

## ***REGULATION 2024/1356 : THE “SCREENING” REGULATION***

***"MIGRATION IS NOT A CRISIS TO BE MANAGED, BUT A REALITY TO BE GOVERNED  
WITH JUSTICE AND DIGNITY."***

-SASKIA SASSEN, DUTCH-AMERICAN SOCIOLOGIST AND ECONOMIST



The new screening regulation identifies third-country nationals entering the EU irregularly and assesses health and security risks. Within 7 days (or 3 if arrested inland), they undergo identification, health and security checks, and Eurodac registration before being directed to asylum or return procedures.

**PUBLIC CONCERNED:**

- Member States
- Third country-nationals
- Border authorities
- Frontex

**MAIN ISSUES :**

Rapid Identification of third-country nationals subject to screening.  
Assessment of health and security risks.  
Ensuring the correct procedure is applied (asylum or return).

Entry into force:  
12th June 2026

# LEGAL ENVIRONMENT



## PRIMARY LAW:

- Treaty on the European Union (TEU–article 3(2))
- Treaty on the Functioning of the European Union (TFEU – article 77(1))
- Charter of Fundamental Rights of the European Union (article 24(2))

## OTHER LEGAL INSTRUMENTS:

- Complete Regulation 767/2008 of the European Parliament and of the Council (VIS)
- Applies Regulation 2016/399 of the European Parliament and of the Council (Schengen code)
- Applies Regulation 2017/2226 of the European Parliament and of the Council (EES)
- Applies Regulation 2018/1240 of the European Parliament and of the Council (ETIAS)
- Complete Regulation 2019/817 of the European Parliament and of the Council (interoperability)



# TERMINOLOGICAL APPROACH

## SCREENING AUTHORITIES

All competent authorities designated by national law to carry out one or more of the tasks under this Regulation, except for the health checks referred to in Article 12(1) » (Regulation 2024/1356)

## THIRD COUNTRY NATIONAL

A person who is neither an EU citizen (as defined in Article 20(1) TFEU) nor entitled to free movement under EU law (Article 2(5) of Regulation (EU) 2016/399 – Schengen Borders Code).

## EXTERNAL BORDERS:

The parts of a Schengen Member State's border, including land borders, river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, that are not common borders with another Schengen Member State. (European Council glossary)

## SCREENING

The process of identifying and registering third-country nationals at the EU's external borders, including identity checks, security assessments, and health screenings, to determine whether they should enter asylum procedures or be subject to return procedures. (Regulation 2024/1356)

## BIOMETRIC DATA

Includes fingerprint data or facial images or both (Article 4, point (11), of Regulation (EU) 2019/817)



# MODERNISING BORDER MANAGEMENT TO ENSURE HARMONISED AND EFFECTIVE CRISIS MANAGEMENT

## Harmonization of EU Legislation

Integration of Prior Regulations : Aligning previous EU laws (EES, ETIAS, VIS) for cohesive border management (article: 15, 16, 20–23)

## Advanced Technologies and Databases

Use of Biometric Data : Fingerprints and facial recognition for accurate identity verification (article : 2, 5, 8, 9, 14, 21)

## Data preservation

Asylum seekers' data is stored for ten years, while data on irregular migrants and those rescued at sea is kept for five years instead of the previous 18 months. (article 26 and 29 "Eurodac" Regulation.)



# MODERNISING BORDER MANAGEMENT TO ENSURE HARMONISED AND EFFECTIVE CRISIS MANAGEMENT

## Enhanced Security and Risk Assessment

Real-Time Risk Analysis : Identifying visa overstays and irregular migration risks (article 15,

## Efficient Border Management

More Efficient Border Management Streamlined Identity and Security Checks : Faster and more accurate screening processes (article 14, 15, 16)

## Interoperability of Information Systems

Data Sharing Across Systems : Connecting EES, ETIAS, VIS, and ECRIS-TCN for comprehensive checks (article : 16, 21, 23)

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# GENERALIZATION OF CONTROL IN THE NEW INSTITUTIONAL FRAMEWORK

## Generalization of Control

Harmonization of Procedures :  
Uniform identity and security  
checks across Member States.

ARTICLES 14,15

## Institutional Coordination

Inter-Agency Cooperation :  
Strengthened collaboration  
among Frontex, EU-LISA,  
and the EU Asylum Agency

ARTICLE 16

## Centralized Data Management

Role of EU-LISA : Centralization for  
rapid data verification and enhanced  
security.

# GENERALIZATION OF CONTROL IN THE NEW INSTITUTIONAL FRAMEWORK

## Enhanced Supervisory Powers

Independent Monitoring :  
New mechanisms for  
accountability and  
transparency

ARTICLE 10

## Role Allocation and Responsibilities

Clear Role Distribution :  
Between national authorities  
and EU agencies

ARTICLES 8, 10,  
20A, 21, 22

## Crisis Management Mechanisms

Emergency Response  
Coordination : Uniform  
procedures for handling largescale  
migration flows





# HUMAN RIGHTS : DEVELOPING PSEUDO-SOLUTIONS TO SITUATIONS OF CRISIS AT THE COST OF MIGRANTS' HUMAN RIGHTS

THROUGH THIS **LEGAL FICTION OF NON-ENTRY INTO THE TERRITORY**, WHICH CREATES AN **EXCEPTIONAL SPACE**, STATES OPEN THE DOOR TO **NUMEROUS POTENTIAL VIOLATIONS OF RIGHTS**, SUCH AS THE PRINCIPLE OF NON-REFOULEMENT, THE RIGHT TO ASYLUM, THE RIGHT TO AN EFFECTIVE REMEDY, AND ACCESS TO LEGAL ASSISTANCE.



Individuals would not be considered as officially admitted to the territory of the EU, even though they would be present there de facto.

The right to an effective remedy, protected by **Article 13 of the European Convention on Human Rights**, is therefore not guaranteed, even though the criteria for imposing an asylum procedure at the border are numerous and subject to interpretation.

# HUMAN RIGHTS: DEVELOPING PSEUDO-SOLUTIONS TO SITUATIONS OF CRISIS AT THE COST OF MIGRANTS' HUMAN RIGHTS

Article 9 of the Screening Regulation: During the screening and asylum or expulsion procedures at the border, **individuals would be treated as if they had not entered European territory**, despite being physically present in the Member States

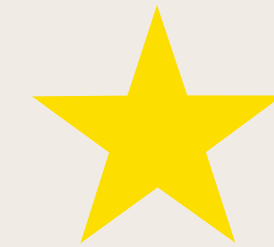


Generalization of screening procedure at external borders raises concerns about states' capacity to implement it while respecting fundamental rights

Requires numerous professionals, already in shortage, and must be completed within seven days.

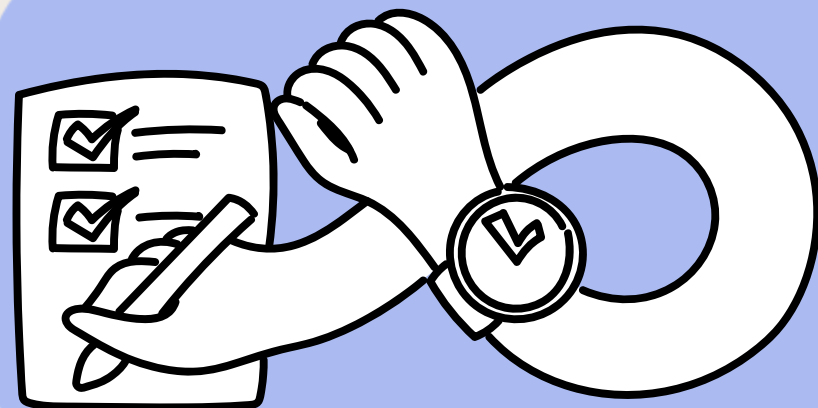
Risk of individuals being stranded at borders for months, unable to access rights, and facing degrading conditions.

# NEXT STEPS



At the national level, EU Member States **must adapt their legislation with the provisions** of Regulation (EU) 2024/1356

It will take full effect on July 1, 2026, when all its requirements become legally binding



- Its balance may be positive (compared to other instruments of the Pact)
- The real scope of the regulation : a strong political message
- Necessity to observe whether implementation was effective

# TO GO FURTHER

## SOURCES IN FRENCH

**Amnesty International. (2024, 8 avril).** Union européenne. Les réformes du Pacte sur la migration et l'asile exposeront encore plus les personnes au risque de subir des atteintes aux droits humains.

**La Cimade. (2024, 13 septembre).** Décryptage du pacte européen sur la migration et l'asile

**L'externalisation des politiques migratoires au Sud n'est pas la solution à la crise structurelle de l'accueil au Nord. (s. d.).**

**Médiapart. (10 avril 2024).** Politiques migratoires : Des dispositifs mortels, dont l'effet est de tuer pour dissuader, A l'air libre

**Anafé. (février 2022).** Trier, enfermer, refouler Analyse des dispositions applicables aux frontières du Pacte européen sur la migration et l'asile

**GISTI . Tout savoir sur le « Nouveau Pacte sur la migration et l'asile » de l'Union européenne**



# TO GO FURTHER

## SOURCES IN English

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**FRA European Union Agency for Fundamental Rights** [Monitoring fundamental rights during screening and the asylum border procedure – A guide on national independent mechanisms](#)

**IOM. (September 2017).** A Bimonthly Journal for and by Policymakers Worldwide CONTENTS Vol. VII, Number 2

- Key Migration Terms
- Migration policy practice