

(English version)

**Question for written answer E-000405/26
to the Commission
Alice Teodorescu Măwe (PPE)
(2 February 2026)**

Subject: Compatibility of Spain's fast-track residence permit scheme with the Schengen *acquis*

The Spanish Government is planning — without parliamentary approval — to issue fast-track residence and work permits to hundreds of thousands of irregular migrants in Spain. Commissioner Brunner has said that the management of residence permits is a national matter for Spain. It is true and important that Member States are free to decide how residence and work permits should be regulated. However, since migrants granted residence in Spain are allowed to travel throughout the Schengen area without a visa, this is a cross-border issue, and a legally uncertain process in Spain can have a major impact on other EU countries.

With reference to the provisions in the Schengen *acquis* on the movement of third-country nationals, as well as to the case-law of the Court of Justice of the European Union, according to which free movement presupposes legal residence and reliable identity and security checks:

1. Does the Commission take the view that amnesties of this kind in a Member State are compatible with the requirements of EU law on legal certainty and the effective application of the legal order?
2. Does the Commission intend to propose legislative measures or guidelines to ensure that Member States' decisions on fast-track or similar schemes do not have an adverse effect on the migration and security situation of other Member States?

Submitted: 2.2.2026

**Answer given by Mr Brunner on behalf of the European Commission
(14 April 2026)**

On 29 January 2026, the Commission presented the first European Asylum and Migration Management Strategy ⁽¹⁾, setting out concrete objectives for the next five years.

This strategy, together with the reform introduced by the Pact on Migration and Asylum ⁽²⁾, will help reducing illegal arrivals to the EU and unauthorised secondary movements within the EU, countering the adverse effects these have on migration management and security.

There are some issues in the area of migration that remain under the sole responsibility of Member States, and policies and decisions to regularise the status of illegally staying third-country nationals fall into this category.

It is important that Member States' decisions do not affect the correct application of the EU migration and asylum system.

A national residence permit issued by a Member State does not give authorisation to settle freely around the EU, but only to live and work in the Member State that issued it.

If a person holding a national residence permit is found to be illegally staying in another Member State, 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.

In the context of the Return Handbook ⁽³⁾, the Commission recommended to take into consideration specific criteria and circumstances when deciding to regularise the status of illegally staying third-country nationals under national law.

⁽¹⁾ 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⁾ C/2017/6505: <https://eur-lex.europa.eu/eli/reco/2017/2338/oj/eng>.