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From: Presidency
To: Asylum Working Party
Subject: Screening as the first step of the asylum procedure
- Discussion paper

1. Objective of the discussion paper

This discussion paper is intended to support Member States in preparing for the implementation of the Pact on Migration and Asylum, looking in particular at the screening phase as the first step of the asylum procedure. The screening framework introduced by Regulation (EU) 2024/1356 constitutes a key entry point into both asylum and return procedures and will require significant operational and procedural adaptations at national level.

Given the breadth of the screening framework and the involvement of multiple authorities and stakeholders, this paper deliberately focuses exclusively on those elements of screening that are relevant for the asylum procedure. Accordingly, the paper examines only those components of screening that directly affect access to, and the conduct of, asylum procedures, including identification and registration, preliminary vulnerability and needs assessments, and referral mechanisms to asylum authorities. The objective is to facilitate early reflection on how screening, after the entry into force of the Pact, will interact with asylum procedures in practice, and to support Member States in ensuring timely access to international protection procedures in line with the new legal framework.

2. Legal Framework

The new Pact on Migration and Asylum establishes fast-tracked asylum and return procedures at the external borders, a mandatory framework for managing migration, and enhanced solidarity among Member States.

The screening phase constitutes the first step of the procedure under the Pact. More concretely, Regulation (EU) 2024/1356 establishing a screening of third-country nationals at the external borders and in the territory introduces a pre-entry screening phase for third-country nationals who:

- arrive irregularly at the external borders,
- are disembarked following search and rescue operations, or
- are apprehended within the territory after irregular entry (Article 3).

The screening process aims to ensure uniform rules for rapid identification, health and security checks, and swift channelling into the appropriate follow-up procedures, including asylum procedures under Regulation (EU) 2024/1348 (Asylum Procedure Regulation, APR) or return under, currently, Directive 2008/115/EC.

Screening is to be carried out for a maximum period of 7 days at the external borders and 3 days for the screening of persons apprehended within the territory, before individuals are referred to asylum or return procedures. It is conducted by national authorities, with possible support from EU Agencies, and requires coordination among a wide range of actors, such as border authorities, asylum services, security agencies, health services and child protection authorities.

3. Asylum-Relevant Components of the Screening process

While the screening process applies to all third-country nationals, the objective of this discussion paper is to focus specifically on the aspects that are relevant for the asylum procedure, which are triggered as soon as a person makes an application for international protection during the screening phase.

- **Identification, Registration and Data Collection:** Screening includes identity verification, registration, fingerprinting and security checks against relevant national and EU databases. Data are entered into Eurodac in accordance with Regulation (EU) 2024/1358. The outcome of screening determines whether individuals are channeled to asylum procedures or return procedures.
- **Preliminary Vulnerability and Health Checks and Needs Assessment:** Article 9 of the Screening Regulation requires a **preliminary assessment of vulnerabilities and special reception or procedural needs**, including indicators of:
 - trafficking in human beings,
 - unaccompanied minors,
 - disabilities,
 - serious physical or mental health conditions.

Relevant information must be transmitted to competent authorities in line with Directive (EU) 2024/1346 (Reception Conditions Directive, RCD) and Regulation (EU) 2024/1348 (Asylum Procedure Regulation, APR) to ensure continuity of protection measures.

- **Channelling to Asylum or Return Procedures:** Based on screening results, individuals may be referred to:
 - asylum border procedure (Articles 41–43 APR),
 - asylum procedures in the territory (Articles 28–40 APR), or
 - return procedure under Directive 2008/115/EC.

4. Questions for Member States

Screening is the first step and one of the most important aspects of the access to the asylum procedures and, thus, of the Pact implementation. Given that screening must be completed within strict and short deadlines, its efficient and well-organised implementation is essential to ensure both effective migration management and timely access to the relevant asylum or return procedures. In the build-up to the Pact entry into force, Member States are invited to reflect on the following questions:

1. **Access to Asylum and Safeguards**: What arrangements are envisaged at national level to ensure that persons subject to screening have effective access to the asylum procedure, including information provision, interpretation and safeguards for vulnerable applicants?
2. **Referral from screening to asylum authorities**: What referral mechanisms do you intend to set up to ensure a smooth transition from screening to asylum authorities (i.e. SOPs, channels of communication, etc.)?
3. **Vulnerability Assessment**: How and by whom will preliminary vulnerability assessments be conducted? How will this information be transmitted and taken into account throughout asylum and reception procedures?
4. **Operational Implementation**: What are the main operational and coordination challenges anticipated in implementing this part of screening and what mitigation measures are foreseen?