

Screening Regulation

2020/0278(COD) - 22/05/2024 - Final act

PURPOSE: to strengthen the control of third-country nationals crossing the external borders and to provide for the identification or verification of identity of all third-country nationals subject to the screening and for the consultation of relevant databases in order to verify whether the third-country nationals subject to the screening might pose a threat to internal security and contribute to their referral to the appropriate procedures.

LEGISLATIVE ACT: Regulation (EU) 2024/1356 of the European Parliament and of the Council introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817.

CONTENT: another pillar of the Pact is the screening regulation. Its aim is to **strengthen controls of persons at external borders**. It also ensures fast identification of the correct procedure – such as return to their country of origin or start of an asylum procedure – when a person enters the EU without fulfilling the right entry conditions.

Screening objectives

The objective of the screening should be to strengthen the control of third-country nationals crossing the external borders, to **identify all third-country nationals** subject to the screening and to check against the relevant databases whether the persons subject to the screening might pose a threat to internal security. The screening also entails **preliminary health and vulnerability checks** to identify persons in need of health care and persons that might pose a threat to public health, and to identify vulnerable persons. Such checks shall facilitate the referral of such persons to the appropriate procedure.

This Regulation also provides for an **independent monitoring mechanism** in each Member State to monitor compliance with Union and international law, including the Charter of Fundamental Rights of the European Union, during the screening.

Screening at the external border

Screening should apply to all third-country nationals, regardless of whether they have made an application for international protection, who do not fulfil the entry conditions and who: (a) are apprehended in connection with an **unauthorised crossing of the external border** of a Member State by land, sea or air, or (b) are disembarked in the territory of a Member State following a **search and rescue operation**. The screening should apply to all third-country nationals who have made an application for international protection at external border crossing points or in transit zones and who do not fulfil the entry conditions.

Persons undergoing the screening process should **not be authorised to enter the territory of a Member State** and must remain at the disposal of the authorities at the screening location. They may be placed in **detention** in accordance with the conditions and guarantees laid down in existing EU legislation. **Detention** should only be applied as a measure of last resort in accordance with the principles of necessity and proportionality and should be subject to an effective remedy.

The screening should be carried out without delay and in any case be completed within **seven days** from the apprehension in the external border area, the disembarkation in the territory of the Member State concerned or the presentation at the border crossing point.

Screening within the territory

The Regulation should apply to persons apprehended on EU territory who have escaped external border controls (in the latter case the screening should be carried out in **3 days**).

Requirements concerning screening

The screening should include identification, health and security checks, as well as fingerprinting and registration in the Eurodac database. **Security checks** should also be carried out by accessing the relevant databases (in particular the Schengen Information System, the Entry/Exit System, the European Information and Travel Authorisation System ETIAS and the European Criminal Records Information System - Third Country Nationals ECRIS-TCN system).

Member States should ensure that only duly authorised staff of the screening authorities responsible for the identification or verification of identity and the security check have access to the data, systems and databases referred to in this Regulation.

Guarantees for minors

During the screening, the minor should be accompanied by, where present, an adult family member. The **best interests of the child** should always be a primary consideration during screening. Member States should, as soon as possible, take measures to ensure that a representative or, where a representative has not been appointed, a person trained to safeguard the best interests and general wellbeing of the minor accompanies and assists the unaccompanied minor during the screening in a child-friendly and age-appropriate manner and in a language that he or she understands.

ENTRY INTO FORCE: 11.6.2024.

APPLICATION: from 12.6.2026.