

(English version)

Question for written answer E-000522/26
to the Commission
Mary Khan (ESN), Petra Steger (PfE)
(9 February 2026)

Subject: Mass regularisation of undocumented migrants in Spain poses a threat to all of Europe

On 27 January 2026 the Spanish Government approved a decree for the extraordinary mass regularisation of illegal migrants which may grant some 500 000 people a temporary residence permit together with an immediate work permit. After one year, this temporary residence permit can be converted into a regular residence permit. ⁽¹⁾

This technicality allows parliamentary procedures to be intentionally bypassed, the rule of law to be undermined and both safety and social harmony to be put at risk, as under the freedom of movement guaranteed by EU law, these people may then travel freely to another Member State. The left-wing Spanish Government is effectively opening the floodgates on migration, unleashing a tidal wave of undocumented migrants on Europe as a whole which will place a massive strain on society, infrastructure and social systems.

The Commission cannot under any circumstances stand idly while individual governments carry out ideologically-motivated migration experiments at the expense of the entire EU population. If a stop is not put to this excess migration, the question arises as to how fit for the future the freedom of movement guaranteed by EU law remains under such circumstances.

1. What is the Commission's assessment of the fact that a Member State is effectively flooding all of Europe with migrants through the use of a national decree, giving rise to serious consequences for all Member States?
2. How is the Commission ensuring that the freedom of movement entrenched in EU law does not become a burden for all Member States due to left-wing governments systematically abusing it?
3. How is the Commission ensuring that this mass regularisation, in conjunction with the freedom of movement laid down in EU law, does not enable people who have committed criminal offences in their country of origin to travel all across Europe?

Submitted: 9.2.2026

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

In January 2026, the Commission presented the first five-year European Asylum and Migration Management Strategy ⁽¹⁾ setting out three main objectives: preventing illegal migration and breaking the business model of smugglers; 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.

In addition, thanks to the reforms brought by the Pact on Migration and Asylum ⁽²⁾, an assertive migration diplomacy, and effective operational cooperation within and outside the EU has led to a 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 the actions of one Member State may have consequences for other Member States and on the EU as a whole.

A national residence permit does not give authorisation to settle freely around the EU, but only to live and work in the Member State that issued it ⁽³⁾.

If a person holding a national residence permit is found to be illegally staying in another part of the EU, that person must go back to the Member State that issued it ⁽⁴⁾. National authorities must act in a spirit of sincere cooperation for this to happen swiftly.

¹ <https://www.srf.ch/news/international/migration-in-europa-spanien-gibt-500-000-migranten-aufenthalts-und-arbeitsrecht>

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52026DC0045>.

⁽²⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52020DC0609>.

⁽³⁾ Article 21, Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.09.2000, pp 19-62: EUR-Lex — 42000A0922(02) — EN — EUR-Lex).

⁽⁴⁾ Article 23, Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.09.2000, pp. 19-62: EUR-Lex — 42000A0922(02) — EN — EUR-Lex).

The Commission understands that the conditions being considered for regularisation process in Spain include whether the applicant has a criminal record or poses a threat to public order or security.
