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June, 12 2026: Implementation of CEAS: How the New Asylum Law Reform Restricts the Fundamental Rights of People on the Move

Today, the tightening of European asylum law in the form of the new [Common European Asylum System](#) (CEAS) comes into force across Europe. It was adopted by the EU on April 10, 2024, following more than eight years of negotiations. While we have been reporting on developments surrounding CEAS for some time, we would like to use today's implementation as an opportunity to take a closer look at the biggest changes the reform brings and the impact this will have on the rights of people on the move.

Through the tightening to the European asylum law, unlawful practices that have been in use for years in countries such as Italy and Greece are being legalized and normalized. While the old asylum law was primarily based on directives, thus leaving member states considerable leeway in implementation, most of the regulations under the CEAS reform have been enacted in the form of regulations. From today these are binding and uniform in every member state's law. The most significant changes concern the screening procedure, the asylum border procedure, and the "safe" third country rule. These changes are discussed in more detail below.

The Screening Procedure

The [screening procedure](#) is enshrined in the new Screening Regulation. Every person who enters the EU irregularly across an external border must undergo it. During the procedure, the person is identified, a preliminary health and vulnerability assessment is conducted, and biometric data is collected and recorded in the EURODAC database. In addition, an assessment is made as to whether the person could pose a "[threat to internal security](#)". Overall, the procedure may last no more than seven days at the EU's external border and only three days within the EU. During this brief period, the course is set for which procedure the person will subsequently be referred to: the regular asylum procedure, the asylum border procedure, or an accelerated procedure. During the procedure at the external border, a legal [fiction of "non-entry"](#) applies; thus, legally, the person is not in the EU. As a result, individuals have limited access to fundamental rights that would otherwise apply, and both the Charter of Fundamental Rights of the European Union and the Geneva Convention on Refugees are circumvented.

The screening procedure severely restricts the **right to personal liberty**, as individuals are effectively detained during the process. This right is enshrined, among other places, in Article 6 of the [Charter of Fundamental Rights of the European Union](#) (CFREU) and in Article 3 of the [Universal Declaration of Human Rights](#) (UDHR). The **right to legal protection** (Art. 10 UDHR) and the **right to an effective remedy** (Art. 47 CFR) are also not guaranteed, as no legal remedy is provided for during the screening procedure. This is justified by the claim that no decision is made in the screening procedure that directly affects the rights of the

of the person concerned. However, this does not correspond to reality, as the nature of the asylum procedure is determined here.

The assessment of vulnerability in such a short time is also highly questionable. Many forms of vulnerability and disability, such as the effects of trauma or invisible disabilities, are not immediately apparent and require more time to be recognized. At the same time, these determinations have a significant impact on the further treatment and classification of the person seeking protection. Furthermore, there are concerns regarding data protection. During the screening process, biometric data is collected starting at [age 6](#), and this data will also be accessible to local police authorities. This poses a risk of data misuse, and could result in a sharp rise of cases of *racial profiling*. This is inconsistent with the **right to the protection of personal data** (Art. 8 CFREU) and the right to respect for private and family life (Art. 7 CFREU, Art. 8 of the European Convention on Human Rights).

The Asylum Border Procedure and the Accelerated Procedure

Both procedures are established in the [Asylum Procedure Regulation](#). The aim of the asylum border procedure is to detain people on the move near the border in order to facilitate their removal in the event of a negative decision and to prevent them from traveling on to other Member States. During the asylum border procedure, the legal fiction of “non-entry” continues to apply.

The [asylum border procedure](#) is mandatory for persons who are nationals of a third country with a [recognition rate of less than 20%](#) (e.g., Turkey or Russia), who are accused of intentionally deceiving the authorities or destroying their identity documents, or who are alleged to pose a threat to national security. In addition, a border asylum procedure may also be applied if the asylum application was filed in a transit zone or at the border, or if the person was apprehended in connection with an illegal border crossing or rescued from distress at sea. These broad criteria provide Member States with considerable leeway to expand the scope of border procedures.

The purpose of the procedure is to assess the admissibility of the asylum application, particularly with regard to the possibility of returning the individual to their home country or to a “safe” third country. The border procedure is similar to the regular asylum procedure, but with shorter time limits. The asylum application must be filed within five days, and the procedure may last no longer than twelve weeks. During the procedure, individuals at the borders remain detained in closed centers, which severely restricts their **right to liberty** (Art. 6 CFREU, Art. 3 UDHR). Furthermore, the **right to legal protection** (Art. 10 UDHR) and the **right to an effective remedy** (Art. 47 UDHR) are not sufficiently guaranteed, as is the case of the screening procedure. Free legal information is not automatically provided, but only upon request. While there is, in principle, a right to legal representation, the costs must be borne by the asylum seeker themselves. For many asylum seekers, this poses a significant hurdle and hinders access to effective legal protection. The **prohibition on discrimination** based, among other things, on country of origin, as enshrined in the [Geneva Convention on Refugees](#) (Art. 3 GCR), is also undermined by the border procedure. In particular, the 20% rule and the expanded concept of “safe” countries of origin make it more difficult for marginalized groups from these countries — such as queer individuals or those facing political persecution — to present their individual stories of flight. The blanket classification of entire groups of origin increases the risk of unlawful deportations. This also violates the **principle of non-refoulement** (Art. 33 GCR).

The accelerated procedure is largely similar to the border procedure, with the difference that it does not take place at external borders. Here, too, shortened deadlines apply, and access to legal protection is severely restricted.

The “safe” third-country rule

In February of this year, with the votes of the far-right factions in the European Parliament, a tightening of the “safe” third-country rule was adopted. Asylum applications can be rejected on the grounds that the individuals could have sought asylum in a so-called “safe” third country, without a comprehensive substantive review of the grounds for asylum. The threshold for classifying a country as “safe” is extremely low. Ratification of the Geneva Convention on Refugees may be sufficient for this purpose, though it is not strictly required if the state can guarantee so-called “effective protection.” Furthermore, individual regions within a state may also be classified as “safe.”

While a direct connection between the affected person and such a third country was originally required (such as a prolonged stay), this requirement was relaxed in February 2026. Now, merely transiting through a third country may suffice, or, if there is a corresponding agreement with the third country, no connection is necessary at all to deport a person there. This regulation opens the door to outsourcing asylum procedures to third countries and increases the risk of deportation to countries where the human rights of those affected are not adequately protected. This can further undermine the **principle of non-refoulement** (Art. 33 of the Geneva Convention). This regulation does not apply to unaccompanied minors.

Minors

The CEAS reform also significantly restricts the rights of minors. Minors are generally not exempt from either the screening procedure or the asylum border procedure. They are required to be accompanied by adult family members or special representatives. Minors can thus also be detained in border centers for up to three months and, under the accelerated procedure, are effectively treated the same as adults. Unaccompanied minors must undergo a border procedure if they are classified as a “security threat”. The shortened deadlines make it difficult to properly appoint a guardian and provide adequate legal representation for unaccompanied minors. This treatment of minors contradicts the **principle of the best interests of the child**, which is enshrined in Article 3 of the UN Convention on the Rights of the Child. This is clearly violated in the CEAS measures concerning minors.

Conclusion

The tightening of asylum law nullifies or circumvents numerous rights of people on the move that are enshrined in international and European law. The reform makes it clear that right-wing narratives are increasingly taking precedence over human rights in Europe. CEAS is primarily aimed at further restricting migration and deporting people as directly as possible from the border. This makes access to protection considerably more difficult. Precisely for this reason, it is more important today than ever not to accept these political developments without protest, but to mount political and legal resistance. International law provides a central point of reference for denouncing these injustices.