

Scenario 2: Applicant presents at MS border or transit zone; disembarkation from search and rescue operation; apprehended on MS territory after irregular entry. © ECRE

Pre-entry screening is mandatory for all TCNs who fall under Art.3(1)(a) & (b) and Art.5 SR. The screening will consist of an identity check, health assessment, and security check. Debriefing form provided with four possible outcomes: refusal of entry; channelled into asylum procedures;

Relocation procedure
TCN is from safe country of origin or identified as having submitted request for IP in another MS:
Art.57 AMR is applied and relocation procedure initiated. Applicants have right to an effective remedy to suspend the effect of the transfer pursuant to **Art.33(3) RAMM**.

Refusal of entry

Return Procedure.
Currently, standard return procedure because the Return Directive applies. If the RD is recast or aAPR further amended it may be Return Border Procedure.

Accelerated procedure (Art. 40) or **Accelerated Border Procedure** (Art. 40 and 41(2)(b))
Deadline is 2 months with exception of applications "to delay or frustrate..." under Art(40)(1)(d) when deadline is 8 days.
Outcomes: Complex cases or deadline lapses lead to transfer to another procedure. Application rejected or IP granted (see boxes)

MS determines which asylum procedure applies:
The MS *may* examine an application under the Asylum BP where **Art.41(1)(a)-(d)** apply. However, the MS *shall* channel all TCNs who fall under **Art.40(1)(c),(f),&(i)** into the Asylum BP. Do these grounds apply?

TCN enters Asylum Border Procedure:
Is the applicant exempt (or discovered to be exempt) from Asylum BP under **Art. 41(4), 41(5) and 41(9)(a)-(d) aAPR**?

Regular 'on territory' procedure applies
(*see scenario 1).

Applicant is authorised to enter MS pending completion of the examination of application (**Art.41(11) aAPR** unless grounds under **Art.41(12)(a)-(c) aAPR** apply.

1. MS *may* consider grounds for accelerated procedure (Amended Art.41(2)(b): **Do grounds to accelerate the examination of application Art.40(1)(a)-(i) APR** apply?

Yes

Yes

No

Yes

Yes

2. MS *may* make a decision on admissibility (aAPR Art. 41(2)(a): **Is a request for IP found to be inadmissible under Art.36(1)(a)-(d) APR**?

Yes

No

3. MS *may* apply Dublin (RAMM) check to determine MS responsible for examining application pursuant to **Art.41(7) aAPR**. **Is the MS of arrival is the first country of asylum?**

No

No

None of the optional steps are applied: Asylum Border Procedure (ABP) applies pursuant to **Art.41 aAPR**. An application must be lodged within 5 days from registration (**Art 41(10) aAPR**). Does ABP last more than 12 weeks from date of registration (or + 8 weeks in times of migratory pressure or crisis)?

No

Application is assessed on its merits. Is the claim well founded under **Art.37 APR**?

Yes

International protection status is granted.

Right to an effective remedy Art. 53 aAPR:
Applicant *may* exercise right to an effective remedy in cases listed under **Art.53(1)(a)-(e) aAPR**. Automatic suspensive effect/ right to remain during appeal (**Art.54 aAPR**), unless grounds under **Art.54(3)(a)-(e) aAPR** apply inter alia decisions based on Art. 40(1) and (5) Art. 36(1)(a) and (c); or taken in Asylum BP.

Rejection + Return Border Procedure – Art.35a aAPR RBP will not exceed 12 weeks from date of rejection (+ 8 weeks in situations of migratory pressure or crisis). However, the applicant may exercise two rights: 1) The applicant may make a subsequent application for IP under **Art.42 APR (see scenario 1)** or; 2) May exercise right to effective remedy under **Art.53 aAPR (while in RBP)**

