

EN

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Answer given by Mr Brunner
on behalf of the European Commission
(8.4.2026)

On 29 January 2026, the Commission presented the first European Asylum and Migration Management Strategy¹, setting out the way forward to achieve three objectives: preventing illegal migration and breaking the business of criminal smuggling networks; protecting people fleeing war and persecution, while preventing abuse of the asylum system; and attracting talent to boost the competitiveness of the EU's economy. The combination of the reforms brought by the Pact on Migration and Asylum² balancing solidarity and responsibility, an assertive migration diplomacy, and effective operational cooperation within and outside the EU is already showing results, notably with a significant reduction in illegal arrivals since 2023.

Notwithstanding the distribution of competences defined by the EU legal order in relation to policies and individual decisions to regularise the status of illegally staying third-country nationals, in an area without internal borders, Member States' decisions may have consequences on other Member States and on the EU as a whole. A national residence permit does not give the authorisation to move around the EU, but only to live and work in the Member State that issued it. The EU has clear rules that need to be respected. For example, if a person holding a national residence permit is found to be illegally staying in another part of the EU, or if that person applies for asylum in another Member State, that person must go back to the Member State that issued the residence permit. National authorities must act in a spirit of sincere cooperation for this to happen swiftly.

The Commission has not received an official communication from Spain about the draft measure to regularise illegally staying third-country nationals, announced on 27 January 2026³.

¹ Communication from the Commission to the European Parliament and the Council, COM (2026) 45 final, https://home-affairs.ec.europa.eu/document/download/ce0d294e-5dd9-4e2a-bf68-53d9d16fc95a_en?filename=European%20Asylum%20and%20Migration%20Strategy.pdf.

² https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en.

³ See website of the Ministry for inclusion, social security and migration: <https://www.inclusion.gob.es/en/w/el-gobierno-inicia-los-tramites-de-un-proceso-de-regularizacion-extraordinaria-para-integrar-a-personas-extranjeras-que-ya-viven-en-espana>.