



Building Blocks for a Resilient Schengen Area

1. Resilience means the ability to return to a good condition in response to crises, including possible changes to withstand challenges. The five building blocks can be pursued in parallel.
2. The formal separation of the Schengen framework and EU asylum legislation results from opt-outs. Nevertheless, both remain intertwined politically and legally.

Building Block 1: Effective Implementation

3. Effective implementation is supported by Schengen evaluations and EU funding. More powers for Frontex add value; however, they do not change the underlying rulebook.
4. Even if secondary movements can justify internal border controls, controls lasting over many years are hard to reconcile with their temporary character. German courts have found them illegal. Yet a balanced response must also address non-cooperation on Dublin transfers.

Building Block 2: Migration Diplomacy

5. Cooperation with third states follows a simple rationale: fewer irregular arrivals mean less pressure on Schengen. Legal pathways can complement the prevalent control logic.

Building Block 3: Alternatives to Border Controls

6. Alternatives, such as databases and police checks in the hinterland, can be effective in the fight against crime, but they have a limited impact on secondary movements.
7. Moreover, internal border controls serve symbolic purposes: they signal to a sceptical public that the state is in control. Alternatives cannot easily replace such 'control signals'.

Building Block 4: Resilience through Change

8. The EU legislature has followed this logic in reforming Schengen and asylum laws in recent years. It should stand ready to do so again: rules that prove insufficient should be amended.
9. More than 400 pages of legislation leave room for improvement. A simplification package with targeted amendments could be adopted before the 2029 European elections.

Building Block 5: European Emergency Response Framework

10. Calls for border protection contrast with legislation guaranteeing anyone who claims asylum access to an asylum procedure. The 'European Emergency Response Framework', announced by Ursula von der Leyen, could be realised in different ways.
11. Open questions concern the activation threshold, the relevant procedure, and whether Member States will be authorised to deny access to an asylum procedure. Human rights will be decisive: if the Grand Chamber in Strasbourg accepts pushback practices at the Belarusian border, EU institutions would have considerable leeway.