

(English version)

**Priority question for written answer P-001628/26
to the Commission
Jorge Buxadé Villalba (Pfe)
(21 April 2026)**

Subject: Risks associated with the regularisation of criminals by the Spanish Government

Following the adoption of the Royal Decree for the extraordinary regularisation of illegal immigrants, the Spanish Government, through the Secretariat-General for Prison Institutions, has issued instructions to the competent authorities to facilitate the regularisation procedure for prisoners who may be eligible.

This is particularly serious given that around 31% of prisoners in Spain are foreigners, many of whom are illegal immigrants.

The Royal Decree in question also provides for a mechanism to prevent the disclosure of criminal records for offences committed outside Spain. With a simple self-declaration, the illegal immigrant can regularise their status if their country of origin fails to provide criminal record certificates within one month, which is very likely in the case of most countries of origin.

As a result, thousands of criminals will potentially be regularised, affecting the security of the whole Union and the integrity of the Schengen Area.

In view of the above:

1. What measures will the Commission propose to ensure the safety of Spaniards and other Europeans in line with Article 67(3) TFEU?
2. How can it, in coordination with Europol, facilitate the detention and immediate deportation of dangerous criminals, including those who regularise their stay in Spain?

Submitted: 21.4.2026

**Answer given by Mr Brunner on behalf of the European Commission
(1 June 2026)**

The Commission pursues three main objectives on migration management and asylum ⁽¹⁾: 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 economy.

In addition, the reforms brought by the Pact on Migration and Asylum ⁽²⁾, an assertive migration diplomacy, and effective operational cooperation within and outside the EU have led to a reduction in illegal arrivals since 2023.

Notwithstanding the distribution of competences, 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.

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 ⁽³⁾. National authorities must act in a spirit of sincere cooperation for this to happen.

As part of the process of issuing a residence permit, it is the responsibility of national authorities to individually assess whether the third-country nationals concerned pose a risk to security and take the necessary measures.

The authorities can rely on the information and operational support available through Europol and via the Schengen Information System to identify potential security risks, as well as on European Criminal Records Information System — Third Country Nationals, which allows for the exchange of criminal records of third-country nationals ⁽⁴⁾.

⁽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 6(2) Return Directive 2008/115/EC: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32008L0115>.

⁽⁴⁾ Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02019R0816-20210803>.

In 2025, the Commission tabled a proposal for a return regulation, establishing a common EU return system ⁽⁵⁾, presenting specific rules on illegally staying non-EU nationals posing security risks.

⁽⁵⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52025PC0101>.