Parliament adopts bill on detention and incorporates provisions of the EU Screening Regulation into national law

The Parliament of Iceland [Alþingi] adopted Bill No 230/2025 Bill on Departure Facility [Frumvarp til laga um brottfararstöð.] implementing provisions of the EU Screening Regulation adopted under the EU Migration and Asylum Pact, under the national legal framework.

The new law introduces a new legal concept for "*brottfararstöð*" [departure facility] and establishes mandatory pre-entry screening procedures for third-country nationals arriving at Iceland's external Schengen borders or found irregularly present in the country. The explanatory memorandum of the legislation explicitly confirms that the law is intended to implement *"reglugerð Evrópuþingsins og ráðsins um skimun einstaklinga við ytri landamæri Schengen-svæðisins* [EU Screening Regulation]" and states that Iceland is required to adopt the regulation because it forms part of the evolving Schengen *acquis*.

The adopted law aligns the national operational framework with the Screening Regulation by introducing a structured preliminary examination procedure before an asylum application or return procedure is formally initiated. The legislation establishes screening obligations for third-country nationals or stateless persons who enter the territory of Iceland irregularly, apply for international protection at the border or are intercepted following unauthorised entry. The explanatory notes that accompany the law specify that screening must include identity verification, security checks, health examinations and an assessment of vulnerabilities before the individual is referred either to an asylum procedure, return procedure or refusal-of-entry. These provisions align national law with the provisions of the Screening Regulation (EU) 2024/1356, which require EU Member States and Schengen associated countries to conduct screening at the external borders before referring third-country nationals or stateless persons into the appropriate procedures.

A main legislative change relates to the introduction of new Article 19a into the Foreign Nationals Act, which stipulates the categories of persons subject to screening and creates a mechanism for identifying applicants *"í sérstaklega viðkvæmri stöðu"* (in a particularly vulnerable situation) during the screening

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phase. Article 19a also links screening to existing protection status described under the Article 25 of the Foreign Nationals Act concerning special procedural guarantees and reception needs. UNHCR commentary further notes that the bill requires competent authorities to identify vulnerabilities at the earliest possible stage and recommends specialised safeguards for stateless persons, children and individuals with non-visible vulnerabilities.

The law also incorporates strict procedural timelines. The explanatory memorandum mentions that screening at the external border must generally be completed within 7 days, while screening of persons already inside the territory who avoided border controls must occur within 3 days. The deadlines reflect the temporal structure established by the EU Screening Regulation and demonstrate Iceland's intention to replicate the accelerated pre-entry filtering system envisaged by the EU Pact on Migration and Asylum. Moreover, the legislation shifts Icelandic asylum system towards a front-loaded model which includes registration, biometric data collection and admissibility-related assessments taking place before accessing the asylum procedure.

The adopted law further strengthens interoperability between Icelandic authorities and EU migration management databases. The explanatory documents specify that screening authorities will conduct checks against Schengen information systems, including Eurodac, SIS, VIS, Europol and Interpol databases. The memorandum explains that Eurodac checks are expected to occur already during the initial screening stage, aligning Iceland's national framework into the EU biometric and migration-management architecture established under the Pact, linking screening with border identification, allocation of asylum responsibility, and management of return.

Another key aspect of the adopted legislation is the introduction of legal provisions for detention and controlled accommodation during screening and preparation for return. Article 1 of the adopted law defines the scope of detention applicable to departure facilities and to the "*réttindi og skyldur útlendinga sem þar eru vistaðir*" [rights and obligations of foreigners accommodated in departure facilities]. Article 2 defines a departure facility as a place where a foreign national may be deprived of liberty pending a removal under the Foreign Nationals Act. This provision aligns the Screening Regulation "fiction of non-entry" notion, under which, persons undergoing screening may be treated as not having formally entered the EU territory while admissibility, security, and return assessments are completed.

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The act entered into force on 1 March 2026 and the departure terminal commences operations on 12 June 2026. The additional provisions on the implementation of the Screening Regulation at the national level enter into force on 12 June 2026.

Source(s)

- Parliamentary Gazette | Althingistídindi (1 March, 2026), Frumvarp til laga um brottfararstöð [Bill about departure facility], https://www.althingi.is/thingstorf/thingmalalistar-eftir-thingum/ferill/157/230/?ltg=157&mnr=230

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