the law, without any restrictions and without undue influence, inducement, pressure, threats or interference, direct or indirect, from any quarter or for any reason" (principle 2).

I would also like to refer Your Excellency's Government to the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, from 27 August to 7 September 1990.

Principle 16 of the Basic Principles requires States to take all appropriate measures to ensure that lawyers are able to perform all their professional functions without intimidation, hindrance, harassment or improper interference, and to prevent lawyers from being threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics. Where the security of lawyers is threatened as a result of the exercise of their functions, the authorities should protect them adequately (principle 17). Furthermore, lawyers should not be identified with their clients or their clients' cases as a consequence of the exercise of their functions (principle 18).