

# Practical Guide on the Asylum Border Procedure



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**March 2026**

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## About the guide

**Why was this guide created?** The mission of the European Union Agency for Asylum (EUAA) is to facilitate and support the activities of EU Member States and Schengen associated countries (EU+ countries <sup>(1)</sup>) in the implementation of the Common European Asylum System (CEAS). In accordance with its overall aim of promoting the correct and effective implementation of the CEAS and of enabling convergence, the EUAA develops common operational standards and indicators, guidelines and practical tools.

**How was this guide developed?** This guide was created by experts from across the EU+ countries, with valuable input from the European Commission, European Union Agency for Fundamental Rights, European Border and Coast Guard Agency, United Nations High Commissioner for Refugees and European Council on Refugees and Exiles <sup>(2)</sup>. The development was facilitated and coordinated by the EUAA. Before its finalisation, a consultation on the guide was carried out with all EU+ countries through the EUAA Asylum Processes Network. The EUAA would like to extend its thanks to the members of the working group who prepared the drafting of this guide: Evdokia Gkouma, Maud Luc, Clara Rodríguez Alonso and Paweł Skuza.

**Who should use this guide?** This guide is primarily intended for process managers and policy officers responsible for setting up and managing the asylum border procedure. In addition, this guide is useful for quality officers, legal advisers and any other person working or involved in the asylum border procedure.

**How to use this guide?** The guide aims to support process managers by unpacking the concepts relating to the asylum border procedure, providing brief explanations and recommendations on their successful implementation. The guide should be read in the context of other EUAA guidance that provides cross-cutting support.

**How does this guide relate to national legislation and practice?** This is a soft convergence tool. It is not legally binding and reflects commonly agreed standards as adopted by the EUAA Management Board in March 2026.

### Disclaimers

Following an initial period of implementation of the Pact on Migration and Asylum, this document may require updating, as needed.

This guide was prepared without prejudice to the principle that only the Court of Justice of the European Union can give an authoritative interpretation of EU law.

<sup>(1)</sup> The 27 EU Member States and Iceland, Liechtenstein, Norway and Switzerland.

<sup>(2)</sup> The finalised guide does not necessarily reflect the positions of the United Nations High Commissioner for Refugees and the European Council on Refugees and Exiles.





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## List of abbreviations

Abbreviation	Definition
<b>AMMR</b>	<b>Asylum and Migration Management Regulation</b> — Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013
<b>APR</b>	<b>Asylum Procedure Regulation</b> — Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU
<b>Charter</b>	Charter of Fundamental Rights of the EU
<b>COI</b>	country of origin information
<b>ECHR</b>	European Convention on Human Rights
<b>EUAA</b>	European Union Agency for Asylum
<b>Europol</b>	European Union Agency for Law Enforcement Cooperation
<b>EU+ countries</b>	EU Member States and Iceland, Liechtenstein, Norway and Switzerland
<b>RBP Regulation</b>	<b>Regulation for a Return Border Procedure</b> — Regulation (EU) 2024/1349 of the European Parliament and of the Council of 14 May 2024 establishing a return border procedure, and amending Regulation (EU) 2021/1148
<b>RCD (2024)</b>	<b>Reception Conditions Directive (recast)</b> — Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection
<b>Return Directive</b>	Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals
<b>Schengen Borders Code</b>	Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders
<b>Screening Regulation</b>	Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 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





# Introduction

The Asylum Procedure Regulation (APR) <sup>(3)</sup> provides that Member States must set up an asylum border procedure to process certain applications for international protection. Together with screening and the return border procedure, the asylum border procedure forms the pre-entry phase at the external borders of the EU.

This guide outlines the building blocks for setting up an effective asylum border procedure.

Chapter [1](#) lays down the foundation for the asylum border procedure. It explains the elements that characterise it as an asylum procedure specifically carried out at the EU external borders. It identifies how the asylum border procedure is concretely interlinked with other processes in the workflow from screening to return. As a result, it supports in setting up a strong framework of cooperation among the authorities involved to ensure the timely transmission of information from one authority to another.

Chapter [2](#) describes how applications for international protection are channelled to the asylum border procedure after screening at the external borders. It outlines the key elements for applying the border procedure which ensure that channelling correctly identifies applications in which the asylum border procedure applies. It puts forward a workflow that describes how an effective channelling can be implemented in practice and how the capacity available for the border procedures can be used in an efficient way.

Chapter [3](#) introduces frontloading as a tool to facilitate an effective asylum border procedure. It outlines assessments that can be conducted during the first steps of the procedure to provide a reliable basis for the examination and measures that ensure that border procedure can be applied, including the necessary support to vulnerable persons. It also describes how information can be collected end-to-end from screening to the return border procedure.

Chapter [4](#) focuses on measures that support adhering to the set time limits, while ensuring that the examination of applications is carried out in full respect of the principles and guarantees. It puts forwards practices to efficiently manage the overall caseload. It also identifies measures that facilitate access to an effective remedy within the short time limits.

The practical guide is primarily intended for process managers working for the determining authority. Therefore, the guide advises on aspects of the border procedure for which the determining authority is responsible. It highlights ways to collaborate with other authorities that are responsible for related processes in the workflow from screening to return.

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<sup>(3)</sup> Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L, 2024/1348, 22.5.2024), <http://data.europa.eu/eli/reg/2024/1348/oj>.





# 1. Setting up the asylum border procedure – general principles

The asylum border procedure together with screening and the return border procedure form the pre-entry phase at the external borders of the EU. They support the management of mixed migration flows of third-country nationals and stateless persons who cross the external borders without fulfilling the conditions for entry. Thereby, they enable the authorities to control who are authorised to enter the territory of the Member State.

Screening and the border procedures aim to identify and mitigate possible risks to the internal security and public health of the EU. They also aim to facilitate the swift examination of applications for international protection that are likely to be unfounded or inadmissible and the return of persons with no right to remain. When monitored and swiftly adapted if needed, restrictions of freedom help ensure that the applicant remains at disposal of the authorities.

The asylum border procedure is the central piece of the workflow from screening to the return border procedure. These pieces are highly interlinked; the workflow relies on strong cooperation between the authorities and a complementary flow of information from screening to the return border procedure. The set-up of the asylum border procedure should consider links with both the screening and the return border procedure.

The asylum border procedure is effective when there is adequate capacity to carry out the procedure within the short timeframe allotted to it. The management of this capacity requires an adequate number of personnel and reception capacity be allocated to the border procedure. It also requires measures be implemented to ensure only applications on which the authorities are likely to make a decision in the context of the asylum border procedure are examined there.

Full compliance with fundamental rights forms the sustainable basis for the asylum border procedure. A fair asylum procedure that provides applicants with the necessary support, ensures the complete examination of applications and guarantees access to an effective remedy is key to guarantee full respect for the principle of *non-refoulement*.

## 1.1. Asylum procedure in the context of the EU external borders

The asylum border procedure takes place in the context of the external borders of the EU. The applicant is not authorised to enter the territory of the Member States while they are subject to the border procedure and the procedure is carried out in designated locations that are, in principle, at or in proximity to external borders.



### 1.1.1. Non-authorisation of entry

The asylum border procedure can be applied provided that the applicant has not yet been authorised to enter the territory. The applicant continues not to be authorised to enter the territory while they are subject to the asylum border procedure.



#### Articles 43(1) and 43(2) APR (extract)

*1. Following the screening carried out in accordance with Regulation (EU) 2024/1356, where applicable and provided that the applicant has not yet been authorised to enter Member States' territory [...] and does not fulfil the conditions for entry to the territory of a Member State as set out in Article 6 of Regulation (EU) 2016/399. [...]*

*2. Applicants subject to the border procedure shall not be authorised to enter the territory of a Member State, without prejudice to Article 51(2) and Article 53(2). Any measure taken by Member States to prevent unauthorised entry to their territory shall be in accordance with Directive (EU) 2024/1346.*

Non-authorisation of entry is not an administrative procedure and no decision is issued on it. It is a legal status that prevails for as long as entry has not yet been authorised or refused.

During the asylum border procedure, the authorities have not yet determined if entry will be eventually authorised or refused. The applicant remains in a situation of 'non-authorisation of entry'.



Non-authorisation of entry can be illustrated by a specific example: a person arrives at an international airport and waits for confirmation from border control whether they fulfil the conditions to enter the country. In this situation, the person has neither been authorised nor refused entry; they are waiting for permission to enter the country.

The non-authorisation can be applied only if the applicant does not fulfil the conditions for entry. The fact the third-country national applied for international protection is, in principle, not enough for fulfilling the entry conditions. The conditions for entry may, however, be fulfilled, for example, when a person possesses a valid travel document and holds a valid visa or enjoys the right of free movement in the EU area. If the conditions of entry are fulfilled, the applicant should be authorised entry and the asylum border procedure is not applied <sup>(4)</sup>.

When the asylum border procedure ends, the authorities consider whether the applicant will be authorised to enter or refused entry. Entry should be authorised unless a decision rejecting

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<sup>(4)</sup> The conditions for entry are specified in the Schengen Borders Code, see Articles 3 and 6.



the application for international protection and a return decision are issued in the context of the asylum border procedure <sup>(5)</sup>.

### 1.1.2. Location for the asylum border procedure

The asylum border procedure takes place, as a general rule, in designated locations at or in proximity to the external border or transit zone where the majority of the applications for international protection are made in order to limit the need for transferring applicants. Considering the specific geographic circumstances and the possible existence of appropriate facilities, Member States can carry out the asylum border procedure in other designated locations further away from the external border within its territory <sup>(6)</sup>.



#### Article 54(1) APR

*1. During the examination of applications subject to a border procedure, a Member State shall require, pursuant to Article 9 of Directive (EU) 2024/1346 and without prejudice to Article 10 thereof, the applicants to reside at or in proximity to the external border or transit zones as a general rule or in other designated locations within its territory, fully taking into account the specific geographical circumstances of that Member State.*

Even though the applicant has not been authorised to enter the territory, they are physically present in the territory of the Member State.

All laws that apply in the Member State apply in the designated locations for the asylum border procedure. Therefore, the treatment of persons residing in those locations must comply with the obligations of the Member State under the Charter on Fundamental Rights of the EU (Charter) <sup>(7)</sup> and international and national legislation <sup>(8)</sup>.

### 1.1.3. Measures to implement the non-authorisation of entry

As stated above, applicants subject to the asylum border procedure are not authorised to enter the territory and Member States must require them to reside in a designated location <sup>(9)</sup>.

<sup>(5)</sup> See Article 3 and Article 14(1) Schengen Borders Code; Article 4(1) of Regulation (EU) 2024/1349 of the European Parliament and of the Council of 14 May 2024 establishing a return border procedure, and amending Regulation (EU) 2021/1148 (OJ L, 2024/1349, 22.5.2024), <https://eur-lex.europa.eu/eli/reg/2024/1349/oj/eng> (the RBP Regulation); In accordance with Article 4(6) RBP Regulation, Member States may derogate from the Return Directive and issue a refusal of entry instead of the return decision. For more information on the conditions for issuing the refusal of entry and on the safeguards for the treatment of persons subject to the refusal of entry, see European Commission, *Draft Guidance on the Asylum and Return Border Procedures*.

<sup>(6)</sup> Article 54(1) and recital 65 APR.

<sup>(7)</sup> European Union, Charter of Fundamental Rights of the European Union, 26 October 2012, 2012/C 326/02, [http://data.europa.eu/eli/treaty/char\\_2012/oj](http://data.europa.eu/eli/treaty/char_2012/oj).

<sup>(8)</sup> See, for example, recital 71 APR.

<sup>(9)</sup> Articles 9 and 10 of Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (OJ L, 2024/1346, 22.5.2024), <https://eur-lex.europa.eu/eli/dir/2024/1346/oj> (RCD 2024); Article 54(1) APR.





The applicant must be informed about their obligation to remain in the designated location, the consequences of not complying with their obligations and the procedures for challenging the measure <sup>(10)</sup>. Information provision is a pre-condition for the authorities applying any consequences of non-compliance if the applicant absconds, but it is also a tool for explaining to the applicant why it is important to remain in the designated location.

The restriction of freedom of movement requires an applicant to reside in the designated location for the border procedure. In addition, Member States can require the applicant, when necessary, to report to the competent authorities at a specified time or at reasonable intervals and/or limit the hours of the day when they can move outside the facility. In any event, the measures that implement the restriction of movement should not amount to detention <sup>(11)</sup>.



The restriction of freedom of movement in itself does not mean that the applicant has no physical access outside the facility where the border procedure takes place. The applicant is allowed to move outside the facility as long as they remain available to the authorities in the location for the border procedure.

The authorities should ensure, in line with the principle of proportionality, that the measures applied to restrict the freedom of movement take into account relevant aspects of the individual situation of the applicant, including special reception needs <sup>(12)</sup>.

More restrictive measures – ranging from various alternatives to detention and full deprivation of liberty – may be applied. This is the case if the restriction of freedom of movement is not sufficient in the applicant's individual situation to mitigate the risk of absconding or if detention is considered to be necessary because of other detention grounds, such as reasons of national security. Such measures may be applied only after an individual assessment that considers the necessity and proportionality of the measure. In line with the principle of minimum intervention, detention may be ordered only if the alternatives to detention laid down in the national legislation cannot be applied effectively. If detention is applied, the detention order should state why alternatives to detention cannot be applied effectively <sup>(13)</sup>.



As detention can affect the physical and psychological wellbeing of applicants, it should be the last resort for preventing unauthorised entry. In the case of children, detention should be avoided as a rule and may be allowed only in exceptional circumstances when the parent or primary caregiver is detained or when detention safeguards the child. Detention also requires significant human and financial resources to ensure legal and procedural safeguards, including a periodic judicial review, and to meet safety and security standards.

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<sup>(10)</sup> Articles 9(5) and 11(4) RCD (2024).

<sup>(11)</sup> Articles 9(1) and (2), recital 19 RCD (2024).

<sup>(12)</sup> Articles 43(2) and 54(1) APR; Article 9(4) RCD (2024).

<sup>(13)</sup> Articles 10(2) and 11(2) RCD (2024).



The opportunity to appeal and a judicial review of all measures must be provided <sup>(14)</sup>.

### Reception conditions in the location for the asylum border procedure

Member States should ensure adequate reception and, when relevant, detention conditions and guarantees to applicants residing in facilities in the designated location for the asylum border procedure. The conditions should provide an adequate standard of living for applicants that guarantees their subsistence, protects their physical and mental health and respects their rights, including those under the Charter. The situation and needs of vulnerable persons, including families with children and unaccompanied children, should be taken into account in such facilities, which should ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development. Applicants can be placed in the border procedure only when the conditions in the relevant location comply with these requirements <sup>(15)</sup>.



### Related publications

#### European Commission, *Draft Guidance on the Asylum and Return Border Procedures*

This guidance provides clarity and consistency in the interpretation and application of the asylum and return border procedures. It addresses questions raised by Member States and reflects the preliminary outcome of informal discussions, including on the restriction of freedom of movement, detention and alternatives to detention and the risk of absconding in the context of the border procedures.

#### European Commission, *Draft guidance on the use of detention, alternatives to detention and restrictions of freedom of movement under the 2024 recast Reception Conditions Directive*

This guidance outlines the legal basis for ensuring the orderly management of applications for international protection, including at the borders. It provides advice on the application of restrictions of freedom of movement along with alternatives to detention and detention. It supports Member States in choosing the most appropriate measure, having regard to the individual situation of the applicant and the Member State's needs.

#### EUAA, [Guidelines on alternatives to detention](#)

These guidelines provide operational support in defining, establishing, deciding, implementing, reviewing and ending alternatives to detention. It describes, among other things, the grounds for detention, guarantees for detention, elements of the necessity and proportionality test, the individual assessment related to the application of alternatives to detention and specific considerations related to the asylum and return border procedures.

<sup>(14)</sup> Article 9(5) and Article 29 RCD (2024) for decisions restricting the freedom of movement. Articles 11(3) and 11(5) RCD (2024) for detention orders.

<sup>(15)</sup> Article 45(4) APR and Article 26(1) RCD (2024). For more information on reception conditions and guarantees, see Article 19, Chapter IV and recital 61 RCD (2024), and on the conditions and guarantees for detention, see Articles 11–13 RCD (2024).



## 1.2. Fundamental rights

The asylum border procedure must be implemented in full compliance with the Charter, the basic principles and guarantees laid down in the APR and relevant Court of Justice of the European Union jurisprudence <sup>(16)</sup>.

In addition to respect for and protection of human dignity (Article 1 of the Charter), the right of integrity of the person (Article 3) and the principle of non-discrimination (Article 21), the following key fundamental rights require attention.

### Respect for the right to asylum



Screening and the border procedures must ensure that third-country nationals or stateless persons who express their wish to apply for international protection have access to the complete and fair examination of their application that correctly recognises their potential need for international protection unless their application is considered to be inadmissible.

**(Article 18 of the Charter)**

### Respect for protection in the event of removal, expulsion or extradition (*non-refoulement*)



The border procedures must ensure that no one is removed, expelled or extradited to a state where there is a serious risk that they would be subject to the death penalty, torture or other inhuman or degrading treatment or punishment. The decisions issued in the asylum border procedure must fully respect the principle of *non-refoulement*. In addition, the applicant should be able to remain in the host country when applying for international protection, during the examination of their application unless an exception applies <sup>(17)</sup>, and to exercise their right to an effective remedy against the decision on international protection and return <sup>(18)</sup>.

**(Articles 19 of the Charter; Article 3 ECHR)**

### Respect for the right to good administration



In the course of the border procedure, all applications must be handled impartially and fairly. The applicant has the right to be heard before any individual measure is taken that would adversely affect them.

The following procedural guarantees ensure respect for this right in the specific situation of applicants for international protection, who may not speak the language of the host country, have knowledge of its legal framework and/or sufficient resources to acquire the support they need:

<sup>(16)</sup> Article 43(1) and recital 71 APR.

<sup>(17)</sup> Article 10(4) APR.

<sup>(18)</sup> Article 68(1), (3) and (4) APR.



- the right to interpretation,
- the right to information,
- the right to the personal interview
- the right to free legal counselling,
- the right to communicate with UNHCR,
- the right to identification of special needs and provision of the corresponding necessary support, and
- the right to free legal assistance and representation in the appeal procedure.

**(Article 41 of the Charter)**

## Respect for the right to family life



The asylum border procedure should not prevent individuals from maintaining family unity. Family unity should be maintained, as far as possible, by accommodating family members together. This means that children and their caregivers must not be separated, except in cases where such separation is lawful, necessary and proportionate to the circumstances. Applicants are also entitled to family reunification with family members residing in a different Member State or Iceland, Liechtenstein, Norway and Switzerland (EU+ country) under the criteria for the responsibility determination and consideration of family unity in relation to the possible return of a family member.

**(Article 7 of the Charter; Article 8 ECHR)**

## Respect for the best interests of the child



In all actions relating to children, the child's best interests must be a primary consideration. This involves considering the child's physical, emotional and developmental needs and ensuring that their wellbeing is prioritised. In addition, Member States must ensure that the asylum border procedure includes robust child protection safeguards. Representatives play a crucial role in guaranteeing children's access to their rights and in safeguarding their best interests.

**(Article 24 of the Charter; Article 3 Convention on the Rights of the Child)**

## Respect for the child's right to information and participation



The asylum border procedure must respect the child's right to information and participation. This includes guaranteeing that a child capable of forming their own views is provided with clear, age-appropriate information and is given the opportunity to express their views freely in all matters affecting them. These views must be given due weight taking into account the child's age and maturity.

**(Article 24 of the Charter; Article 12 Convention on the Rights of the Child)**



## Respect for the prohibition of trafficking in human beings



The asylum border procedure must ensure timely identification of possible victims of human trafficking who arrive at the EU external border. It should also ensure access to assistance for victims and protection from perpetrators.

**(Article 5 of the Charter; Article 4 ECHR)**

## Respect for the right to an effective judicial remedy



Applicants must have the opportunity to appeal the decision on their international protection and the decision on restricting or depriving their freedom of movement, and have access to an effective remedy before a court or tribunal. This entails giving the applicant the opportunity to be effectively advised and represented and to seek a remedy against the decisions.

**(Article 47 of the Charter; Article 13 ECHR)**

### Monitoring of fundamental rights

Member States must establish an independent mechanism to monitor compliance with fundamental rights during the asylum border procedure. Attention should be paid to all fundamental rights guaranteed under the Charter <sup>(19)</sup>.

An effective and independent fundamental rights monitoring system is preventative because it reduces the risk of fundamental rights violations. It enhances the protection of victims of fundamental rights violations by strengthening the implementation of the fundamental rights safeguards already in place and providing expert advice when needed. It also supports national investigations of allegations against public authorities by providing objective, evidence-based and unbiased analysis and reporting. This improves transparency and accountability and thus enhances trust in public authorities.



The European Union Agency for Fundamental Rights has prepared practical guidance to assist Member States in setting up or designating national independent mechanisms to monitor compliance with fundamental rights during screening and the border procedures: [\*Monitoring fundamental rights during screening and the asylum border procedure – A guide on national independent mechanisms.\*](#)

The independent monitoring mechanism functions without prejudice to other forms of fundamental-rights-related monitoring at the EU external borders, including the EUAA Monitoring Mechanism, the fundamental rights monitors of the European Border and Coast Guard Agency (Frontex) and the Schengen Evaluation and Monitoring Mechanism.

<sup>(19)</sup> Article 10 of Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 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 (OJ L, 2024/1356, 22.5.2024), <http://data.europa.eu/eli/reg/2024/1356/oj> (Screening Regulation) and Article 43(4) APR.

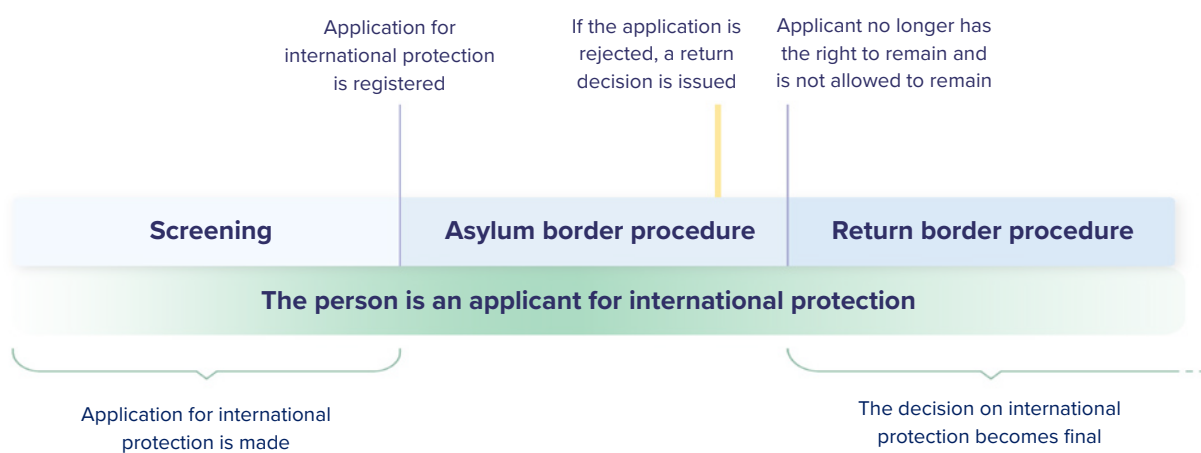


### 1.3. Workflow from screening to return

Screening and the asylum and return border procedures complement each other; the information collected facilitates referral to the next appropriate procedure.

Moreover, the screening and the asylum and return border procedures are integrated; the application for international protection is made before or during screening and the appeal procedure may continue when the return border procedure is applied. Similarly, the first steps related to return are taken during the asylum border procedure.

**Figure 1. Integrated aspects of the workflow.**



A third-country national is considered an applicant for international protection from the moment they make an application for international protection before or during screening to officials of the competent authorities. They continue to be an applicant (during the appeals procedure) until the decision on international protection becomes final, which may happen after the applicant no longer has the right to remain and are not allowed to remain pending an outcome of their appeal. Therefore, all asylum legislation applies to them even while they are subject to screening and the return border procedure <sup>(20)</sup>.

If the application for international protection is rejected, a return decision is issued together with the negative decision on international protection or issued without undue delay in the asylum border procedure. The person continues to be subject to return until the return is enforced or until the return is halted.

<sup>(20)</sup> Article 3(1) RCD (2024) and Article 4(2) RBP Regulation specify an exception to this main rule: the reception conditions in the locations for the return border procedure must meet, at a minimum, the standards equivalent to Articles 19 and 20 RCD (2024) while the third-country national is still an applicant even if they are no longer allowed to remain.





Close cooperation and effective sharing of information between the competent authorities involved at different stages is a precondition for achieving these objectives. This includes a strong framework of cooperation among the authorities involved in screening and asylum and return border procedures and planning of the information collection end-to-end from screening to the return border procedure <sup>(21)</sup>.

### 1.3.1. Screening

Screening aims to strengthen the control of third-country nationals and stateless persons who cross the external borders irregularly and without fulfilling the conditions for entry. It complements the rules governing the control of persons crossing the external borders by setting out additional requirements to verify the identity, to identify security and public health risks and to provide with adequate support to persons in a vulnerable situation <sup>(22)</sup>.

The outcomes of the checks are recorded in the screening form in a standardised manner. The form can be tailored to the needs at national level and include information that is relevant for the referral to the next appropriate procedure, but it should include at a minimum the information specified in the screening regulation <sup>(23)</sup>.

Screening at the external borders must be carried out within a non-extendable maximum period of seven days. If some of the checks have not been completed during screening, those checks can be continued during the ensuing procedure.

Screening is not an administrative procedure in itself. It can be characterised as a preliminary information-gathering exercise that aims to facilitate swift referral to the appropriate procedure after screening is completed.

Once screening is completed and, if an application for international protection has been made, the screening authorities refer the application to the authorities competent for its registration. After the registration, the application is channelled to the appropriate asylum procedure – the asylum border procedure or the asylum procedure within the territory <sup>(24)</sup>.

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<sup>(21)</sup> See, for example, recital 24 Screening Regulation.

<sup>(22)</sup> The rules governing the persons crossing the external borders are set out in the Schengen Borders Code.

<sup>(23)</sup> Article 17 Screening Regulation.

<sup>(24)</sup> The referral to the next appropriate procedure after the screening are detailed in Article 18 Screening Regulation.





### Related publications

#### **European Commission, *Draft guidance on the Screening Regulation (EU) 2024/1356***

This guidance reflects the preliminary outcome of informal discussions on the implementation of the Screening Regulation. It provides advice on all aspects of the regulation, including the various checks and the screening form.

#### **Frontex–EUAA, *Toolbox on screening***

The toolbox on screening is a set of templates, including the screening form, the information provision template and a checklist for the preliminary vulnerability check, with practical instructions and step-by-step overview on screening process. It also includes the descriptions of training offered by Frontex and the EUAA. The toolbox is designed for voluntary use by the Member States authorities, and it aims to facilitate the operational implementation of screening.

### 1.3.2. Asylum border procedure

The purpose of the asylum border procedure is to quickly assess applications that are likely to be inadmissible or unfounded. The border procedure is mandatory for applications in which there are reasonable grounds to consider an applicant a danger to national security or public order, for applications from applicants originating from a country for which the recognition rate is 20 % or lower at EU level and for applications from applicants who have intentionally provided false information or have disposed of their identity documents in bad faith <sup>(25)</sup>.

The asylum border procedure follows screening at the external borders if the applicant does not fulfil the conditions for entry and they have not yet been authorised to enter the territory, provided that the other necessary conditions are met. For more details, see Chapter [2. Channelling to the asylum border procedure](#).

The border procedure starts from the registration of the application and ends when the applicant no longer has the right to remain and is not allowed to remain following a rejection of their application for international protection. The procedure should be completed within a maximum of 12 weeks, while guaranteeing a complete and fair examination <sup>(26)</sup>.



The applicant may be channelled out of the asylum border procedure at any stage of the procedure. The applicant is channelled out if they fulfil the conditions for entry (e.g. if a decision granting international protection is issued), an exception applies or the time limit for the border procedure expires. In such cases, the applicant is authorised to enter the territory and the return border procedure is not applied.

<sup>(25)</sup> See Articles 44(1) and 45(1) APR.

<sup>(26)</sup> Article 51(2) APR, with exceptions to the right to remain, which may be provided in national law in accordance with Article 10(4) APR. The maximum time is extended to 16 weeks when an applicant is relocated from the benefitting Member States to the Member State of relocation, see Article 51(1), Article 52 and recital 73 APR.



When an appeal is lodged against the decision rejecting an application for international protection and return decision, the appeal procedure starts and is carried out in the context of the asylum border procedure. If the applicant no longer has the right to remain and is not allowed to remain pending the outcome of the appeal, the return border procedure starts. The appeal procedure continues in parallel with the enforcement of the return and it can continue even after the return is enforced.

### 1.3.3. Return border procedure

The return border procedure aims to facilitate the swift returns of persons, in a manner that fully respects the principle of *non-refoulement*, whose application for international protection has been rejected in the context of the asylum border procedure.

The return border procedure is applied when a decision rejecting an application for international protection and return decision were issued in the context of the asylum border procedure, the applicant no longer has the right to remain and is not allowed to remain and the applicant has not been authorised to enter the territory of the Member State.

The first steps related to return should be taken before the return border procedure starts, namely:

- the issuing of the return decision at the same time as the decision rejecting an application for international protection or without undue delay <sup>(27)</sup>;
- the return and reintegration counselling;
- where relevant, informing about the opportunity to request a period of voluntary departure when the return decision is issued <sup>(28)</sup>;
- the provision of the opportunity to appeal the return decision <sup>(29)</sup>.

The return border procedure should be carried out as soon as possible, and within the maximum of 12 weeks. If the return decision cannot be enforced within this timeframe, the return continues in the context of the regular return procedure <sup>(30)</sup>.

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<sup>(27)</sup> Article 37 APR.

<sup>(28)</sup> Article 4(5) RBP Regulation; Article 37 APR and Article 13 of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008), <https://eur-lex.europa.eu/eli/dir/2008/115/oj/eng>, (Return Directive).

<sup>(29)</sup> Article 13 Return Directive.

<sup>(30)</sup> Article 4 RBP Regulation. The 'regular return procedure' refers to the procedure carried out in accordance with the Return Directive.





## 1.4. Building blocks of an effective asylum border procedure

The asylum border procedure is characterised by short time limits, designated locations and the requirement for the applicant to reside in those locations. Therefore, the necessary support for applicants should be available in those locations or in their vicinity. The organisation of the asylum border procedure should consider these characteristics to ensure its effective implementation in full compliance with fundamental rights.

### 1.4.1. Allocation of time

The allocation of time for the procedural steps and other tasks should ensure the complete and fair processing of applications. Attention should be given not only to the authorities' ability to carry out tasks swiftly within certain timeframes but also to providing the applicant with sufficient time to prepare for the next steps and receive the support they need.

The asylum border procedure should be carried out within 12 weeks. The time limit is non-extendable and the asylum border procedure ends if the timeframe expires.

#### Registration of the application starts the clock

The asylum border procedure starts from the registration of the application. The moment the timeframe for registering an application starts depends on the situation in which the application was made <sup>(31)</sup>.

- If the application was made after an apprehension at the external border or after a search and rescue operation, the timeframe for the registration starts from the moment screening is completed.
- If an application was made at an external border crossing point or a transit zone directly after the arrival, the timeframe for the registration starts from the moment the application was made. In this case, the registration may take place during screening and the timeframe for the asylum border procedure starts during screening.



#### The expiry of the 12-week time limit

The timeframe for the asylum border procedure starts from the date the registration takes place; however, that day itself is not counted as falling within the overall time limit. In other words, the day after the registration is day one of the asylum border procedure. The timeframe expires at mid-night (end of the day) on the same weekday 12 weeks after the registration took place. If this day falls on a public holiday, Saturday or Sunday, the timeframe expires on the next working day <sup>(32)</sup>.

<sup>(31)</sup> In accordance with Article 27 APR, the registration must take place as soon as possible and within a maximum of five days from the point when the authority responsible for registration received the information that an application is made. If an application is made to an authority that is not responsible for registering the application, this authority must inform the authorities responsible within three working days. For more information, see the European Commission, *Draft Guidance on the Asylum and Return Border Procedures*.

<sup>(32)</sup> Time limits for procedural steps and tasks are calculated the same way, see Article 73 APR.



The applicant must lodge their application within five days of its registration. In practice, the authorities may set up an appointment to lodge the application on a specific date that is sooner than five days. The timeframe should enable the applicant to access their rights, including free legal counselling, before the lodging takes place <sup>(33)</sup>.

The time limits for the following must be set out in national law <sup>(34)</sup>:

- the examination of the application;
- lodging an appeal (must be between five and ten days);
- requesting to remain pending the outcome of the appeal (must be at least five days);
- the examination of whether the applicant is allowed to remain either based on a request or *ex officio* by a court or tribunal; and
- where applicable, the appeal procedure.



The set durations should ensure that the asylum border procedure is finalised within 12 weeks. Therefore, time allocated to different procedural steps should consider the procedure as a whole and enable a complete and fair examination of the applications as well as an adequate and complete examination of the appeals. It should also assume that the appeals body can allow the applicant to remain pending the outcome of the appeal; therefore, there should be time to carry out the entire appeal procedure <sup>(35)</sup>.

In practice, more time may be needed for the examination of the application than for reviewing the appeal. This is because the information is gathered and assessments are carried out during the administrative phase while this information is already available at the start of the appeals phase. The allocation of time between the administrative and appeals phases should however consider the resources available. For example, if a sufficient number of judges is not available, more time could be given to the appeals.

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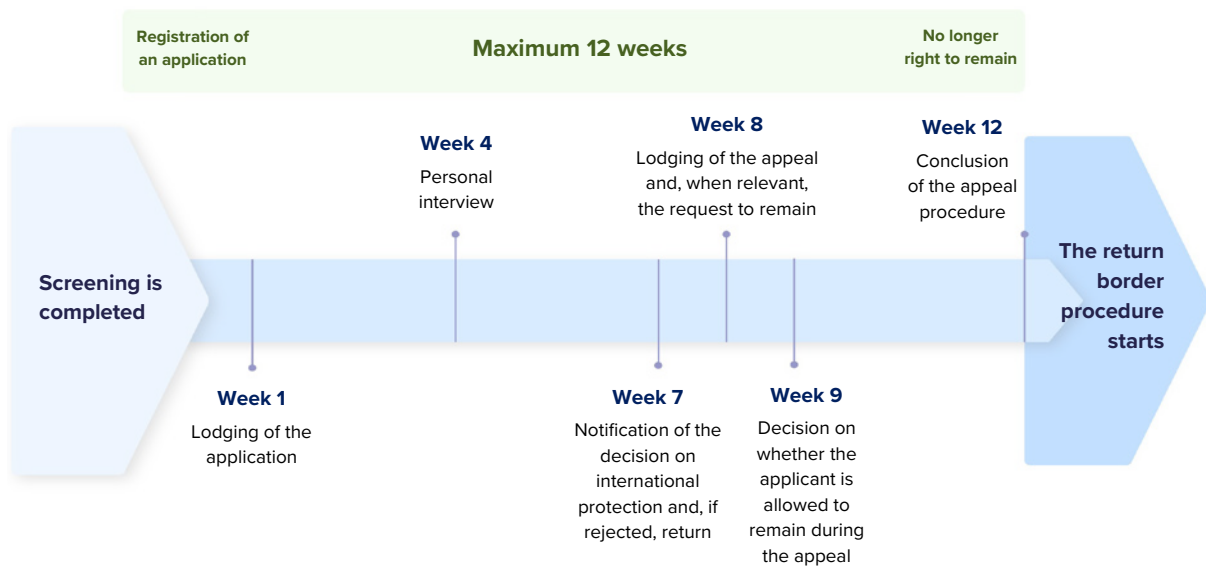
<sup>(33)</sup> Article 51(1) APR.


<sup>(34)</sup> Article 51(2) and Articles 67(7)(a) and 68(5)(a) APR.

<sup>(35)</sup> Article 51(2) and Article 69 APR.




**Figure 2. Example of allocation of time in the asylum border procedure.**



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The monitoring of adherence to time limits at different steps of the procedure helps ensure that timeframes are respected. This monitoring may be automated through the casefile management database, which can, for example, flag when time limits are approaching for different steps. The monitoring also helps identify potential bottlenecks in the procedure and allocate resources accordingly.

The time limits for carrying out the sub-steps of the examination procedure, such as the personal interview and different assessments, can remain indicative. It is recommended to establish a target timeframe for carrying out these steps that includes some buffer time to deal with unforeseen circumstances or complications in certain applications.

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A caseload analysis that informs the average processing times for different steps and for different applicant profiles helps in allocating time and resources. These average times may be drawn from the casefile management database or from statistics, but they also may, in the absence of objective or large-scale data, be based on simulations or informed estimates. The time allocation can be adjusted based on practical experience during the implementation of the asylum border procedure.

### 1.4.2. Allocation of resources

A sufficient number of qualified staff should be allocated to each procedural step and task of the asylum border procedure to enable the processing of the set number of applications.



### **Adequate capacity for the asylum and return border procedures**

The adequate capacity refers to the number of applications for international protection and returns files that a Member State must process simultaneously in the asylum and return border procedures at any given time <sup>(36)</sup>. In practical terms, it sets the minimum capacity in terms of reception beds and staff resources that a Member State should put in place to process the set number of cases in the asylum and the return border procedures at the same time.

The adequate capacity number is calculated for each Member State. This capacity number is updated every three years by means of an implementing act <sup>(37)</sup>.

Each Member State should establish the corresponding capacity, in terms of reception capacity and human resources (qualified and well-trained staff) to examine at any given time an identified number of applications and to enforce return decisions <sup>(38)</sup>.

It should be ensured that capacity is always available according to the actual needs to fully comply with the rights of the applicant. Particular attention should be given to:

- guaranteeing that the applicant can access legal counselling in the designated location to support in lodging of the applications, collection of the necessary documents and preparing for the personal interview;
- ensuring that special needs are identified and the necessary support provided in a timely manner to enable applicants to participate in the procedure and to correctly identify applicants who are in need of international protection;
- guaranteeing access to interpretation at each step of the procedure, especially the availability of interpreters of rare languages; and
- enabling the applicant to prepare for the appeal and access to legal representation, interpretation and information in the location as well as ensuring sufficient resources, particularly the availability of judges, in the courts to guarantee an effective remedy.

Ensuring the availability of sufficient staff is crucial to avoid the creation of bottlenecks and to respect the strict legal time limits of the asylum border procedure. Some tasks related to the border procedure may be allocated to the staff working within the territory. For example, the decisions on international protection can be drafted in a central location even when the examination of applications is carried out in the location for the border procedure.

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<sup>(36)</sup> Article 47 APR.

<sup>(37)</sup> Article 47 APR. For more information on the potential consequences of reaching this capacity, see Section 2.4. Capacity to examine applications in the border procedure.

<sup>(38)</sup> Recital 58 APR.



Expert support can be provided from the headquarters in a prioritised manner on specialised aspects of the asylum border procedure, such as:

- the specialised aspects related to the identification of special needs, including medical needs and indications on human trafficking;
- the follow-up on any indications that an applicant may pose a threat to national security or public order;
- the replies to country of origin queries within short deadlines, including on countries with low recognition rates and categories of applications for whom the recognition rate may not be representative of their protection needs;
- the replies to legal questions within short deadlines.

### 1.4.3. Framework of coordination

The asylum border procedure includes highly interconnected processes; several tasks should be organised in a complementary manner to avoid duplication of effort. The procedure also involves multiple authorities and stakeholders that carry out their tasks within short timeframes. The effectiveness of the border procedure relies on strong coordination arrangements and timely transmission of information.

A framework of coordination aims to ensure that different actors involved know their roles and responsibilities, understand the impact of their actions on the other actors and agree on the timeframes within which tasks are expected to be completed.

#### **Processes that are interconnected with the procedural steps**

Processes are carried out in parallel with the procedural steps of the asylum border procedure – the registration, lodging, examination, issuing the decision and lodging of the appeal – and include, when relevant, the following:

- channelling of applications to the asylum border procedure  
*(upon registration of the application)*
- issuing of the decision on the restriction of freedom of movement or detention, including consideration of alternatives to detention  
*(upon the registration)*
- identification of a pool of potential relocation candidates  
*(after the registration)*
- designation of a person suitable for provisionally acting as a representative for an unaccompanied child until a representative has been appointed  
*(as soon as possible from the making of an application)*
- appointment of a representative for an unaccompanied child  
*(within 15 working days from the making)*
- assessment of special procedural and/or reception needs, including the identification of victims of human trafficking  
*(maximum 30 days from the making)*





- assessment of relevant medical needs  
*(maximum 30 days from the making)*
- age assessment  
*(maximum 30 days from the making)*
- verification of identity and nationality  
*(before issuing the decision on international protection)*
- assessment of possible threats to security  
*(before issuing the decision on international protection)*
- determination of the Member State responsible for the examination of an application  
*(before issuing the decision on international protection)*
- preparation of the return decision  
*(at the same time as the asylum decision or without undue delay)*
- organisation of the opportunity to effectively lodge the appeal and the request to be allowed to remain  
*(upon the notification of the decision for international protection)*
- tracking the number of persons subject to the asylum and return border procedures and the number of decisions issued in the context of the asylum border procedure  
*(at any given moment).*

In addition, information should be exchanged with the reception authorities, including authorities providing services such as child protection and medical services, and with authorities responsible for providing the applicant with the necessary guarantees, including information, interpretation, free legal counselling, free legal assistance and representation.

Once the authority responsible for each of the tasks has been assigned, the authorities should agree on their common objectives, roles and responsibilities and on the timeframes for carrying out tasks, specifically:

- descriptions of various tasks relevant for carrying out the processes;
- who is responsible for each process;
- timeframes within which the processes should be completed;
- information transferred between the relevant authorities and the way to transmit this information.

The framework of coordination can take the form of a workflow, a memorandum of understanding or a high-level standard operating procedure. These can be complemented by more detailed arrangements for processes that require cooperation between several authorities, such as for channelling from screening to the asylum border procedure.





It is recommended that the framework of coordination includes how often and by whom the implementation is reviewed. The purpose of the review is to ensure that the framework is fit for purpose. It identifies challenges in the timely implementation of tasks and information exchange as well as potential gaps in the information collection.

### Transmission of information

Information should reach the relevant authorities in a timely manner to enable them to carry out their duties. Untimely transmission of information can affect the overall effectiveness of the procedure as it can cause delays in carrying out other steps.

It should be ensured that the relevant authorities or staff members of these authorities are able to process the necessary information to carry out their duties. Attention should be given to the secure exchange of security-related information (in full respect of the national rules governing the processing of classified information) that is needed for channelling to the asylum border procedure and for processing the application in that context.



An interoperable casefile management system is by far the most effective way to ensure that the authorities have relevant data available to them at all times. The system allows multiple authorities to access and add information to a casefile at the same time, which enables the parallel processing of various tasks related to an application. For example, the special needs assessment may be conducted while the applicant's identity is assessed and while the examination of the application continues.

If a casefile management system is not available and information needs to be shared with other authorities that are responsible for the case, a secure email exchange using encryption and digital signatures is preferred to regular email correspondence. Similarly, only official government email accounts should be used for sharing such data.



It is recommended to create templates for requesting and submitting information from one authority to another. Such templates standardise the information shared and ensure that all needed information is provided. For example, templates can be created for referring an applicant for a further medical examination or for requesting consent to share information relevant for carrying out the border procedure with the asylum authorities.





## Protection of personal data

Data protection concerns not only how information is stored but also how it is handled and shared. Officers should have guidelines and training available on handling information related to casefiles, but also more broadly on data protection and the publicity of information under national legislation.

The explicit consent of the applicant is not required for data sharing, when said sharing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority. This is the case when information on the applicant is transferred, for example, from the screening authority to the determining authority. Even when consent is not required, it is essential to inform the applicant about the purpose and scope of the data sharing. The applicant has the right to access the information in their own file in the same way as in any other asylum procedure, with potential limitations on access to security-related information.

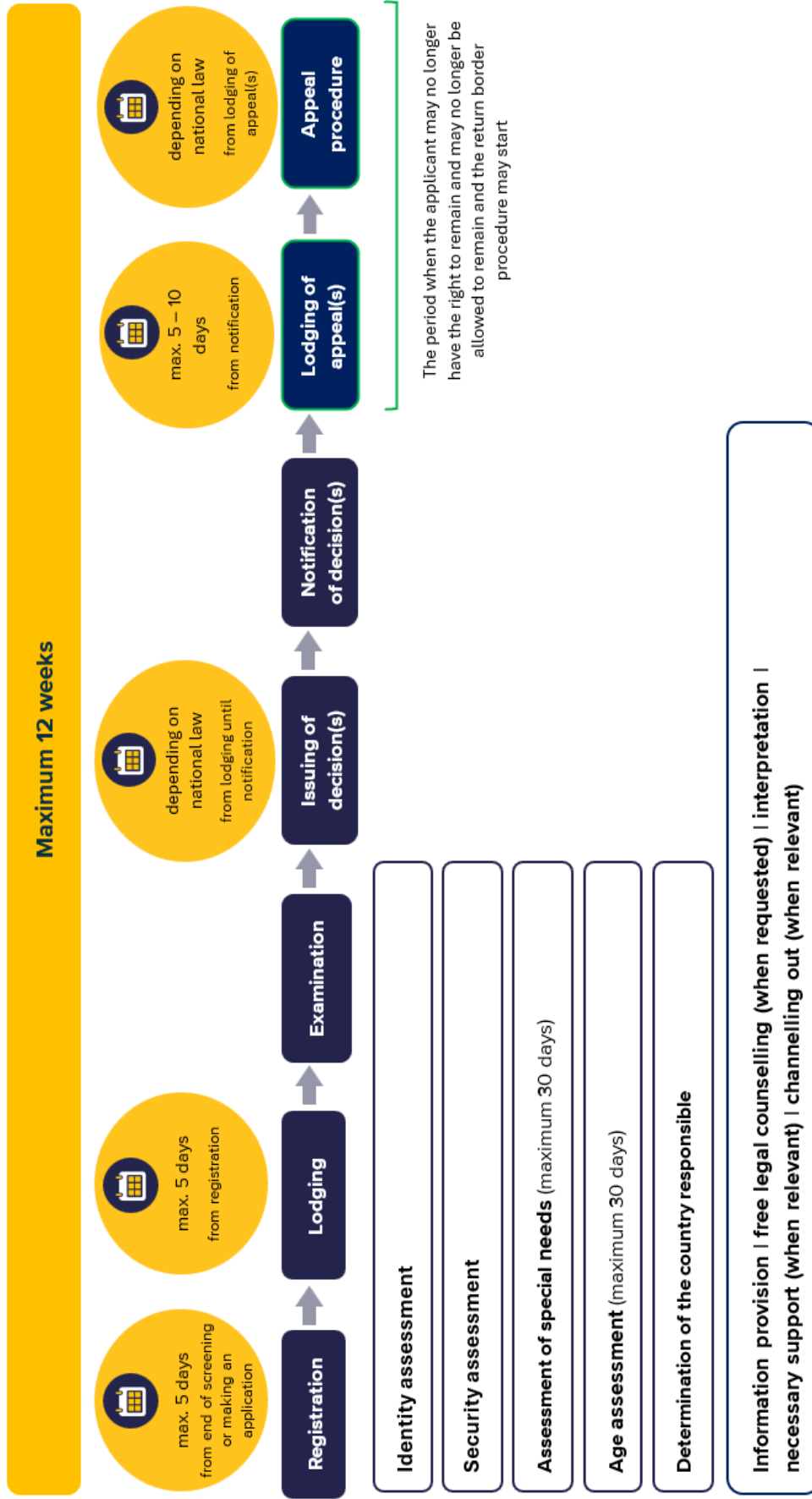
Regular data protection assessments and monitoring should be conducted by an independent authority to ensure that follow-up measures are taken in accordance with national law if casefiles are accessed without an appropriate reason <sup>(39)</sup>.

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<sup>(39)</sup> See Article 8 of the Charter.



Figure 3. Processes that are interconnected with the procedural steps and their respective time limits.



## 2. Channelling to the asylum border procedure

Following screening at the EU external borders and the making of an application for international protection, the screening authorities refer the application to the authorities responsible for its registration. The channelling to the appropriate asylum procedure – the asylum border procedure or an asylum procedure within territory – takes place, in practice, upon registration.

‘Channelling’ is used for considering the most appropriate procedural track for an application for international protection: the asylum border procedure or an asylum procedure within territory. Channelling should correctly identify for which applications the asylum border procedure applies, while ensuring that well-founded claims are channelled into the asylum procedure within the territory and are provided quick access to international protection. If the asylum border procedure is not applicable, the application should be channelled to the asylum procedure within the territory.

The application is channelled to the asylum border procedure when the following requisites are applicable, specifically:

- the conditions for applying the asylum border procedure are met;
- a ground for applying the asylum border procedure is relevant; and
- an exception to the asylum border procedure is not applicable.

Channelling can be limited by the capacity to examine applications in the asylum border procedure. The APR sets out the adequate capacity for each Member State, which outlines two ceilings – an adequate capacity level and a maximum number of applications – beyond which a Member State can decide not to examine some categories of applications <sup>(40)</sup>.



Screening and the registration of the application provide essential indications for considering whether the asylum border procedure is applicable. The national administrations should ensure that relevant indications on each of the requisites are available upon registration by planning the information gathering accordingly.

The requisites should be considered individually for each application. The border procedure may be applied to all applicants, including families with children, with due regard to adequate reception conditions and necessary support. Only unaccompanied children should not, as a rule, be subject to the border procedure considering the rights of the child and the best interests of the

<sup>(40)</sup> In accordance with Articles 47 and 48 APR, Member States can choose to continue channelling applications to the asylum border procedure even when these ceilings are reached. Applicants who are considered a danger to national security or public order should always be channelled to the border procedure. For more information, see Section 2.4. Capacity to examine applications in the border procedure.



child, unless there are reasonable grounds to consider the child a danger to national security or public order or if there is uncertainty about whether the applicant is an unaccompanied child.

### Is there a remedy against channelling to the asylum border procedure?

Channelling is a preparatory measure to consider the appropriate procedure to follow and therefore not an administrative procedure in itself. No formal decision needs to be issued on its outcome nor to provide the possibility to appeal against the channelling *per se*. However, an effective remedy must be provided against decisions on international protection that are issued in the context of the asylum border procedure; this remedy considers whether the conditions of the asylum border procedure ensured a complete examination of the application within the time limits and that the principles and guarantees of the procedure were respected. Since the procedure that is applied is a preparatory measure for the decision on international protection, the appeal also considers the reasons justifying the use of the asylum border procedure <sup>(41)</sup>.

This chapter describes the requisites for the asylum border procedure, including how they are considered and which authorities and stakeholders may be involved. The chapter also proposes a practical workflow to ensure an effective channelling, including coordination between the authorities involved.

## 2.1. Conditions for applying the asylum border procedure

The conditions for applying the asylum border procedure should be cumulatively met before applying the asylum border procedure <sup>(42)</sup>.

### Situations after which the asylum border procedure may be applied

The asylum border procedure can follow screening at the external borders when the screening was carried in one of the following situations:

- an application was made at an external border crossing point or in a transit zone;
- apprehension in connection with an unauthorised crossing of the external border occurred; or
- disembarkation in the territory of a Member State after a search and rescue operation occurred.

The asylum border procedure can also follow a relocation from the external border if the conditions for applying the border procedure were met in the benefitting Member State and the asylum border procedure is applicable also in the Member State of relocation.

<sup>(41)</sup> Judgment of the Court of Justice of 28 July 2011, *Brahim Samba Diouf v Ministre du Travail, de l'Emploi et de l'Immigration*, C-69/10, ECLI:EU:C:2011:524, paragraphs 45, 55, 58 and 61, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62010CJ0069>. A summary is available in the EUAA Case Law Database, <https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=709>.

<sup>(42)</sup> Article 43(1) APR.



In addition to the above-mentioned situations, the following conditions must be met <sup>(43)</sup>:

- the applicant does not fulfil the conditions for entry; and
- the applicant has not yet been authorised to enter the territory of the Member States.

The authorities should consider whether these conditions are met after screening and before channelling to the asylum border procedure. For example, it is possible that information came out that the applicant fulfils the conditions for entry or that the applicant was authorised to enter the territory before the registration of their application.

## 2.2. Grounds for the asylum border procedure

The grounds for taking a decision in the asylum border procedure can be characterised as individual situations related to the applicant and/or their application.

The border procedure can be applied in circumstances <sup>(44)</sup> for the accelerated examination procedure or grounds for inadmissibility of an application, as outlined in this section <sup>(45)</sup>.



It needs to be demonstrated that a ground may apply at the time of channelling an application to the asylum border procedure. There should be at least an indication <sup>(46)</sup> that a ground applies. If there is no indication that a ground may apply, the border procedure should not be applied.

The ground should be fully met at the time of making a decision on international protection in the context of the asylum border procedure. In other words, all elements of the applicable ground should be substantiated when the decision is issued and relevant reasoning should be included in the decision. Therefore, the more information there is available that a ground applies at the time of channelling, the more likely the determining authority can issue a decision on the application in the context of the asylum border procedure <sup>(47)</sup>.

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<sup>(43)</sup> Article 43(1) APR. For more details on these conditions, see Section 1.1.1. Non-authorisation of entry.

<sup>(44)</sup> This guide uses the term ‘ground’ to refer both to the circumstances for the accelerated examination procedure and the grounds for inadmissibility when talking about the channelling to the border procedure.

<sup>(45)</sup> The asylum border procedure can be applied in any of the grounds for inadmissibility of an application and all grounds for the accelerated examination procedure, except when the applicant has already entered the territory (Articles 42(1)(h) and 42(1)(i) APR), see Article 44(1) APR.

<sup>(46)</sup> The term ‘indication’ refers to the type of information that points toward that a ground being applicable. Such information may relate to the applicant or to the situation surrounding their application, for example the possibility to apply the safe third country concept based on agreement or arrangement with a third country which ensures that the applicant’s request for international protection will be examined in the non-EU country in question.

<sup>(47)</sup> Article 44(1) APR. See also [Brahim Samba Diouf](#), see footnote 41, paragraphs 55 and 58. A summary is available in the [EUAA Case Law Database](#).



## 2.2.1. Mandatory grounds

The asylum border procedure must be applied if any of the following grounds apply: there are reasonable grounds to consider an applicant a danger to national security or public order; an applicant originates from a country for which the EU-wide recognition rate is 20 % or lower; or an applicant has intentionally provided false information or disposed of their identity documents in bad faith <sup>(48)</sup>.

The EUAA's Practical Guide on the Accelerated Examination Procedure outlines the legal basis and practical recommendations for applying the grounds for the accelerated examination procedure. The scope of these grounds is the same as for the asylum border procedure. Therefore, the grounds will be applied in the same way in the asylum border procedure as in the accelerated examination procedure.



### EUAA, [Practical Guide on the Accelerated Examination Procedure](#)

This practical guide defines each ground for the accelerated examination procedure. It describes, in legal and practical terms, the indications based on which each ground may be applied and at what point the ground can be considered fulfilled. The guide additionally outlines indications for identifying applications to which a ground applies in the early stages of the asylum procedure.

#### (a) Applicant originates from a country for which the recognition rate is 20 % or lower



#### Article 42(1)(j) APR

*[T]he applicant is of a nationality or, in the case of stateless persons, a former habitual resident of a third country for which the proportion of decisions by the determining authority granting international protection is, according to the latest available yearly Union-wide average Eurostat data, 20 % or lower, unless the determining authority assesses that a significant change has occurred in the third country concerned since the publication of the relevant Eurostat data or that the applicant belongs to a category of persons for whom the proportion of 20 % or lower cannot be considered to be representative for their protection needs, taking into account, inter alia, the significant differences between first instance and final decisions.*

According to Eurostat data, a substantial number of applications are likely to be channelled to the asylum border procedure based on the applicant originating from a country that has a low recognition rate. For this reason, it is recommended to invest in tools to facilitate the early identification of these cases, such as the following.

<sup>(48)</sup> Articles 42(1)(j) and (f), 42(1)(c), Articles (3)(b) and 45(1) APR.



- A list of countries of origin the EU-wide recognition rate of 20 % or lower of decisions on international protection issued by the determining authority <sup>(49)</sup>, which is promptly updated according to the latest yearly Eurostat data and if a significant change occurs in a country.
- Country-specific guidance for the examination of applications on countries of origin that are likely, based on caseload analysis, to cause applications to be channelled to the asylum border procedure due to the recognition rate of 20 % or lower <sup>(50)</sup>.
- Up-to-date country of origin information (COI) on common countries of origin in the national caseload for the asylum border procedure, particularly aspects that enable the assessment of all elements of this ground and the identification of significant changes that may occur in the countries <sup>(51)</sup>.
- An overview of categories of applicants for whom the recognition rate is, in principle, not representative, at least for the countries that are most common in the caseload.

For details on methods to verify the country of origin, see Section [3.1. Identity and nationality assessment](#).

**(b) There are reasonable grounds to consider an applicant a danger to national security or public order**



**Article 42(1)(f) APR**

*[T]here are reasonable grounds to consider the applicant a danger to the national security or public order of the Member States or the applicant had been forcibly expelled for serious reasons of national security or public order under national law.*

This ground applies to all categories of applicants, including unaccompanied children. It applies at all times, including when adequate capacity and/or the maximum number of applications are reached. It applies in the Member State of arrival that will be responsible for the examination of the application; hence, the applicant is not eligible for relocation or transfer as a result of the responsibility determination. Only when an exception (such as that discussed in the next section) is identified, the asylum border procedure is not applied <sup>(52)</sup>.

<sup>(49)</sup> Eurostat collects data on each decision type (refugee status, subsidiary protection, humanitarian protection and negative decisions) based on which the recognition rate for international protection statuses can be produced.

<sup>(50)</sup> The EUAA Country Guidance is available on several countries with low recognition rates. The countries are selected together with Member States, and some of the key factors taken into account in the prioritisation are the number of applications received in Member States and the need to foster further convergence in the assessment of international protection needs. The EUAA Country Guidance is available here: <https://www.euaa.europa.eu/asylum-knowledge/country-guidance>.

<sup>(51)</sup> The EUAA Country of Origin Reports are available on several countries with low recognition rates. The EUAA COI Reports are available here: <https://www.euaa.europa.eu/country-origin-information>.

<sup>(52)</sup> Articles 44(1), 48(2), 10 and 53(1) APR as well as Articles 16(4) and 67(2) of Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013, (OJ L, 2024/1351, 22.5.2024), <http://data.europa.eu/eli/reg/2024/1351/oj> (AMMR).



Particular attention should be paid to ensuring that the authorities have access to the relevant information for identifying applications to which this ground might apply. It should be determined at the national level which authorities have access to relevant databases and how information is transmitted between authorities to ensure that they can carry out their duties. For more information, see Section [3.2. Security assessment](#).



### **Maintaining family unity when one of the family members is considered a danger to national security or public order**

The APR stipulates that Member States have to ‘take appropriate measures to maintain as far as possible family unity in the border procedure’ if one family member is considered a danger to national security or public order. In other words, Member States should proactively consider measures that enable maintaining family unity in the context of the border procedure. If maintaining family unity is not possible, Member States can derogate from this general principle <sup>(53)</sup>.

Family unity should be maintained by considering whether the other family members could be accommodated and their applications examined in the location for the border procedure without applying the restriction of freedom of movement to those family members. This is possible if a family member consents to this and if no exception to the border procedure applies. In the case of children, the best interests of the child should be considered, and detention should be avoided to the greatest extent possible <sup>(54)</sup>.

For more information on the conditions under which family unity may be maintained in the context of the asylum border procedure, see the European Commission’s draft guidance on the asylum and return border procedures.

If family unity cannot be maintained in the location of the asylum border procedure, the family members’ applications should nevertheless be examined in a coordinated manner.

- Their applications should be examined within the same timeframe <sup>(55)</sup>.
- The family members’ asylum claims and individual situations should be considered in the decision on international protection, as this can be relevant for determining if the applicant qualifies for international protection <sup>(56)</sup>.

<sup>(53)</sup> Article 45(2) APR and Article 8(2) ECHR.

<sup>(54)</sup> Article 53 APR and Article 14 RCD (2024).

<sup>(55)</sup> See for example Judgment of the Court of Justice of 4 October 2018, *Ahmedbekova v Bulgaria*, C-652/16, ECLI:EU:C:2018:801, paragraphs 52–65, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62016CJ0652>. A summary is available in the EUAA Case Law Database, <https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=519>.

<sup>(56)</sup> Article 4(2)(b)(iii) and recital 58 of Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council, (OJ L, 2024/1347, 22.5.2024), <http://data.europa.eu/eli/reg/2024/1347/oj>.



- If their family member is granted international protection, the applicant should be allowed to apply for a residence permit and they should be granted residence unless security-related reasons otherwise require, even though they would not individually qualify for international protection <sup>(57)</sup>.
- Maintaining family unity should be considered in any potential return, removal and entry ban decisions <sup>(58)</sup>.

**(c) Applicant has intentionally provided false information or has disposed of their identity documents in bad faith**



**Article 42(1)(c) APR**

*[T]he applicant, after having been provided with the full opportunity to show good cause, is considered to have intentionally misled the authorities by presenting false information or documents or by withholding relevant information or documents, particularly with respect to his or her identity or nationality, that could have had a negative impact on the decision or there are clear grounds to consider that the applicant has, in bad faith, destroyed or disposed of an identity or travel document in order to prevent the establishment of his or her identity or nationality.*

The identification of applications to which this ground applies can be facilitated by the following measures during screening and/or the registration of an application:

- conducting a document fraud assessment to determine whether the documents are falsified, counterfeited or misappropriated;
- if the applicant does not carry any travel or identity documents, collecting indications on the reasons for the lack of documents, whether the applicant may have destroyed or disposed of the documents, whether the applicant possesses any documents and the whereabouts of such documents, and whether they can obtain such documents;
- identifying any inconsistencies between the applicant's statements and information obtained by the authorities and recording in the applicant's file any indications that the applicant may have destroyed or disposed of their identity document and that this may have been done in bad faith.



The applicant should be given the full opportunity to show good cause. To this end, the applicant should be informed of their obligations and the consequences of not complying. These obligations include submitting and disclosing all relevant information and documents and providing biometric data. They also include providing an explanation for the lack of an identity or travel document and relevant information regarding their identity and nationality. The applicant must be given an opportunity to

<sup>(57)</sup> Article 23 and recital 58 of Regulation (EU) 2024/1347 and Article 3 Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003), <https://eur-lex.europa.eu/eli/dir/2003/86/oj/eng>.

<sup>(58)</sup> Recital 9 RBP Regulation and Article 5, Article 7(2) and recital 22 Return Directive.



confirm that they have received information on their obligations, which can be recorded in their casefile <sup>(59)</sup>. In addition to information provision, the applicant should be given an effective opportunity to explain any discrepancies, omissions or the submission of false documents.

## 2.2.2. Optional grounds

In addition to the mandatory grounds, Member States can choose to apply the asylum border procedure in additional grounds for the accelerated examination procedure and for rejecting an application as inadmissible.

The Member States can decide how they apply the optional grounds at the national level according to the national needs. The optional grounds may be applied in the same way in all situations or more flexibility may be given in how they are applied. For example, they may be applied only during certain times of the year as decided by the Member State.

### Considerations that can be taken into account at the national level

- **Which optional grounds, if any, are applied**

Implementation can be guided by policy and needs at the national level to increase the overall efficiency of the asylum system. For example, optional grounds could be considered for common profiles in the national caseload that may have a higher prospect of return, taking into account such things as safe country concepts regarding countries with readmission agreements.

- **When and where the optional grounds are applied**

Implementation can be informed by the overall use of resources at the national level. The optional grounds can be applied at all times or only in certain situations, for example where there are lower numbers of new arrivals in a certain location and more capacity available for the border procedures. It is also possible to stop applying or apply only some optional grounds during a higher influx of arrivals.

- **How the optional grounds are applied**

It is possible to choose not to apply the optional grounds in certain situations of an applicant. For example, it is possible not to apply the asylum border procedure to a family when family members would be subject to the procedure based on an optional ground. It is also possible not to channel an applicant who claims to be a child to the procedure based on an optional ground when there is doubt about their age.

### (a) Grounds for the accelerated examination procedure

The optional asylum border procedure includes the following grounds for the accelerated examination procedure <sup>(60)</sup>.

<sup>(59)</sup> Article 11(1)(b) Screening Regulation, Article 17(3) AMMR and Articles 8(2) and 9(2) APR.

<sup>(60)</sup> Article 44(1)(b) APR.



**Articles 42(1)(a), (b), (d), (e) and (g) APR**

*(a) [T]he applicant, in lodging his or her application and presenting the facts, has only raised issues that are not relevant to the examination of whether he or she qualifies as a beneficiary of international protection in accordance with Regulation (EU) 2024/1347;*

*(b) the applicant has made clearly inconsistent or contradictory or clearly false or obviously improbable representations or representations which contradict relevant and available country of origin information, thus making his or her claim clearly unconvincing as to whether he or she qualifies as a beneficiary of international protection in accordance with Regulation (EU) 2024/1347;*

*(d) the applicant makes an application merely to delay, frustrate or prevent the enforcement of a decision for his or her removal from the territory of a Member State;*

*(e) a third country may be considered to be a safe country of origin for the applicant within the meaning of this Regulation;*

*(g) the application is a subsequent application which is not inadmissible[.]*

**(b) Grounds for the inadmissibility of an application**

The optional asylum border procedure includes the following grounds for rejecting an application as inadmissible <sup>(61)</sup>.

**Article 38 APR (extract)**

*(a) [A] country which is not a Member State is considered to be a first country of asylum for the applicant pursuant to Article 58, unless it is clear that the applicant will not be admitted or readmitted to that country;*

*(b) a country which is not a Member State is considered to be a safe third country for the applicant pursuant to Article 59, unless it is clear that the applicant will not be admitted or readmitted to that country;*

*(c) a Member State other than the Member State examining the application has granted the applicant international protection;*

*(d) an international criminal court or tribunal has provided safe relocation for the applicant to a Member State or third country, or is unequivocally undertaking actions to that extent, unless new relevant circumstances have arisen which have not been taken into account by the court or tribunal or where there was no legal possibility to raise circumstances relevant to internationally recognised human rights standards before that international criminal court or tribunal;*

<sup>(61)</sup> Article 44(1)(a) APR.



*(e) the applicant concerned was issued with a return decision in accordance with Article 6 of Directive 2008/115/EC and made his or her application only after seven working days from the date on which the applicant received that return decision, provided that he or she had been informed of the consequences of not making an application within that time limit and that no new relevant elements have arisen since the end of that period.*



### **EUAA, [Practical Guide on Subsequent Applications](#)**

This practical guide defines when an application is a subsequent application. It outlines specific rules of procedure applied for the assessment of subsequent applications, interpretation and application of relevant concepts related to subsequent applications and exploration of the specific situations in which a subsequent application could be submitted.



Information may be available on some of the optional grounds only after the registration of the application. For example, the reasons for applying for international protection may be available only after the application is lodged or even later. If a Member State chooses to channel applications to the border procedure based on such optional grounds, this information should be gathered upon the registration of the application at the latest.



Some grounds are closely related. For example, an application may be channelled to the asylum border procedure based on the mandatory ground of misleading the authorities but it becomes clear that this ground is not applicable. In this situation, the optional grounds on ‘raising only issues that are not relevant for the examination’ and ‘making clearly inconsistent representations’ may nevertheless be relevant to that application. The border procedure may be continued based on one of them.

## **2.3. Exceptions to the asylum border procedure**

The exceptions to the asylum border procedure define the situations in which the procedure cannot be applied.

Information indicating that an exception applies may be available at the time of channelling or it may become available at a later stage during the asylum border procedure. When such information becomes available, the asylum border procedure is not applied or ceases to apply.

### **2.3.1. The grounds are not applicable or no longer applicable**

The grounds for the asylum border procedure are the individual reasons why the procedure is applied; thus, the border procedure should cease to be applied when the grounds are no longer applicable. If more than one ground is applicable, the border procedure ceases when all of these grounds are no longer applicable <sup>(62)</sup>.

<sup>(62)</sup> Article 53(2)(a) and recital 64 APR. For more information, see Section 2.2. Grounds for the asylum border procedure.



Screening and the registration of an application provides relevant indications for considering whether grounds may be applicable. The applicability of the grounds continues to be considered throughout the examination of the application. The aim is to gather relevant information on all elements of a ground to determine if it is fulfilled at the time of making a decision on international protection.



The ground is no longer applicable when the initial indications are eventually not valid or it becomes apparent that all elements of the ground will not be fulfilled.



In addition to the determining authority, several other authorities are involved in gathering information on the grounds, including the screening, registration and lodging authorities (if lodging is not done by the determining authority). Where relevant indications are available, the determining authority is responsible for considering the applicability of the ground.

### **2.3.2. The necessary support cannot be provided to applicants with special reception and/or procedural needs**

Applicants with special procedural and/or reception needs, including children, are exempt from the asylum border procedure if the necessary support cannot be provided to them in the location(s) designated for the border procedure. The necessary support refers to adequate assistance that creates the conditions to enable an applicant to benefit from the rights and comply with their obligations, including from genuine access to the asylum procedure and effective participation in the procedure <sup>(63)</sup>.

The preliminary vulnerability check carried out during screening provides indications of possible special needs. The assessment of special needs continues after the registration and lodging of an application with the aim of gathering more information on these indications and any additional special needs. The assessment should be completed as soon as possible and reviewed when any relevant changes occur in the applicant's circumstances or when the need for special guarantees or support becomes apparent <sup>(64)</sup>.



After a special procedural and/or reception need has been identified, the determining authority is competent for deciding which procedural guarantees should be put in place and the competent authority designated at the national level is responsible for deciding which special reception conditions and services should be put in place <sup>(65)</sup>.

Member States should strive to provide all the necessary support in the designated location(s). However, it may not always be possible to provide such support. For example, the geographical distance from bigger cities may limit access to relevant services and guarantees or the capacity to provide the necessary support may be temporarily exhausted in the designated location(s) due to a high number of applicants with special needs.

<sup>(63)</sup> Articles 3(14) and 21(1), Articles 53(2)(b) and 53(2)(c), recitals 20 and 61 APR; Article 2(14) RCD (2024).

<sup>(64)</sup> Article 12(3) Screening Regulation, Article 20 APR and Article 25 RCD (2024).

<sup>(65)</sup> Articles 20(4) and 21(2) APR; Article 25(2) RCD (2024).



Particular attention should be paid to certain categories of applicants in considering whether the necessary support can be provided in the designated location(s). Following are some examples of these categories.

- **Victims of human trafficking, torture and other forms of psychological, physical, sexual or gender-based violence** may need, among other things, medical and psychological care, including rehabilitation services and counselling, before being able to effectively participate in the asylum procedure <sup>(66)</sup>.
- **Persons with disabilities**, including intellectual disabilities, may require additional time to substantiate their application, including time to obtain necessary documentation and to provide elements relevant to their application. The relevant authorities need to have sufficient resources to provide information and legal counselling according to the applicant's needs to enable them to enjoy their rights.
- **Children** should reside in facilities that consider the best interests of the child and ensure a standard of living adequate for the child's physical, mental, spiritual, moral and social development <sup>(67)</sup>.

The authorities competent to decide on special support should know which guarantees and services are available in each designated location for the asylum border procedure and for how many applicants. They should have an overview of available capacity in each location to provide the necessary support, including:

- adequate reception conditions for each category of special needs;
- personnel providing the necessary guarantees and assistance, including representatives for unaccompanied children; and
- support services available close to the facility for the border procedure, including medical, mental health and rehabilitation services needed for guaranteeing the necessary support.

The available capacity can be monitored in different ways, for example by reporting continuously on the number of beds occupied in specialised reception facilities or by tracing applications that require special guarantees and assistance in the asylum border procedure through an integrated casefile management system.



Special needs should be addressed as soon as they are identified by providing the support an applicant needs for their individual situation. An exception applies if an applicant is identified as having a special need and, at that time, the necessary procedural and/or reception support exceptionally cannot be provided to them in the designated location for the border procedure.

<sup>(66)</sup> Article 21(2) APR; Articles 24 and 28 RCD (2024). In accordance with Article 11(a)(1) of the Directive on preventing and combating trafficking in human beings and protecting its victims (OJ L, 2024/1712, 24.6.2024), <http://data.europa.eu/eli/dir/2024/1712/oj> (Directive (EU) 2024/1712), the necessary services should be coordinated between the authorities involved in anti-trafficking activities and the asylum authorities.

<sup>(67)</sup> Article 54(2) and recital 62 APR.



For more information on how the special needs assessment and necessary support may be organised in the context of the border procedure, see Section [3.3. Special needs assessment](#).

### 2.3.3. Relevant medical reasons for not applying the asylum border procedure

Relevant medical reasons for not applying the asylum border procedure include physical and mental health conditions. The asylum border procedure should not be applied or should cease to be applied if access to the necessary healthcare cannot be provided in the designated location(s) for the border procedure or if the applicant cannot effectively participate in the asylum border procedure due to their medical condition <sup>(68)</sup>.

The necessary healthcare means care of adequate quality that covers (at least) emergency care and essential treatment of illness, including serious mental disorders, and sexual and reproductive care that is essential in addressing a serious physical condition <sup>(69)</sup>.

The availability and accessibility of necessary healthcare in the designated location(s) for the border procedure should be considered <sup>(70)</sup>.

- **Availability** considers whether care and treatment are at the disposal of the applicant. Particular attention should be paid to the medical needs of vulnerable applicants, including the elderly, pregnant women and persons with disabilities, who require specialised medical assistance, such as rehabilitation services or assistive devices. Similarly, necessary medical and psychological treatment and care should be available to persons who have been subject to trafficking in human beings, torture or other serious acts of violence <sup>(71)</sup>.
- **Accessibility** considers whether the healthcare can be accessed in a reasonable way and time. Relevant considerations include the distance and frequency of travel for healthcare providers. Similarly, access to emergency healthcare may be required for certain medical conditions, for example due to a heightened risk of complications.

If the applicant needs medical care in a hospital, they should be transferred there for the purpose of receiving the medical treatment. Such a transfer is not, in principle, considered an exemption to the border procedure nor an entry to the territory <sup>(72)</sup>. However, if repeated or long-term transfers to the hospital are needed, the medical reasons at hand can be considered relevant to cease applying the border procedure.

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<sup>(68)</sup> Article 53(2)(d) APR.

<sup>(69)</sup> Articles 19 and 22 and recital 46 RCD (2024).

<sup>(70)</sup> See also EUAA, *Operational Standards and Indicators on Reception including Vulnerability-related Aspects*, March 2026, <https://www.euaa.europa.eu/publications/operational-standards-indicators-reception-including-vulnerability-aspects>.

<sup>(71)</sup> Articles 22(3) and 26(4), Article 28 RCD (2024).

<sup>(72)</sup> Article 54(5) APR.



The applicant may not be able to enjoy their rights and comply with their obligations during the asylum border procedure due to their medical condition.

- Medical issues can adversely affect the applicant's ability to effectively participate in the border procedure. For example, not having freedom of movement and attending a procedure with strict time limits may cause significant hardship to an applicant with acute Post-Traumatic Stress Disorder and make the effective participation in the procedure difficult <sup>(73)</sup>.
- Medical issues can adversely affect the applicant's ability to reside in the location for the border procedure. For example, an applicant who carries a contagious disease may require isolation and cannot reside in the facility unless a quarantine area is available <sup>(74)</sup>.

The preliminary health check carried out during screening provides indications of relevant medical issues, including the need for immediate healthcare and/or isolation on public health grounds. The assessment of special needs should continue after the registration and lodging of the application, with the aim of gathering more information on indications of relevant medical issues and additional medical needs. At any stage of the procedure, the applicant can be referred, with their consent, to a doctor or nurse for advice on their medical situation <sup>(75)</sup>. The authorities may also seek advice from experts, including medical and mental health experts. In cases of concerns linked to public health, a medical screening may be required. The applicant should also be encouraged to disclose information on their health to the relevant authorities <sup>(76)</sup>.



Several authorities and professionals may be involved in identifying and assessing relevant medical issues, including the determining authority, the reception authorities, qualified medical practitioners and psychologists <sup>(77)</sup>.

The competent authorities and qualified medical practitioners should know what healthcare and treatment are available in the context of the asylum border procedure. It is recommended that they have an overview of the available medical services for each designated location for the asylum border procedure, including:

- general healthcare practitioners and basic medical treatment;
- mental health services, including psychologists;

<sup>(73)</sup> For more information, see EUAA, *Mental Health and Well-being of Applicants for International Protection - Part III. Toolbox for the implementation of mental health and psychosocial support*, November 2024, pp. 33–39, <https://euaa.europa.eu/publications/mental-health-well-being-applicants-part-iii-toolbox>.

<sup>(74)</sup> A threat to public health that require isolation refers to 'any disease with epidemic potential as defined by the International Health Regulations of the World Health Organization and other infectious diseases or contagious parasitic diseases if they are the subject of protection provisions applying to nationals of the Member States', see Article 2(21) Schengen Borders Code. See also Article 15 and recital 46 RCD (2024), Article 22(1) and recital 36 Screening Regulation.

<sup>(75)</sup> Such consent includes consent to the transmission of the outcomes of the advice to the competent authority, see Article 25(2)(c) RCD (2024).

<sup>(76)</sup> Article 20 and Article 34(3) APR, Article 12(3) Screening Regulation and Articles 15 and 25 RCD (2024).

<sup>(77)</sup> Article 20(5) APR, Article 25(2) RCD (2024) and Article 12(1) Screening Regulation.



- emergency health care services;
- pharmacy services, including prescribed medication;
- facilities to isolate and care for persons with contagious diseases;
- specialised healthcare services, including rehabilitation services, paediatric services, and sexual and reproductive healthcare.



Medical needs should be addressed as soon as they are identified by providing the necessary healthcare and treatment. An exception applies if the applicant has relevant medical issues and the necessary healthcare cannot be provided in the designated location or they are not able to effectively participate in the asylum procedure due to their medical situation despite the availability of healthcare.

For more information on assessing relevant medical needs and necessary support may be organised in the context of the asylum border procedure, see Section [3.3.3. Medical needs](#).

#### **2.3.4. Guarantees and conditions for detention are not met or no longer met and the border procedure cannot be applied without detention**

This exception considers whether adequate guarantees and conditions for detention or alternatives to detention are in place in the designated location for the border procedure.

The asylum border procedure cannot be applied if detention or an alternative to detention is considered necessary but the guarantees and conditions for detention are not met or no longer met <sup>(78)</sup>. For example, there are security-related concerns based on which authorities consider that detention is necessary; however, the applicant has special needs for which the necessary support is not available in the detention facility in the designated location.

For related publications, see the [Related Publications Box](#).

The detention conditions should provide an adequate standard of living for applicants, protect their physical and mental health and respects their rights <sup>(79)</sup>.

The authorities should know if capacity is available and what necessary support is available in the detention facility in each designated location for the asylum border procedure, including on the following <sup>(80)</sup>:

- accommodation capacity in the detention facility;
- regular monitoring and the provision of timely and adequate support to applicants with special reception needs considering their particular situation, including physical or mental health needs;

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<sup>(78)</sup> Article 53(2)(e) APR and Articles 11–13 RCD (2024).

<sup>(79)</sup> Article 12 RCD (2024).

<sup>(80)</sup> Article 11 and Article 13 RCD (2024).



- separate accommodation that guarantees adequate privacy for families, including facilities adapted to the needs of families with children.

Capacity should also be available to carry out the judicial review of the lawfulness of detention and periodic reviews on the duration of the detention.

### Detention of children

Children should not, as a rule, be detained and detention of children is a measure of last resort permissible only in exceptional circumstances and after it has been established that other less coercive alternative measures cannot be effectively applied. Detention is permissible only when it is in the best interests of the child, for example in a situation where the accompanied child's parent or primary caregiver is also detained and it is in the best interests of the child to stay with them or where detention safeguards an unaccompanied child<sup>(81)</sup>. For more information on applicable guarantees for children that must be respected in the exceptional case when a child is detained, see the EUAA's [Guidelines on Alternatives to Detention](#) and the European Commission's *Draft guidance on the use of detention, alternatives to detention and restrictions of freedom of movement*<sup>(82)</sup>.



This exception applies if the guarantees and conditions for (an alternative to) detention are not met in a situation where the authority considers it necessary to apply (an alternative to) detention. This means that not all guarantees and conditions that an applicant needs in their individual situation are available in the location for the border procedure and/or they are not adequately implemented in practice.



The national authorities designated in national law are responsible for issuing detention orders and defining measures to implement detention (or an alternative to detention). These authorities are competent for considering when detention is necessary and whether adequate guarantees and conditions are available in the designated location at the time of issuing the detention order.

### 2.3.5. Unaccompanied children

Unaccompanied children should not, as a rule, be subject to the asylum border procedure unless there are reasonable grounds to consider them a danger to the national security or public order of the Member State in question or they had been forcibly expelled for serious reasons of national security or public order<sup>(83)</sup>.

<sup>(81)</sup> Article 13(2) and recital 40 RCD (2024). There is broad international consensus (e.g. between the Committee on the Rights of the Child, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the UN Working Group on Arbitrary Detention) on the fact that children should not be detained for immigration-related purposes, irrespective of their own or their parents' legal/migratory status and that detention is never in their best interests.

<sup>(82)</sup> EUAA, *Guidelines on Alternatives to Detention*, December 2024, pp. 49–54, <https://euaa.europa.eu/publications/guidelines-alternatives-detention>.

<sup>(83)</sup> Article 53(1) and recital 62 APR.



If there are doubts about the applicant's age, the authorities must promptly carry out the age assessment in the context of the border procedure. Considering the best interests of the child, the age assessment should be carried out swiftly and as a highest priority <sup>(84)</sup>.

As an exception to the main rule, unaccompanied children may be temporarily channelled to the asylum border procedure when a ground for applying the procedure is relevant but there is doubt about whether the applicant is an unaccompanied child. This temporary placement should be used only when the authorities consider it necessary to carry out further assessments, such as the age assessment, to conclude whether the border procedure eventually applies to the applicant.

For more information on the legal basis for the channelling of an unaccompanied child to the asylum border procedure when there is uncertainty about their age and considerations related to the presumption of minority, see the European Commission's draft guidance on the asylum and return border procedure.



The applicant should no longer be subject to the asylum border procedure if they are assessed to be a minor without an adult responsible for them and the ground related to considering them a danger to national security does not apply.



The determining authority is responsible for considering the applicability of the grounds for the asylum border procedure, including whether there are reasonable grounds to consider the child a danger to the national security or public order. The determining authority is also responsible for considering whether further assessment of the applicant's age is needed.

All the necessary support for an unaccompanied child should be provided in course of the border procedure, including while there is uncertainty about the applicant's age. For more information on how to put in place adequate special support in the context of the asylum border procedure, see Section [3.3. Special needs assessment](#).

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<sup>(84)</sup> Article 53(1) APR.



## 2.4. Capacity to examine applications in the border procedure

Channelling to the asylum border procedure can be limited by the capacity to receive applications for examination. For this reason, channelling to the border procedure considers the capacity that is available for the border procedures at the time of channelling.

The APR introduces two ceilings – an adequate capacity level and a maximum number of applications – beyond which a country may decide not to examine some applications in the context of the asylum border procedure.

**Adequate capacity** refers to the Member States' ability to handle the number of persons who are simultaneously subject to the asylum and return border procedures at any point in time. Adequate capacity is reached when the number of persons subject to the asylum and return border procedures equals or exceeds the set level of adequate capacity <sup>(85)</sup>.

The **maximum number of applications** (annual cap) sets out to the total number of applications a Member State is required to examine in the context of the asylum border procedure per calendar year. The maximum number is reached when the number of applications that have been examined in the border procedure in one calendar year equals or exceeds the number set for the annual cap <sup>(86)</sup>.



Even when the adequate capacity level and/or the maximum number of applications are reached, there should always be a buffer capacity to continue examining applications from applicants who are considered a danger to national security or public order and/or misled the authorities in the border procedure.

Member States can choose to continue channelling applications to the asylum border procedure even when the ceilings are reached. This can be relevant for example when a Member State wishes to keep a steady level of resources throughout the year in the designated location(s) for the border procedure or when applications are channelled to the procedure based on optional grounds. In any case, sufficient resources should be in place to process the number of applications there without developing a backlog.

The numbers of persons who are subject to asylum and return border procedures and the decisions issued in the context of the asylum border procedure should be systematically monitored to ensure the availability of sufficient resources to process the cases <sup>(87)</sup>.

<sup>(85)</sup> Article 47 and Article 48(2) APR.

<sup>(86)</sup> Articles 47(1) and (2) APR.

<sup>(87)</sup> In addition, if a Member State wishes to stop applying the border procedure in the mandatory grounds specified in this section, they should have the ability to report to the European Commission the data mentioned in Article 49(4) APR.



### The monitoring of the capacity levels

The adequate capacity level is calculated based on the flow of persons in and out of the border procedures. In other words, the level corresponds to the number of persons in the procedures at a given time and it can be monitored by counting the daily number of persons in border procedures. It is recommended that a functionality be integrated into the casefile management system to enable the automatic tracking of the number. The capacity level can also be manually calculated by subtracting the daily number of persons who leave the procedures from the number of persons who are subject to the procedures and then adding the number of persons who are channelled there.

The maximum number of applications that a Member State is required to examine is calculated based on the decisions on international protection that are issued in the context of the asylum border procedure during the same calendar year. This is because the issuing of the decision concludes the examination of an application; therefore, the decision does not have to be final to count towards this number. This number can be monitored in the casefile management system if the system enables tracing which decisions are issued in the context of the border procedure.



The authorities designated at the national level should provide an overview of the development of these numbers. They should inform the operational staff involved in channelling when the ceiling is about to be reached, when the ceiling is reached and when the numbers drop below the ceiling once more.

#### 2.4.1. Consequences when adequate capacity is about to be reached

When the adequate capacity level and/or the maximum number of applications are about to be reached, channelling should prioritise certain categories of applications.

This situation is relevant when there is less capacity left to examine applications in the asylum border procedure than there are applications that would normally be subject to the procedure. For example, no sufficient capacity is available on a given day to receive an average daily inflow of applications for which the border procedure is applicable.

The mandatory grounds for the asylum border procedure should be given priority, and among those fulfilling the mandatory grounds, the following categories of applicants should be prioritised for channelling <sup>(88)</sup>.

- **Applicants who, in the event of a negative decision, have a higher prospect of being returned**

This refers to the prospect of being returned either to the country of origin or former habitual residence, a safe third country or a first country of asylum, for example due to an existing readmission agreement, a history of effective returns and/or valid identity or travel documents.

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<sup>(88)</sup> Article 44(2) APR.



- **Applicants who are not families with children or unaccompanied children**

This refers to all other applicants except families with children and unaccompanied children.

Applicants who are considered a danger to national security or public order should always be channelled to the border procedure.

## 2.4.2. Consequences when adequate capacity is reached

When the adequate capacity level and/or the maximum number of applications are reached, certain categories of applications no longer need to be channelled to the border procedure.

When the **adequate capacity** level is reached, applicants who originate from a country with a recognition rate of 20 % or lower no longer need to be channelled to the border procedure. The channelling can be discontinued until the number of persons who are currently in border procedures is again lower than the number set for adequate capacity <sup>(89)</sup>.



The adequate capacity level refers to the capacity set for the whole Member State. If the border procedure is carried out in more than one location, the level relates to the capacity that is required in all locations combined. It is possible that there is no space left in one location but the total capacity has not yet been reached. It is recommended that slightly more capacity than required be allocated particularly to locations where the majority of the applications are made to avoid transferring applicants from one location to another when the capacity at the former is reached.

When the **maximum number of applications** is reached, applicants who originate from a country with a recognition rate of 20 % or lower and applicants who are considered to have misled the authorities no longer need to be channelled to the border procedure. The channelling can be discontinued for the remainder of the calendar year <sup>(90)</sup>.

A Member State must notify the European Commission, along with the required data, if it ceases channelling the abovementioned applications because it has reached the adequate capacity level or the maximum number of applications. Authorisation from the Commission is additionally needed for discontinuing channelling when the maximum number of applications is reached <sup>(91)</sup>. For more information, see the Commission's draft guidance on the asylum and return border procedures.

<sup>(89)</sup> Article 48(3) APR.

<sup>(90)</sup> Article 48(2) APR.

<sup>(91)</sup> Article 48(4) and Article 50 APR.



**Table 1. Summary of adequate capacity and the maximum number of applications.**

	<b>Adequate capacity</b>	<b>Maximum number of applications</b>
<b>Definition</b>	Sufficient capacity (in terms of beds and staff) to handle the number of persons simultaneously subject to the asylum and return border procedures	Number of applications required to be examined in the asylum border procedure in a calendar year
<b>Ceiling</b>	Reached when the number of persons in border procedures equals or exceeds the set capacity level at any given time	Reached when the total number of decisions made in the asylum border procedure in a calendar year or exceeds the set maximum equals
<b>Calculation basis</b>	Inflow–outflow basis	Annual cap (calendar year)
<b>Effects when ceiling almost reached</b>	Prioritisation of applicants who have a higher prospect of being returned and applicants who are not minors or their family members.	
<b>Effect when ceiling reached</b>	No longer required to channel applications from countries of origin that have a low recognition rate	No longer required to channel applications from countries of origin that have a low recognition rate and applicants who have misled the authorities
<b>No effect</b>	Applicants who are considered a danger to national security or public order should always be channelled to the border procedure even when the ceilings are almost reached or reached	

## 2.5. Workflow for ensuring an effective channelling

The practical implementation of channelling should ensure correct identification of applications for which the asylum border procedure applies to make sure that the procedure is applied consistently to similar applications <sup>(92)</sup>.

The asylum border procedure starts from the registration of the application. Therefore, channelling to the appropriate procedure – asylum border procedure or asylum procedure within the territory – should take place, at the latest, upon registration.

<sup>(92)</sup> The authorities should ensure that channelling is handled impartially and fairly among applicants, including that it results in the same outcome in similar situations, see Article 41 on the right to good administration and Article 21 on non-discrimination of the Charter.



It is recommended to register applications in the same location where screening takes place either directly upon concluding the screening (if the screening authorities are also responsible for registering applications) or back-to-back with screening (if a different authority is responsible). This ensures swift access to the asylum procedure and permits the authorities to keep the applicant in the designated location in which their entry is not (yet) authorised until channelling has taken place.

It is advisable to establish multi-purpose centres in which screening and the border procedures take place under one roof. Alternatively, the applicant can be transferred to the designated location for the asylum border procedure after the registration.

If screening and the registration do not take place in the same location, this means that the applicant would need to be transferred to another location before the registration. In such a national set-up, the following challenges should be taken into account:

- the authorities should organise the transfer to another location in a sufficiently controlled way and ensure that the applicant remains in the situation of non-entry while they consider whether the asylum border procedure is applicable;
- it is recommended that applicants for whom the asylum border procedure is clearly not applicable are transferred directly to a registration location within the territory;
- the authorities should ensure that the adequate capacity in the border procedure is optimally used by channelling applications there only when it may apply.

Since several authorities are involved in channelling, a framework of coordination is essential for ensuring that relevant information reaches the competent authorities in a timely manner<sup>(93)</sup>. This can complement the overall framework of coordination by providing more detailed arrangements specifically for channelling, including the following:

- what information should be gathered and at what level of detail;
- how verification of information is carried out, including the methods used;
- the means of and criteria for transmitting security-related information from one authority to another that is relevant for channelling;
- how the capacity available to examine applications in the border procedures is communicated to the authorities responsible for channelling.



It is recommended to develop a checklist for channelling that includes a list of indications on grounds for and exceptions to the border procedure. Different authorities involved in the gathering of information relevant to channelling can then record their observations in that checklist.

The determining authority is responsible for making the decisions on international protection in the asylum border procedure and is therefore responsible for considering whether the grounds

<sup>(93)</sup> See for example recital 24 Screening Regulation.

are applicable. In other words, the determining authority must be involved in the channelling of applications to ensure that decisions can effectively be made within the border procedure in applications that are channelled there. To ensure a flexible approach, the determining authority could be present in the location for screening and advise on the appropriate asylum procedure. Alternatively, the determining authority could develop tools and/or guidance that support channelling, such as checklists for identifying indications that the border procedure may apply, and provide remotely ad hoc advice, when needed <sup>(94)</sup>.



Centralising channelling to one authority, preferably the determining authority, is likely to ensure its efficiency and consistency. Other authorities can supply information and their opinions on the applicability of different requisites for the border procedure to that central authority, which then confirms channelling to the border procedure.

Staff involved in channelling should have the appropriate knowledge and receive the relevant training to carry out their tasks. Appropriate knowledge includes at least an awareness of relevant indications that the circumstances and grounds for the border procedure may be applicable or that an exception may apply <sup>(95)</sup>.

### **Channelling out of the asylum border procedure**

After an application is channelled to the asylum border procedure, the consideration of the exceptions continues. Since channelling is often based on indications an exception may apply, more information should be gathered, as part of the examination of the application, to establish whether all elements of the ground are fully met or whether an exception applies.

When new information relevant to an exception arises, the responsible authority should consider whether the application should be channelled out.



It is recommended that one authority and/or certain designated staff members be responsible for considering whether an application is channelled out to ensure the consistent application of relevant criteria. These can be the same persons who are responsible for channelling application into the asylum border procedure.

<sup>(94)</sup> The determining authority is the only authority competent to consider that the grounds are not applicable, see Article 53(2)(a) APR.

<sup>(95)</sup> Article 4(8) APR.



### 3. Frontloading the asylum border procedure

The first steps of the asylum border procedure play a decisive role in its overall effectiveness. Information gathered at the early stages is key to mitigate the risk of delays and bottlenecks at later stages and helps to adhere to the set time limits.

The first stages of the asylum border procedure entail the registration, lodging and beginning of the examination of the application <sup>(96)</sup>. As part of or in parallel with these steps, several assessments take place, when relevant, on the applicant's identity and nationality, security risks, special needs, age and the country responsible for the examination of the application.

These first steps of the procedure serve several purposes, including:

- to provide a reliable basis for the examination of the application and mitigate the risk of organising multiple personal interviews;
- to consider, as early as possible, whether the grounds for the asylum border procedure are still applicable;
- to identify needs and to provide the necessary support for applicants in need of special procedural and/or reception guarantees or medical care and to ensure that when such support cannot be provided, the border procedure is no longer applied;
- to ensure that the asylum border procedure is applied to unaccompanied children only if there are reasonable grounds to consider them a danger to national security or public order;
- to take the most appropriate measures to implement the non-authorisation of entry (the restriction of freedom of movement, alternative to detention or detention).

This chapter outlines how relevant assessments can be carried out promptly. It puts forward a method for carrying out these assessments efficiently by starting from the least resource-intensive tasks before moving on, where needed, to more extensive assessments.

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<sup>(96)</sup> For more information on how the registration and lodging steps can facilitate the assessments carried out in parallel, see EUAA, *Practical guide on the registration and lodging of applications for international protection*, December 2025, <https://www.euaa.europa.eu/publications/practical-guide-registration-lodging>.



## Frontloading

Frontloading refers to strategic information collection and assessment during screening and at the early stages of the asylum procedure, with the aim of facilitating the overall effectiveness of the procedure. It considers what information should be available to prepare for the personal interview and to assess if any exception applies. It also looks ahead at what information will be needed to initiate the return border procedure if the application is rejected.

Frontloading defines which data is collected during screening and the registration and lodging of an application. It considers the data collection end-to-end by ensuring that the different stages build on data that have already been collected at an earlier stage<sup>(97)</sup>.

A key condition for frontloading is the reliability of the data. The data reliability ensures that the same data does not need to be collected twice. Data reliability can be facilitated by different measures, such as systematic recording of the source(s) of information, allowing the applicant to correct information and any verification measures that have already been carried out and the (intermediate) conclusions that were reached<sup>(98)</sup>. Moreover, if further information needs to be collected during the next steps of procedure, it is recommended that this be recorded in the applicant's file so that other authorities can follow up.



Information provision and legal counselling facilitate the first steps and the examination of applications. Investing in them at the beginning of the procedure ensures that the applicant has a proper understanding of the asylum border procedure (including the consequences of non-compliance with their obligations, such as in the case of absconding) to enable full participation in the procedure and the timely submission of all relevant information and documents.

Applicants have little time to gather information and documents before the lodging and the other steps of the asylum border procedure. Given the short timeframes, the applicant should be provided with information at the latest upon the registration of their application. Free legal counselling should be made available as soon as possible following the registration and in time to assist with the lodging of the application. Legal counsellors could be available either permanently at the border (always available on site and tailored to the main nationalities/profiles of applicants in the border procedure) or on call at a close distance. Remote free legal counselling may additionally be used as a contingency when needed and if the conditions allow for it<sup>(99)</sup>.

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<sup>(97)</sup> See Article 27(1) APR.

<sup>(98)</sup> For example, see Article 17(3) Screening Regulation.

<sup>(99)</sup> The EUAA has developed an information provision leaflet for the asylum border procedure that should be handed to the applicant at the registration of the application, see EUAA, [Let's Speak Asylum Portal](#). For more information on legal counselling, see EUAA, *Practical Guide on Free Legal Counselling: Organisation of the provision of free legal counselling*, October 2025, <https://euaa.europa.eu/publications/practical-guide-free-legal-counselling>.



## Examples of implementing the guarantees in an efficient manner

### Information provision

Ensure that the applicant always has relevant information available in their own language, for example by setting up an information booth in the reception area with personnel who can provide information on both practical and procedural matters.

Invest in information provision at the very early stages of the procedure, for example by organising group information sessions after the registration of the application, enabling the applicant to ask for more detailed information and request free legal counselling.

Spread the information provision to each step of the procedure that explains, among other things, information relevant to that step and the next steps of the procedure <sup>(100)</sup>.

### Legal counselling

Identify trends and seasonal fluctuations to assess the needs that may be expected at the given border area, considering, for example, the number of applicants, their nationalities, the languages most often spoken by the applicants subject to the asylum border procedure in the host country and the rate of requests for free legal counselling.

Plan the allocation of free legal counselling sessions based on an assessment of recurrent needs (e.g. in terms of time allocated to counselling for each step of the administrative procedure). The right allocation of resources for each step of the procedure may support the efficient organisation of access to free legal counselling.

In planning the flow of applicants within the administrative procedure, identify the level of need for free legal counselling at each different step of the procedure.

Ensure that legal counselling is effectively available to applicants with special needs. Legal counselling may be provided to all vulnerable persons without a specific request and/or individual counselling can be made available to them <sup>(101)</sup>.

### Interpretation

Invest in acquiring a broad pool of interpreters who can work in the border facilities which corresponds to the languages most commonly spoken by the applicants subject to the border procedure. Use different recruitment strategies, for example, recruit interpreters locally in the area of the border facility, create a joint pool of interpreters together with other authorities and assign interpreters as full-time personnel.

Ensure timely access to interpreters for languages that are rarely spoken by applicants subject to the asylum border procedure, for example, by cooperating with other Member States whereby interpreters from other countries' can be assigned.

<sup>(100)</sup> For more details on information provision, see the EUAA's [Let's Speak Asylum](#) online portal.

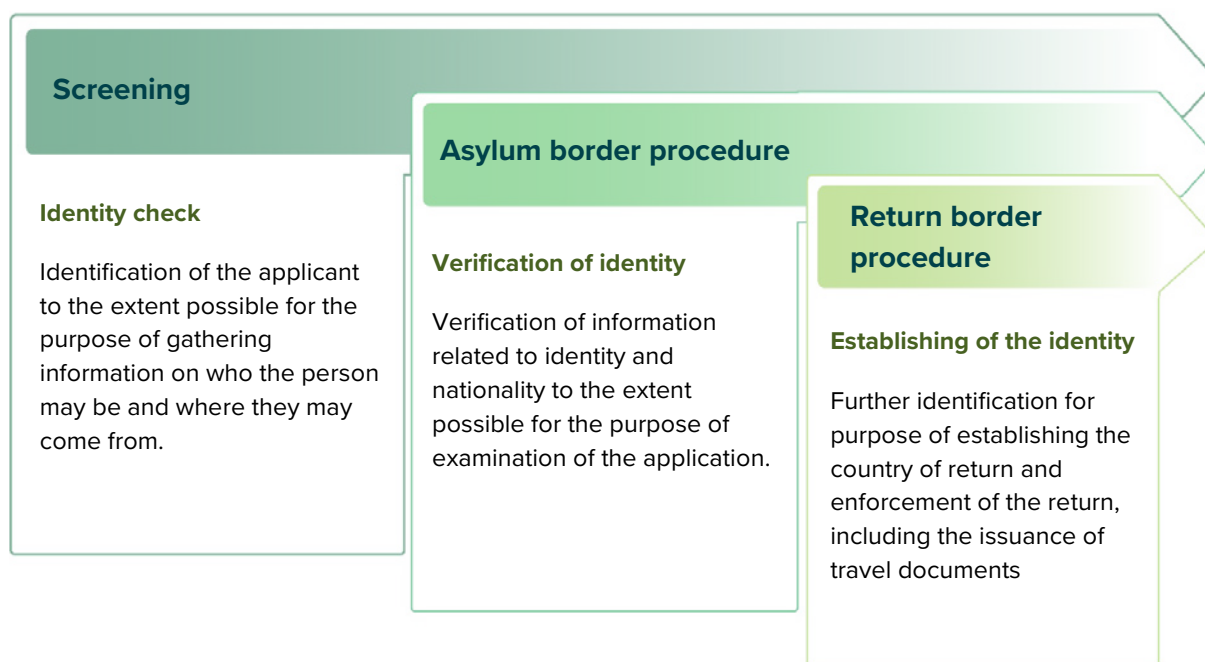
<sup>(101)</sup> For more information on legal counselling, see EUAA, *Practical Guide on Free Legal Counselling: Organisation of the provision of free legal counselling*, October 2025, <https://euaa.europa.eu/publications/practical-guide-free-legal-counselling>.



Enable remote interpretation if in-person interpretation cannot be made available in the border location by ensuring technical readiness, a set-up that ensures confidentiality and ease of communication and the ability of flagging and receiving assistance from the staff of the border facility in cases of technical difficulties <sup>(102)</sup>.

### 3.1. Identity and nationality assessment

**Figure 4. Information collected on identity and nationality at the different stages.**



The applicant's identity, including their country of origin, is directly relevant to the mandatory grounds of the asylum border procedure. It is necessary to establish the nationality or former habitual residence of the applicant to determine whether the condition of originating from a country with a low recognition rate applies to them. Intentional misleading of the authorities as a ground may be based on false identity information. Furthermore, it is necessary to assess the applicant's identity to determine if they present a security threat.

The identity assessment informs the examination of the application. If it is not possible to establish the applicant's identity, the identity is verified as far as possible for the purpose for examining the application. In other words, evidence is gathered to conclude if material facts related to the identity are accepted or rejected <sup>(103)</sup>.

<sup>(102)</sup> For more details on information provision, see the EUAA-Intergovernmental consultations on migration, asylum and refugees, *Practical Guide on Interpretation in the Asylum Procedure*, February 2024, <https://euaa.europa.eu/publications/practical-guide-interpretation-asylum-procedure>.

<sup>(103)</sup> For more information on the evidence assessment related to the examination of applications for international protection, see EUAA, *Practical Guide on Evidence and Risk Assessment*, January 2024, <https://euaa.europa.eu/publications/practical-guide-evidence-and-risk-assessment>.



The identity assessment considers whether the applicant holds the identity they claim. The elements of identity include nationality or lack of nationality <sup>(104)</sup>, country of origin, name, date and place of birth. There may also be other elements related to the applicant's background, such as their family relations, ethnicity and religion.

### Main principles of identity assessment

It is recommended that the identity assessment be designed as a continuous process that builds on information collected and verified in different stages; each stage includes different levels of verification and standards to be met. It starts with an identity check during screening that aims to collect preliminary information on identity and to initiate the verification processes. During the asylum border procedure, when more information is gathered in the course of registration, lodging and the personal interview, more verification methods can be used, as needed. For the purposes of return, the authorities aim to establish the applicant's identity, often in cooperation with the country of origin.

It is important that the staff involved accurately record the information they gather and flag any doubts they may have about the applicant's identity or nationality.

Given the short time limits of the asylum border procedure, methods that are less resource intensive (e.g. document authentication) can be given priority over methods that are more time and resource demanding (e.g. nationality assessment interviews). Using a variety of methods and tools as early as possible in the asylum procedure is key for an effective and efficient assessment of identity.

### Methods from less-resource intensive to more resource-demanding

#### Checks in relevant databases

**What?** Checking the applicant's information in relevant international and national databases, including the European Asylum Dactyloscopy Database Eurodac, Schengen Information System, Entry/Exit System, European Travel Information and Authorisation System, Visa Information System and European Criminal Records Information System – Third-Country Nationals.

**When?** Primarily during the screening

**How?** During the screening all the databases mentioned above have to be consulted for the purpose of establishing or verifying the identity. Over time, it will become possible to access all these systems through the European Search Portal. The search can be conducted based on biometric data, identity data and travel document data. If new information surfaces later during the procedure, such as an alias, it may be useful to repeat the search.

<sup>(104)</sup> For more information on determining nationality, statelessness and country of origin, see EUAA, *Practical Guide on Nationality – Concepts related to nationality and statelessness in the context of international protection*, March 2025, pp. 41–55, <https://euaa.europa.eu/publications/practical-guide-nationality-concepts-related-nationality-and-statelessness-context-international-protection>.



### Document fraud assessment

**What?** Assessing the authenticity of the documents submitted

**When?** Screening and asylum border procedure

**How?** Document fraud assessment is carried out by trained and/or specialised staff and may be supported by special hardware and software. A reference database of original documents can be made available. If competent staff are unavailable in the asylum border procedure, cooperation with other authorities needs to be anticipated.

### Language indication and assessment

**What?** When there are doubts about the nationality of the applicant, assessing the language and dialect spoken by the applicant can give an indication of their area of origin or habitual residence.

**When?** Screening and/or asylum border procedure

**How?** Language indication and assessment can be done in different ways, i.e. either by digital tools or by language assessors. The digital tools can (only) give an indication of the linguistic origin of the applicant, and this can already be initiated during the screening. When the result does not corroborate the applicant's claimed nationality, further verification methods will be needed, such as the assignment of a language assessor to analyse the voice-recording of the applicant.

### Open-source intelligence research

**What?** Collecting and analysing the data gathered from publicly available open sources on the applicant's identity and/or origin.

**When?** Screening and/or asylum border procedure

**How?** Operational security measures should be taken to ensure the privacy and protection of the applicant and the OSINT researcher. These measures can include, inter alia, using virtual machines, alias accounts, virtual private networks or separate search phones. While case officers can be trained and guided to conduct basic open-source intelligence research, complex cases can be referred to open-source intelligence researchers. The identification of social media networks and a quick scan can already be initiated during the screening, for further exploration during the personal interview.

## Personal interview

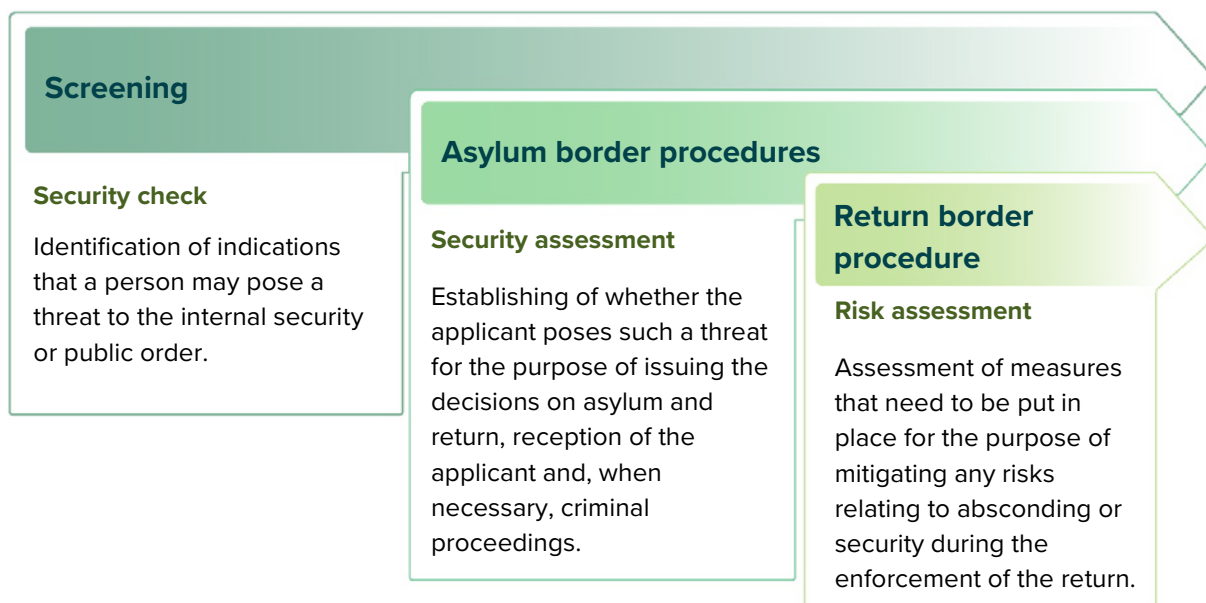
**What?** Credibility assessment methods during the personal interview will allow the case officer to conclude if the identity and/or nationality claimed by the applicant can be accepted.

**When?** Asylum border procedure

**How?** Case officers need highly specific COI for a thorough identity assessment interview. Country-specific guidance and templates with examples of questions can be offered. The questions need to be adapted to the personal circumstances of the applicant. COI specialists can support the process ideally before or during the interview.

## 3.2. Security assessment

Figure 5. Security-related information collected at the different stages.



Security considerations are directly relevant for the mandatory ground for the asylum border procedure if the applicant is considered a danger to national security or public order or has been forcibly expelled for serious reasons of national security or public order. The aim of the security assessment is to establish if there are ‘reasonable grounds’ to consider an applicant is a danger or to confirm if the expulsion decision was based on ‘serious reasons’ of national security or public order.

In addition to informing the application of the mandatory ground, the security assessment may serve other purposes, including assessing whether it is necessary to apply detention (or an alternative to detention), whether the criteria for determining the Member State responsible

can be applied and whether there are exclusion considerations that are relevant for the examination of the application.

The competence to assess danger to national security or public order lies primarily with law enforcement bodies and security services. In cases of unaccompanied children, it is recommended to carry out the assessment as a priority.

The security assessment is conducted to the extent necessary considering the purposes listed above. It is a continuous process that begins during screening and goes on in parallel with the examination, with the aim of maintaining law and order and safeguarding internal security<sup>(105)</sup>. The assessment can involve a comprehensive evaluation of the individual's background, activities, associations and any other relevant information that may indicate a threat.

The security check carried out during screening and further assessments carried out during the asylum border procedure may bring forward information such as the following.

- **A security flag in the European Asylum Dactyloscopy Database (Eurodac)** when the person is armed, violent or has clear indications of involvement in terrorism-related offences or other criminal offences leading to a surrender pursuant to a European arrest warrant<sup>(106)</sup>.
- **A security-related hit in other databases:**
  - Schengen Information System (SIS): alert on third-country nationals who are not entitled to enter into or stay in the Schengen Area<sup>(107)</sup>;
  - Visa Information System (VIS): a refused, annulled or revoked short-stay visa application based on a security ground<sup>(108)</sup>;

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<sup>(105)</sup> Recital 97 APR.

<sup>(106)</sup> Recital 8 of Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council (OJ L, 2024/1358, 22.5.2024), [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L\\_202401358](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L_202401358); Directive (EU) 2017/541 on combating terrorism and the Council framework decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States – Statements made by certain Member States on the adoption of the framework decision (2002/584/JHA), [https://eur-lex.europa.eu/eli/dec\\_framw/2002/584/oj/eng](https://eur-lex.europa.eu/eli/dec_framw/2002/584/oj/eng).

<sup>(107)</sup> Article 20(2) of Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006, (OJ L 312 7.12.2018), <http://data.europa.eu/eli/reg/2018/1861/oj>.

<sup>(108)</sup> Articles 12(2)(f) and (g) of Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of information between Member States on short-stay visas, long-stay visas and residence permits (VIS Regulation), <https://eur-lex.europa.eu/eli/reg/2008/767/2025-10-12>.



- Entry/Exit System (EES): a record of refused entry <sup>(109)</sup>;
  - European Travel Information and Authorisation System (ETIAS): indications of refusals, annulment or revocation of a travel authorisation which are based on security grounds as well as the ETIAS watchlist <sup>(110)</sup>;
  - European Criminal Records Information System – Third-Country Nationals (ECRIS-TCN): a conviction related to a terrorist offence or other forms of serious criminal offence <sup>(111)</sup>;
  - European Union Agency for Law Enforcement Cooperation (Europol) data: suspicion of having committed or taken part in a criminal offence or having been convicted of such an offence, or factual indications or reasonable grounds to believe that they will commit criminal offences (in respect of which Europol is competent) <sup>(112)</sup>;
  - Interpol's Stolen and Lost Travel Documents database (SLTD) <sup>(113)</sup> and Travel Documents Associated with Notices database (TDAWN);
  - Relevant national databases.
- **Security-relevant information coming from the applicant's possessions**, for example, possession of dangerous items, weapons or materials suggesting intent to cause harm, documentation or images of weapons, or forged documents indicating potential involvement in terrorism training, travelling for terrorism or migrant smuggling.
  - **Other security-relevant information**, for example, repeated travel patterns to certain conflict zones raising concerns about potential involvement in armed activities, ongoing investigations or charges related to acts threatening national security or public order, or relevant information coming from national law enforcement, security services or international databases (e.g. the International Criminal Police Organization).

<sup>(109)</sup> Article 18(6) of Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011, (OJ L 327 9.12.2017) <https://eur-lex.europa.eu/eli/reg/2017/2226/2021-08-03>.

<sup>(110)</sup> Articles 34, 39 and 43 of Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018), <http://data.europa.eu/eli/reg/2018/1240/oj>.

<sup>(111)</sup> Article 5(1)(c) of Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726, (OJ L 135, 22.5.2019), <http://data.europa.eu/eli/reg/2019/816/oj>.

<sup>(112)</sup> Article 18(2)(a) Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, (OJ L 135, 24.5.2016), <http://data.europa.eu/eli/reg/2016/794/oj>.

<sup>(113)</sup> Interpol, 'SLTD database (travel and identity documents)', Interpol website, <https://www.interpol.int/en/How-we-work/Border-management/SLTD-database-travel-and-identity-documents>



## Overall coordination of the security assessment

The security assessment requires setting up several procedures, particularly given the number of different authorities that may have a role in it. The following steps are recommended.

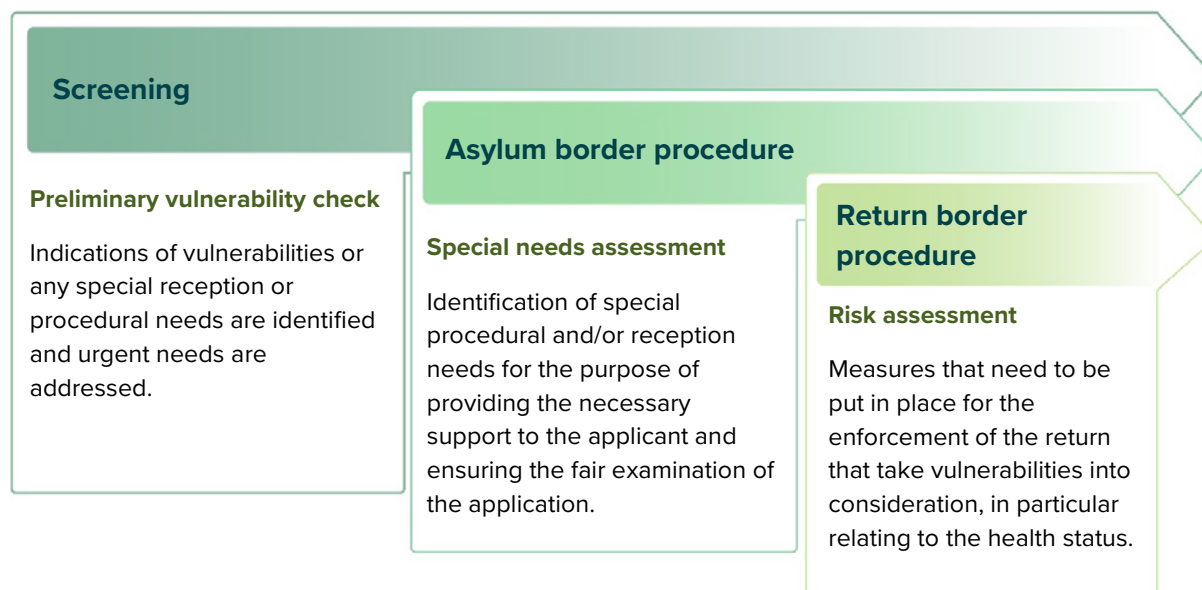
Build a solid **cooperation mechanism** with the authorities responsible for security assessments, in particular the law enforcement authorities and security services. It is recommended that a focal point be designated for security-related matters within the determining authority. Such a focal point not only serves as a contact point for other authorities but also strengthens relationships with other law enforcement authorities and increases their understanding of needs related to the asylum procedure.

Design **workflows or protocols** to ensure information sharing between the relevant authorities, particularly the competent authorities for screening, registration, examination and return, to prevent loss of information or duplication of effort. The workflows or protocols should outline the tasks and responsibilities of each entity, including what information is gathered and what information should be exchanged within certain timeframes.

Decide on the **communication channels** for exchanging security-related information. While the screening form itself can be used for communication, other information that is not available on the screening form needs to be shared through appropriate channels. The information obtained from common EU, international and national databases must comply with the specific rules set out for each database. Digital case management systems can provide a secure way to share information between authorities and access rights can be limited to the relevant staff on a need-to-know basis only. If such a system is not available, other secure ways of communication should be set up.

## 3.3. Special needs assessment

Figure 6. Information collected on special needs at the different stages.





Timely identification of special procedural and/or reception needs allows the applicant to genuinely participate in the asylum procedure and to effectively benefit from their rights and comply with their obligations.

The identification of special needs is relevant for considering whether an applicant should be channelled out of the border procedure when the needed support cannot be provided, for assessing the proportionality of measures to implement the non-entry to the territory and for assessing their need for international protection.

Late identification of special needs may lead to additional steps that could have been avoided; therefore, the timely identification contributes to an effective border procedure.

- If the needs are identified after several key procedural steps have already taken place, the determining authority may have to reassess the impact of the lack of the necessary support on those steps and which complementary measures may need to be taken to compensate for any shortcomings.
- If the needs are identified at a later stage and the applicant is to be channelled out, there is an impact on the calculations of adequate capacity and on the workload in the border location that could have been avoided.

### **3.3.1. Identifying and assessing the need for special procedural and/or reception needs**

The identification and assessment of special needs take into consideration any relevant signs, indications and evidence, applicant's statements or behaviour and any relevant documents <sup>(114)</sup>.

As early as possible after the application is made, and at the latest at the registration, the competent authority should initiate the assessment(s) of special reception needs and the need for special procedural guarantees. The assessment(s) build on the preliminary vulnerability check that is carried out during screening and allows the authorities to immediately assess whether the needs can be addressed in the facilities where the asylum border procedure is carried out <sup>(115)</sup>.

The authorities and stakeholders involved should include information on the applicant's special needs in their file, together with a description of the visible signs of such needs or the applicant's statements or behaviour relevant to the assessment. They should also include in the file the measures that have been identified to address those needs and the authorities responsible for addressing those needs <sup>(116)</sup>.

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<sup>(114)</sup> For more information on vulnerability indicators and the identification of special needs, see the EUAA's Identification of Persons with Special Needs tool, <https://ipsn.euaa.europa.eu/> and the Special Needs and Vulnerability Assessment tool, <https://snva.euaa.europa.eu/>.

<sup>(115)</sup> Article 20 APR, Article 25 RCD (2024) and Article 12(3) Screening Regulation.

<sup>(116)</sup> Article 25(2)(b) RCD (2024).





In addition to the determining authority, several other authorities and stakeholders may be involved in assessing special needs. As organised at national level, this can include the screening, reception and child protection authorities, medical practitioners, psychologists or any other professionals giving advice on special needs <sup>(117)</sup>.

Since several actors are involved in the assessment of special needs, coordination for the purpose of exchanging information and ensuring the appropriate follow-up is key. The following can be considered.

- Establish a standard operating procedure or a workflow that outlines the roles and responsibilities of all actors involved and specific deadlines to complete tasks.
- Guarantee that all personnel know how to identify and record indications of special needs. For example, a form can be provided to ensure that information is recorded in a standardised manner.
- Ensure that information on the needs identified are transmitted to the authority or staff members responsible for channelling an applicant out of the procedure.

The assessment(s) must be concluded within maximum 30 days from the making of the application. Considering its potential impact on the border procedure, the assessment should be completed in the shortest time possible <sup>(118)</sup>.



It is recommended to complete the assessment(s) well before the personal interview takes place to ensure that the applicant has received the support that enables them to fully participate in the interview, such as medical or rehabilitation support, and that adequate procedural guarantees can be put in place for the interview. Merging the assessment of special procedural needs and the assessment of special reception needs into one assessment can facilitate this aim.

The identification of vulnerabilities is a continuous process throughout all the stages of the asylum procedure and the reception pathway. The assessment and conclusions should be reviewed when the circumstances change and/or additional needs are identified after the initial assessment.

### **3.3.2. Providing special procedural guarantees and reception support**

After special needs are identified, the responsible authority should assess what necessary support should be put in place and whether that support can be provided in the border procedure.



It is possible to examine applications in the asylum border procedure only when the necessary support can be provided; therefore, the authorities should strive to provide the necessary support in the context of the border procedure. Certain applicants are more likely to have special reception needs. This should be considered when setting

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<sup>(117)</sup> Article 20(5) APR and Article 25(2) RCD (2024).

<sup>(118)</sup> Article 20 APR and Article 25 RCD (2024).

up the border procedure and the support measures provided therein <sup>(119)</sup>. Particular attention should be given to the needs of families with children (and, when applicable, to unaccompanied children) <sup>(120)</sup>.

### Examples of the necessary support that should be considered

#### Special procedural guarantees

- Ensure the availability of specialised case officers and interpreters to interview applicants with special needs to ensure a proper and full assessment of the applicant's circumstances from the onset, thus avoiding delays.
- Allow the scheduling of interviews to be adapted to the applicant's needs, including allowing the applicant to take longer breaks and/or be assisted by a psychologist / trauma specialists.

#### Special reception support

- Allocate safe zones and/or dedicated facilities, including sanitary facilities, to guarantee the separation of unaccompanied children (including applicants declaring to be children pending an age assessment) from adults, families and/or single mothers from other applicants and specific vulnerable groups of applicants who are most likely to have special reception needs (i.e. LGBTIQ+ applicants, victims of gender-based violence, etc.) <sup>(121)</sup>.
- Have separated areas and the necessary assistance by medical professionals, including mental health professionals, available to applicants with medical needs and/or contagious diseases.
- Ensure timely referral to professionals when there are medical concerns to receive advice on the identification of special needs and necessary support. Consider how transport and temporary residing outside the designated location for the purpose of receiving healthcare services and treatment is organised.
- Have relevant personnel present in the facilities to support vulnerable applicants, such as social workers and female staff, as necessary.
- Ensure the timely referral of potential victims of trafficking in human beings to the necessary support. It should be considered whether the border procedure can be applied to a potential victim by taking into account their needs and the reflection period they undergo while receiving psychological support. Considerations of the safety and security of the applicant is also relevant, particularly whether a safe space can be provided that ensures protection from the perpetrators.

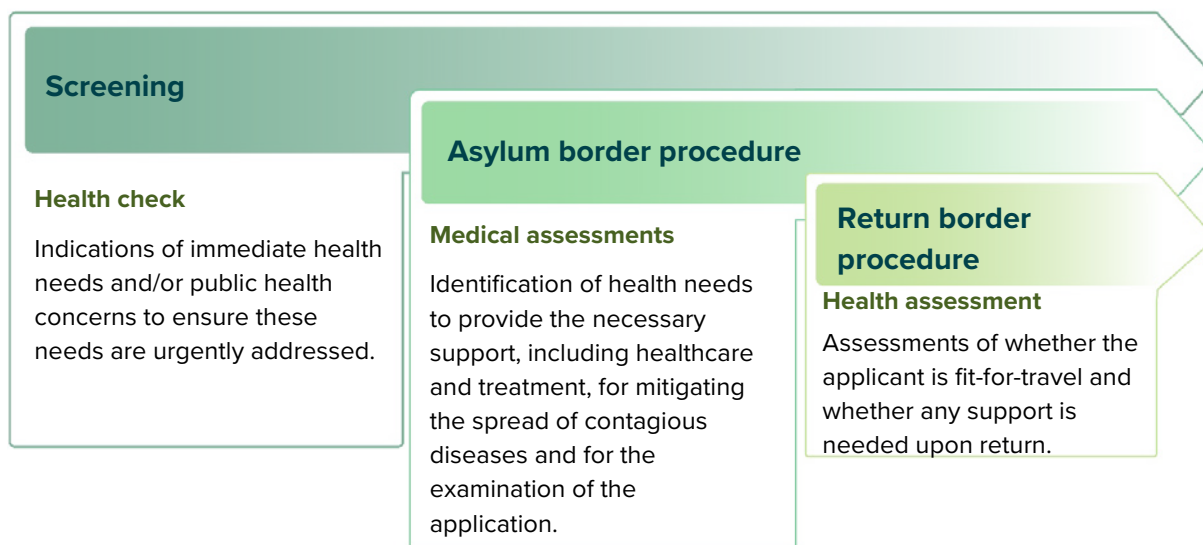
<sup>(119)</sup> Article 21 APR and Article 25 RCD (2024). In accordance with Article 24 RCD (2024), the following categories, are more likely to have special reception needs: (a) minors; (b) unaccompanied minors; (c) persons with disabilities; (d) elderly persons; (e) pregnant women; (f) lesbian, gay, bisexual, trans and intersex persons; (g) single parents with minor children; (h) victims of trafficking in human beings; (i) persons with serious illnesses; (j) persons with mental disorders including post-traumatic stress disorder; (k) persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, for example victims of gender-based violence, of female genital mutilation, of child or forced marriage, or violence committed with a sexual, gender, racist or religious motive.

<sup>(120)</sup> Article 54(2) APR.


<sup>(121)</sup> Articles 20(4) and 20(5) RCD (2024).

### 3.3.3. Medical needs


Figure 7. Information collected on the medical needs at the different stages.



The asylum border procedure should not be applied or should cease to apply if access to the necessary healthcare cannot be provided in the designated location or the applicant is not able to effectively participate in the procedure due to their medical situation despite the availability of healthcare.

-  Information on medical conditions is confidential and the applicant's consent is needed for sharing such information with relevant authorities. It is recommended to ask the applicant's informed consent at an early stage of the procedure to ensure that their medical needs are adequately considered. It is similarly recommended to provide an opportunity for the applicant's self-disclosure of such information. Information provision is a tool to explain why it is important that the authorities know about relevant medical needs, including that the lack of giving information on the medical needs will not prevent the application of the asylum border procedure and to emphasise that medical details are treated with confidentiality.

Relevant information on medical needs, including both physical and mental health needs, is collected through the health check during screening. If there are indications that the applicant may have medical needs, the relevant authority should refer the applicant, with their consent, to medical practitioners (including psychologists and other professionals) for further advice <sup>(122)</sup>.

-  When referring applicants to medical practitioners or psychologists, priority should be given to applications in which there are indications of being a victim of torture, rape or another serious form of psychological, physical, sexual or gender-based violence and that that could adversely affect their ability to participate effectively in the procedure

<sup>(122)</sup> Articles 20(4) and 34(3) APR; Article 25(2)(a) RCD (2024). In accordance with Article 25(2)(c) RCD (2024), this consent includes consent to the transmission of the outcomes of the advice to the competent authority.



and in which particular attention should be given to the availability of the necessary support in the context of the border procedure <sup>(123)</sup>.

Member States may require medical screening upon the applicant's arrival in reception facilities on public health grounds. Conducting a medical examination systematically upon arrival at a reception facility can contribute to the special reception needs assessment <sup>(124)</sup>.



It is recommended that medical professionals, including psychologists, are present in the facilities for the border procedure to enable the timely identification of needs and provision of relevant support services. Workflows and agreements with external healthcare providers can also be in place to guarantee timely referrals <sup>(125)</sup>.

### 3.3.4. Children

Children can be placed to the asylum border procedure only under specific circumstances. Accompanied children may be there when they are part of a family in the asylum border procedure. Unaccompanied children should not, as a rule, be there, unless there are reasonable grounds to consider them a danger to national security or public order or if they have been forcibly expelled for the same reason.



Children should not be kept in the border procedure when the adequate reception conditions suitable for children in the designated location cannot be ensured. Attention should be given to ensuring that children can enjoy all relevant procedural and reception support, including while their age is being assessed. The reception requirements should similarly ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development <sup>(126)</sup>.

For more information on the reception conditions and special support that should be put in place for accompanied and unaccompanied children in line with the best interests of the child as well as on carrying out the age assessment in the context of the border procedure, see the European Commission's draft guidance on the asylum and return border procedure.



#### **EUAA, [Practical Guide on Age Assessment](#)**

The Practical Guide clarifies how to decide when an age assessment is necessary, which safeguards are to be in place for children, and which steps and processes are to be applied. It also provides practical recommendations and considerations including in the context of border procedures.

<sup>(123)</sup> Article 20(4) APR.

<sup>(124)</sup> Article 15 RCD (2024).

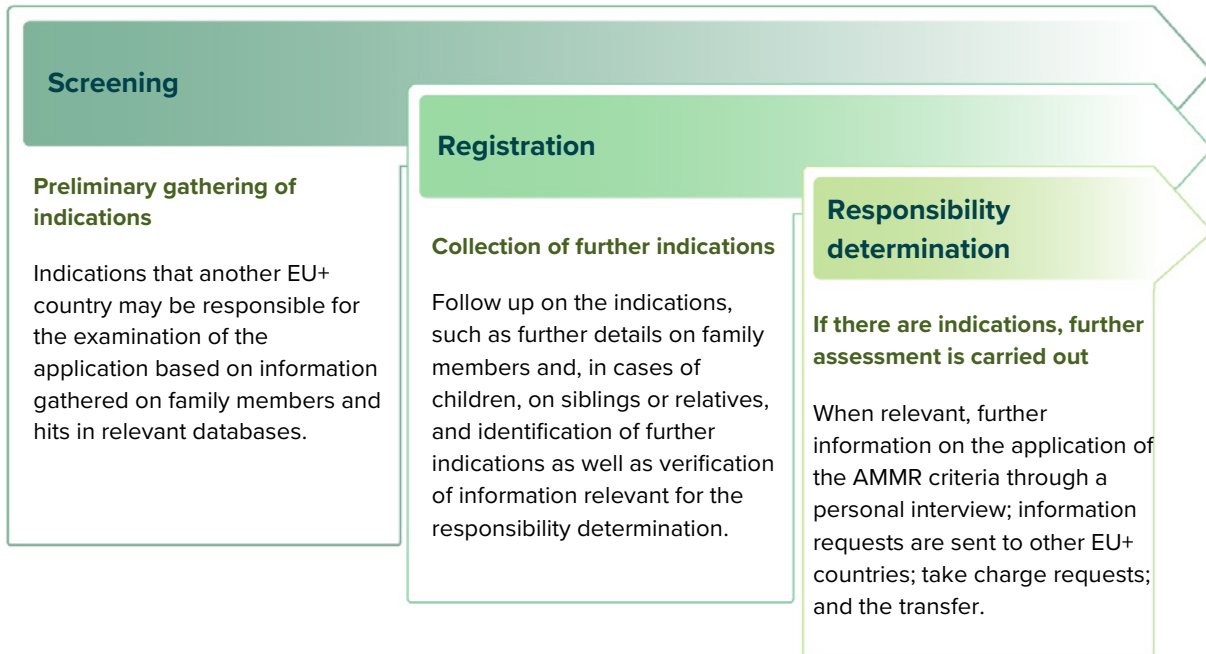
<sup>(125)</sup> For more information, see EUAA, *Guidance on Mental Health and Well-being of Applicants for International Protection: Part I – for senior management*, November 2024, <https://euaa.europa.eu/publications/mental-health-well-being-applicants-part-i-senior-management> and EUAA, *Guidance on Mental Health and Well-being of Applicants for International Protection: Part II – for those working in the first line*, November 2024, <https://euaa.europa.eu/publications/mental-health-well-being-applicants-part-ii-first-line-officers>.

<sup>(126)</sup> Article 45(4) APR and Article 26(1) RCD (2024).



### 3.4. Responsibility determination

**Figure 8. Information collected on the country responsible at the different stages.**



The responsibility determination should be carried out in the asylum border procedure and be initiated as soon as possible after the registration of the application if there are indications that another EU+ country may be responsible for the examination of the application <sup>(127)</sup>.

Indications that another EU+ country may be responsible for the application are collected during the screening and registration of an application, such as:

- the applicant is an unaccompanied child who has family members or relatives in other EU+ country;
- the applicant (adult) has family members in EU+ countries;
- the applicant was issued a visa, residence document or other document by another EU+ country;
- the applicant was awarded a diploma or qualification issued by an educational establishment in another EU+ country;
- the applicant applied for international protection in another EU+ country.

Having direct communication channels available between EU+ countries for the purpose of exchanging information on the above-mentioned situations is likely to increase the swiftness of the responsibility determination.

<sup>(127)</sup> Article 38 AMMR.



In the context of the external borders, most responsibility determination cases are likely to relate to having family members in other EU+ countries. The EUAA family tracing forms aim to provide a standardised format to collect information relevant to the application of the family-related criteria <sup>(128)</sup>.

### Security-related concerns

If there are reasonable grounds to consider that an applicant poses a threat to internal security, whether identified through the security check during screening or through any further security assessment carried out by the first Member State after registration, that Member State becomes responsible for examining the application. This security assessment should take place as soon as possible and before applying the criteria for determining the responsible Member State <sup>(129)</sup>.

The steps of the responsibility determination and the respective time limits are the same in the context of the asylum border procedure as in the asylum procedure within the territory. For more information on the steps and time limits, see the European Commission's draft guidance on the asylum and return border procedures.

The time limit for the asylum border procedure continues running while the country responsible is being determined. To ensure an opportunity to conclude the asylum border procedure within the 12-week timeframe, certain aspects of the examination can be carried out in parallel with the responsibility determination. The parallel examination can include tasks taken before the personal interview and the personal interview itself, but it cannot include the decision on international protection, which can only be taken by the EU+ country responsible <sup>(130)</sup>.

<sup>(128)</sup> For more information, see EUAA, *Family Tracing Form (Adult)*, <https://euaa.europa.eu/publications/family-tracing-form-adult> and *Family Tracing Form (Child)*, April 2025, <https://euaa.europa.eu/publications/family-tracing-form-child>.

<sup>(129)</sup> In accordance with Article 16(4) AMMR, 'the first Member State in which the application for international protection was registered shall examine whether there are reasonable grounds to consider that the applicant poses a threat to internal security as soon as possible after the registration of the application, before applying the criteria for determining the Member State responsible'.

<sup>(130)</sup> In accordance with Article 16(1) AMMR, the application must be examined by a single Member State.

## 4. Effective examination of applications

The asylum border procedure is effective when it is organised in a way that takes into account its overall objectives; it enables the efficient examination of applications that are likely to be unfounded or inadmissible and a swift enforcement of returns. Effective procedures ensure that decisions can be made within the time limits and that applications in which the border procedure is eventually not applicable are channelled out.

This chapter outlines measures that help adhere to the time limits while ensuring that the examination is carried out in full respect of its principles and guarantees. It puts forward measures to manage the examination, to consider whether a decision can be made in the context of the asylum border procedure and to ensure access to effective remedy.

### 4.1. Managing the examination

The short time limits for the examination imply shorter timeframes between procedural steps. Adhering to the time limits for the asylum border procedure requires a strong coordination that schedules the examination of applications and monitors that casefiles move forward in the planned schedule.

This section outlines principles for ensuring a swift examination by putting in place measures that support the planning, scheduling and monitoring of the examination.

#### 4.1.1. Prioritising

It is relevant to plan the order in which applications are examined. Prioritisation refers to the examination of some applications before other, previously made applications, while ensuring that the principles and guarantees are respected. This includes ensuring the applicants are provided with the necessary support and reasonable time to exercise their rights.



Prioritisation is mandatory for the examination of applications from families with children and unaccompanied children to ensure that the best interests of the child and any special needs are considered promptly <sup>(131)</sup>. It is recommended to prioritise the examination of all applications from persons with special needs to ensure that they remain in the border procedure only for as long as necessary.

Member States can optionally prioritise the examination of applications according to their national needs.

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<sup>(131)</sup> Article 44(3) and recital 67 APR.



A priority track can be established to ensure that applications with a higher prospect of being returned in the event of a negative decision are processed within the time limits<sup>(132)</sup>. There may be a higher prospect to enforce returns to certain third countries, for example due to an existing readmission agreement or a history of effective returns. There may also be a higher likelihood of return for reasons related to the applicant, for example the availability of valid identity or travel documents. Conversely, the prospect of a swift return can decrease due to certain factors, such as the state of health, vulnerabilities and reasons related to family unity.

It can be relevant to additionally prioritise applications in which a decision can be made swiftly in the context of the asylum border procedure to ensure that these decisions are issued within the set time limit and that capacity in the border procedure is freed for new applications.

### 4.1.2. Scheduling

The scheduling of the examination should, in general, ensure that the case officer can prepare and have relevant information available to them for carrying out various steps or assessments. It should also give the applicant reasonable time to prepare for the next step and to enjoy their rights and comply with their obligations.

The scheduling considers, more concretely, what is the next appropriate step for each application; whether the personal interview can be organised soon after the lodging of the application or whether further assessment(s) are still needed before the personal interview. It also ensures that prioritised applications are given precedence over other applications.



It is recommended to allocate dedicated staff members for the overall management of the caseload. This can include checking whether relevant information is available in the casefile before the application is scheduled for the next step and identifying the next appropriate step for each application.

The personal interviews may be organised soon after the lodging of applications in which there are no apparent uncertainties related to their background or needs. However, when there are uncertainties, it is relevant to invest in carrying out respective assessments before the personal interview. This may help identify applications that should be channelled out of the border procedure already before the personal interview is organised if it becomes clear that an exception applies or that it will not be possible to make a decision in the asylum border procedure. This also helps identify the necessary measures that should be put in place for the personal interview, including relevant special procedural guarantees.



Caseload analysis can support the scheduling. The personal interviews and assessments can be planned in batches, for example, by country of origin, security-related concerns or vulnerabilities. This helps ensure the availability of interpreters and/or specialised officers.

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<sup>(132)</sup> Article 44(3) APR.



### Remote personal interviews

Even though personal interviews are conducted, in principle, in person, countries may exceptionally perform the personal interview remotely via videoconference in duly justified circumstances. Remote interviews may be used, for example, in the following situations <sup>(133)</sup>:

- based on public health considerations;
- when there is a need for specialised interpretation not available at the border;
- when the circumstances of the detention of the applicant prevent an in-person personal interview, for example due to security reasons; or
- when national authorities are faced with an exceptional situation, such as a large influx of applicants in one geographical area to avoid bottlenecks and to respect the timelines of the border procedure.

The opportunity to proceed with a remote personal interview must be assessed on a case-by-case basis by taking into consideration the situation of the applicant, particularly any need for special procedural guarantees <sup>(134)</sup>.

### 4.1.3. Monitoring

It is pivotal to closely monitor whether the applications are examined according to the planned schedule. This monitoring may be automated through the casefile management database, which can, for example, flag when time limits are approaching for different steps. The monitoring also helps identify potential bottlenecks in the procedure and allocate resources accordingly.



If a backlog starts to develop, resources could be drawn in, for example from the main office. This requires sufficient flexibility in the way resources are managed. Not all tasks related to the examination of applications need to be carried out in the designated locations for the border procedure; some can be performed remotely. For example, decisions for international protection can be made in the main office within the territory if a backlog starts to develop.

### 4.1.4. Channelling out of the procedure

The asylum border procedure may cease to be applied at any stage of the procedure; therefore, the authorities should consider if the procedure continues to apply when relevant new information arises in the context of the examination of applications.

If the procedure ceases to be applied, the applicant should be channelled out and authorised to enter the territory of the Member State.

Situations in which the applicant is channelled out of the asylum border procedure include where:

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<sup>(133)</sup> Article 13(10) and recital 15 APR. For more information, see EUAA, *Guidance on Remote Interviews*, April 2025, <https://euaa.europa.eu/publications/guidance-remote-interviews>.

<sup>(134)</sup> Recital 15 APR.



- the applicant fulfils the conditions for entry (e.g. an international protection or other authorisation granting a right to stay) <sup>(135)</sup>;
- none of the grounds for the asylum border procedure are applicable any longer <sup>(136)</sup>;
- an exception to the asylum border procedure applies <sup>(137)</sup>; or
- the 12-week time limit (or 16 weeks in cases of relocation) for the asylum border procedure expires while the applicant still has the right to remain or is allowed to remain (which may be the case during the appeal procedure) <sup>(138)</sup>.



Centralising the channelling out to one authority, preferably the determining authority, is likely to ensure its efficiency and consistency as well as appropriate follow-up steps for the application. Other authorities can supply information and their opinions on the applicability of different requisites for the border procedure to that central authority, which then confirms channelling to the border procedure <sup>(139)</sup>.

When the applicant is channelled out of the border procedure, the relevant procedures continue within the territory, which may be the accelerated examination procedure, examination of the inadmissibility of the application or the regular asylum procedure. If the appeal procedure is still ongoing, the examination of the appeal continues within the territory.

When the applicant is channelled out of the border procedure, the measures put in place for the purpose of implementing the non-authorisation of entry in the context of the border procedure – the restriction of freedom of movement or detention – cease to be applied. If there continues to be a need for restricting the freedom of movement or for detention, a new decision should be issued with the applicable legal basis.

The applicant should be authorised entry to the territory of the Member State. Relevant authorities should be made aware when the entry is authorised. Depending on the application, the relevant authorities may include the asylum authorities involved in the examination of the application, courts and tribunals responsible for the examination of the appeal and the request to remain pending outcome of the appeal, the reception authorities deciding on reception-related measures put in place within the territory, law enforcement authorities responsible for assessing security-related risks and authorities responsible for the return.

Authorities can be informed about the authorisation of entry in various ways, including:

- by recording the authorisation in the applicant's file in a casefile management system that notifies relevant authorities or, in absence of such system, by contacting each relevant authority via an agreed communication channel, such as via encrypted email;

<sup>(135)</sup> Article 43(1) APR. For more information, see Sections 1.1.1. Non-authorisation of entry and 2.1. Conditions for applying the asylum border procedure.

<sup>(136)</sup> Article 44(1) and Article 53(2)(a) APR. For more information, see Sections 2.2. Grounds for the asylum border procedure and 2.3. Exceptions to the asylum border procedure.

<sup>(137)</sup> Article 53(2)(a) APR. For more information, see Section 2.3. Exceptions to the asylum border procedure.

<sup>(138)</sup> Article 51(2) APR.

<sup>(139)</sup> For more information on the authorities responsible, see Section 2.5. Workflow for ensuring an effective channelling.



- by creating a data field on the authorisation of entry in a national database, for example in the police records.



It is recommended to indicate that the person has been authorised entry in the document certifying that the person is an applicant. This ensures that the applicant can prove that they have been authorised entry, if required.

The applicant should be informed how channelling out of the asylum border procedure affects their situation, including about the authorisation of entry, the next steps of the applicable procedure and their rights and obligations.

When the application is channelled out of the asylum border procedure, the return border procedure cannot be applied.

#### 4.1.5. Well-being of case officers

Case officers face unique challenges in the border procedure that can be mentally draining. They work under tight deadlines, handle frustrated applicants and often work in remote locations. The low recognition rate of international protection claims can also lead to bias in assuming that applications could lead to a negative decision.

Long-term exposure may lead to ‘credibility fatigue’, which can, for example, make the case officer seek to avoid hearing statements about negative life experiences. As a consequence, they may find it challenging to stay objective when processing applications. The ability of staying objective is especially needed in an environment in which case officers work under time pressure and the enforcement of the return can be quick.

To ensure a sustainable work environment, some measures should already be considered.

- Measures that mitigate credibility fatigue: for example, diversification can be offered on the caseload – case officers could alternate working on border procedure with working on regular procedure. Diversification can also be offered regarding the type of tasks, such as information provision, drafting guidance or training. Similarly, the productivity targets should be reasonable.
- Measures that help identifying and addressing credibility fatigue: for example, sustainable office culture ensures that staff feel welcome and encouraged to discuss their challenges among themselves or with their managers. This can be ensured by offering peer-support or coaching sessions that allow staff to discuss their challenges on the case processing and its impact on them. Similarly, access to mental health support can be ensured <sup>(140)</sup>.

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<sup>(140)</sup> For more information on how to promote the well-being of staff, See EUAA, *Practical Guide on the Welfare of Asylum and Reception Staff – Part I. Standards and policy*, September 2021, <https://euaa.europa.eu/publications/practical-guide-welfare-asylum-and-reception-staff>; EUAA, *Practical Guide on the Welfare of Asylum and Reception Staff – Part III. Monitoring and evaluation*, September 2021, <https://euaa.europa.eu/publications/practical-guide-welfare-asylum-and-reception-staff-1> and EUAA, *Report on The Job of the Case Officer*, August 2024, <https://euaa.europa.eu/publications/job-case-officer>. For more information on the consequence of credibility fatigue, see EUAA, *Practical Guide on Evidence and Risk Assessment*, January 2024, <https://euaa.europa.eu/publications/practical-guide-evidence-and-risk-assessment>.



## 4.2. Issuing decisions

### 4.2.1. Decisions on international protection

In the context of the asylum border procedure, it is possible to issue decisions on the merits and on the inadmissibility when a ground for the accelerated examination procedure or for inadmissibility is fulfilled <sup>(141)</sup>.



#### Article 44(1) APR

*1. Where a border procedure is applied, decisions may be taken on the following:*

*(a) the inadmissibility of an application in accordance with Article 38;*

*(b) the merits of an application where any of the circumstances referred to in Article 42(1), points (a) to (g) and (j), and Article 42(3), point (b), apply.*

At the time of making a decision, the determining authority should ensure that all elements of a ground are met. For example, if an application is channelled to the asylum border procedure based on security-related concerns, the determining authority should consider, at the time of making a decision, that there are ‘reasonable grounds’ that the applicant is a danger to ‘national security’ or ‘public order’ <sup>(142)</sup>.

- Decisions can be made on the merits – namely, decisions rejecting the application as unfounded or manifestly unfounded and decisions granting international protection – when a ground for the accelerated examination procedure is fulfilled.
- Decisions can also be made on inadmissibility – namely, decisions rejecting an application as inadmissible – when a ground for inadmissibility is fulfilled. If an application is admissible, the examination (on the merits) can continue in the context of the asylum border procedure only if a ground for the accelerated examination procedure is relevant in an application.

The decisions should include the reasons justifying the application of the asylum border procedure, which entails the substantiation of why the determining authority considers that a circumstance or ground is fulfilled <sup>(143)</sup>.

<sup>(141)</sup> Article 44(1) APR. See also Section 2.2. Grounds for the asylum border procedure which outlines the circumstances and grounds in which decisions can be taken when the border procedure is applied.

<sup>(142)</sup> For more information, see EUAA, *Practical Guide on the Accelerated Examination Procedure*, 2026, <https://www.euaa.europa.eu/publications/practical-guide-accelerated-examination-procedure>.

<sup>(143)</sup> *Brahim Samba Diouf*, see footnote 41, paragraphs 45, 55, 58 and 61. A summary is available in the [EUAA Case Law Database](#). If refugee status is granted, it is possible to provide a simplified decision without specifying all the reasons behind granting protection, including the reasons justifying the application of the asylum border procedure as a preparatory measure for the decision on international protection.





Regarding applications for international protection where applicants may raise security concerns, the Court of Justice of the EU has emphasised the obligation on the part of the authorities to justify their decisions in light of the fundamental right to good administration. It has also noted that applicants must be given the opportunity to express their views on the information used against them. Therefore, such information should be available in a traceable manner, in full respect of the confidentiality of the information and national rules governing the processing of classified information. This information should be, to the extent possible, included in the applicant's file to ensure that the applicant has the opportunity to challenge the reasons provided, when exercising their rights to defence and to an effective remedy <sup>(144)</sup>.

For more information on different decision types that can be issued in the context of the context of the asylum border procedure, see the European Commission's draft guidance on the asylum and return border procedures.

Considering the short timeframe, it is recommended to invest in measures that ensure a consistent and complete examination of applications in fact and law and correctly identify whether the applicant is in need of international protection.

Various quality support tools, such as guidance, checklists and standard templates, help standardise the examination to ensure that similar applications result in similar outcomes. By doing so, they facilitate the efficiency and completeness of the examination. It is recommended to invest in tools that support the examination of the application types and profiles that are likely to be in the asylum border procedure <sup>(145)</sup>.



Considering the short time limits within which decisions are issued and the fact that the outcome of the decisions is likely to be negative, it is recommended to apply, as a minimum, the 'four-eyes' principle to review draft decisions before they are issued to reduce the risk of bias and error <sup>(146)</sup>.

<sup>(144)</sup> Judgment of the Court of Justice of 22 September 2022, *GM v Országos Idegenrendészeti Főigazgatóság, Alkotmányvédelmi Hivatal, Terrorelhárítási Központ*, C-159/21, ECLI:EU:C:2022:708, paragraphs 35, 44, 45 and 55, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62021CJ0159>. A summary is available in the EUAA Case Law Database, <https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=2755>.

<sup>(145)</sup> For more information on tools that are specific to the asylum border procedure, see Sections [1.4.2 Allocation of resources](#) and [2.2.1. Mandatory grounds](#). For more information on tools that enhance efficiency, see EUAA, *Practical Guide on the Accelerated Examination Procedure*, 2026, <https://www.euaa.europa.eu/publications/practical-guide-accelerated-examination-procedure> and EUAA, *Practical Guide on Quality Assurance in Asylum Procedures*, April 2024, <https://euaa.europa.eu/publications/practical-guide-quality-assurance-asylum-procedures>.

<sup>(146)</sup> The four-eyes principle refers to a practice whereby at least one person other than the case officer reviews the draft decision on an application for international protection. See EUAA, *Practical Guide on Quality Assurance in Asylum Procedures*, April 2024, <https://euaa.europa.eu/publications/practical-guide-quality-assurance-asylum-procedures>.



## 4.2.2. Decisions on return

In the event of a negative decision on international protection, a return decision must be issued at the same time or without undue delay with due consideration of the principle of *non-refoulement* <sup>(147)</sup>.



### Article 37 APR

*Where an application is rejected as inadmissible, unfounded or manifestly unfounded with regard to both refugee status and subsidiary protection status, or as implicitly or explicitly withdrawn, Member States shall issue a return decision that respects Directive 2008/115/EC and that is in accordance with the principle of non-refoulement. Where a return decision or another decision imposing the obligation to return has already been issued prior to the making of an application for international protection, the return decision under this Article is not required. The return decision shall be issued as part of the decision rejecting the application for international protection or in a separate act. Where the return decision is issued as a separate act, it shall be issued at the same time and together with the decision rejecting the application for international protection or without undue delay thereafter.*

The preparation needed for issuing the return decision should start in parallel with the asylum border procedure.

Information that enables the issuing of the return decision is ideally available at the time of making a decision on international protection. This includes information on the applicant's identity and nationality, countries of previous residence, state of health, special needs and any security-related concerns. In cases of unaccompanied children, information should also be available on the guardianship arrangement in the country of return <sup>(148)</sup>.



It is recommended that the asylum authorities gather information needed for the return decision as part of the examination of the application because this information is already largely gathered and available during the asylum procedure. If the decisions on international protection and return are not issued by the same authority, such information gathering should be coordinated closely between relevant authorities.

<sup>(147)</sup> Article 37 APR. The return decision must be issued together with the negative decision on international protection unless the applicant has the right to remain for another reason, for example based on a residence permit based on national law, such as complementary or humanitarian protection. As mentioned, Member States may derogate from the Return Directive and issue a refusal of entry rather than a return decision. For more details, see footnote 5.

<sup>(148)</sup> See Article 5, Article 7(5) and Article 10 Return Directive.



## 4.3. Notifying decisions and ensuring access to effective remedy

The notification of the decision has a central role in ensuring access to effective remedy in the context of the asylum border procedure due to the short timeframe(s) for lodging an appeal and the non-suspensive effect of the appeal.

### Suspensive effect of the appeal

In the context of the asylum border procedure, decisions rejecting an application for international protection do not, as a rule, have an automatic suspensive effect in the appeal. This means that the applicant does not have the right to remain pending the outcome of the appeal, unless the court or tribunal allows them to remain.



There are however two exceptions to this main rule: a decision on the merits or an inadmissibility decision issued for an unaccompanied child. In such cases, the applicant has the right to remain until the court issues a decision on their appeal and there is no need to separately request to be allowed to remain during the appeal <sup>(149)</sup>.

The return decision that accompanies the negative decision on international protection cannot be enforced for as long as the applicant has the right to remain or is allowed to remain based on the appeal related to international protection.

If the decision does not have a suspensive effect of the appeal, the applicant has the right to remain until the time limit(s) for lodging an appeal against the decision and for requesting to be allowed to remain pending the outcome of the appeal expire <sup>(150)</sup>. These time limits start to run from the notification of the decision(s); therefore, it is recommended to invest in the notification to ensure that the applicant fully understands the consequences of the decision(s).



It is a good practice to notify the negative decision on international protection and the return decision at the same time. This helps the applicant and their legal representative prepare the potential appeal(s) and request to remain pending the outcome of the appeal. This also ensures that the time limit for lodging the appeals against the decisions start to run from the same date.

The decisions can be notified either directly to the applicant and/or to their legal representative, if they have one <sup>(151)</sup>.



When it is possible, the notification can take place in person and involve both the applicant and their legal representative. The notification provides an opportunity to explain the reasons for making the decisions and inform about the consequences of the decisions, the time limits for lodging the appeal(s) and request(s) to remain and how to access free legal assistance or representation.

<sup>(149)</sup> Article 68(3)(a)(ii), Articles 68(3)(b) and (c) APR.

<sup>(150)</sup> Articles 68(2)–(5) APR.

<sup>(151)</sup> Articles 36(1), 36(4) and 9(3) APR.



Timely access to free legal assistance or representation is key for ensuring appropriate time and resources to prepare the appeal(s) and request to be allowed to remain.



It is recommended to ensure that a legal representative is available for each applicant by the time the decision(s) are notified, without prejudice to the applicant's right to choose their own legal representative. This helps guarantee access to legal representation immediately when the time limit for lodging the appeal starts to run. It is also recommended that legal counsellors, if they hold the relevant qualifications, can act as legal representatives. Preparing for the appeal can, in general, be quicker if the legal representative already is familiar with the applicant's case.

The applicant and/or their legal representative must have access to the information based on which the decisions were made, including the recording of the personal interview, to consider whether to appeal the decision and to identify potential reasons for the appeal and the request to remain <sup>(152)</sup>. It is important to ensure access to the casefile immediately upon or after the notification of the decision. Therefore, it is recommended to prepare the relevant documents for the file already before the decision(s) are notified and provide access to the file upon notification either in a digital format (encrypted email or secure online portal) or in a physical paper-based file.

Ensuring that the appeals court or tribunal has all relevant information at their disposal to decide whether the applicant is allowed to remain pending the outcome of the appeal and on the outcome of the appeal is key. The determining authority should allocate resources to support the appeal procedure to ensure a timely response to the following:

- submitting relevant documents and evidence to the appeals court or tribunal;
- issuing the defence notes to the appeals;
- providing further information, when requested, such as COI; and
- attending potential court hearings.

The support for the appeals can take place either from the headquarters or from the location for the asylum border procedure. Consideration should be given to the location in which the potential oral hearings are held. If oral hearings are held systematically in every appeal, it is advisable to carry out the hearings in the location for the asylum border procedure. Remote hearings can also be considered and held in accordance with the national law and the court's rules of procedure <sup>(153)</sup>.

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<sup>(152)</sup> Article 18(1) APR.

<sup>(153)</sup> The APR does not provide rules for remote court hearings.



### End of the asylum border procedure and interlink with the return border procedure

The return border procedure follows the asylum border procedure when the applicant no longer has the right to remain and is not allowed to remain. If the applicant is not allowed to remain pending the outcome of the appeal, the appeal procedure continues in parallel with the return border procedure.

For more information on various scenarios when the applicant may no longer have the right to remain and is not allowed to remain, including considerations related to the risk of *refoulement*, see the European Commission's draft guidance on the asylum and return border procedures.



Before starting the enforcement of the return, it should be ensured that the applicant no longer has the right to remain and is not allowed to remain. This is particularly relevant when different courts or tribunals are responsible for the appeals and/or requests to remain linked to international protection and/or return.

A communication system should be established between the relevant authorities and the courts for the purpose of transmitting information on when the enforcement of the return may be halted. This may include situations in which

- the applicant makes further representations linked either to the international protection or return decision in the context of the appeal procedure and the court decides that the applicant is again allowed to remain or has the right to remain;
- the court issues a decision on the appeal, during the return border procedure, that overturns the negative decision on international protection and/or the return decision;
- the applicant makes a subsequent application based on which they have the right to remain.

These situations may require the determining authority to submit further information to the appeals courts, examine the application and/or issue a new decision on international protection.





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