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Motivations, experiences and consequences of returns and readmissions policy: revealing and developing effective alternatives

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WP7 Country Report on alternatives. Spain

Executive Summary

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Disclaimer

This document provides a concise summary of the key findings from the policy brief on Return and Readmissions policy across Europe that was conducted in the framework of MORE project. For detailed analysis, evidence, and comprehensive insights, please refer to the full report. The information in this summary should not be considered complete or fully representative of the entire study.

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Introduction

This report presents the main alternatives to returns and readmissions currently implemented in Spain. It distinguishes between hegemonic alternatives, that is, those that are being implemented by local, regional or state authorities and non-hegemonic alternatives, non-hegemonic alternatives, which originate from non-state actors such as non-governmental organisations, civil society associations, and activist groups.

These alternatives are understood as any policy, practice or mechanism that seeks to offer a more dignified stay or avoid the return of those residing irregularly in Spain. Considering this, alternatives can be expansive mechanisms providing pathways to rights, like the *padrón* or municipal registration, or they may consist of practices that simply offer a less burdensome option than the standard procedure, such as non-detention preventive measures. In this report, alternatives do not, however, encompass full permanent regularisation mechanisms. While the only comprehensive alternatives to the returns and readmissions framework are regularisation processes and accessible immigration pathways, this report focuses on measures that respond to the situation of irregularised migrants during periods of irregularity. Specifically, it examines interventions aimed at ensuring more dignified living conditions prior to regularisation and preventing return for individuals residing in Europe without a recognised administrative status.

Evidence and analysis

Popular regularisation initiative

RegularizaciónYa! is a migrant-led movement advocating for an extraordinary regularisation of migrants living in Spain in an irregular administrative situation. The initiative emerged in 2020 amid Spain's failure to adopt an exceptional regularisation during the COVID-19 crisis, a period that exposed the extent to which essential sectors—such as agriculture, care, cleaning, and services—depended on migrant workers who, despite sustaining key parts of the economy and welfare system, remained legally unrecognised and disproportionately vulnerable.

Through sustained mobilisation and broad coalition-building, the movement collected more than 700,000 signatures in support of an Iniciativa Legislativa Popular (ILP) calling for a one-off regularisation. The ILP far exceeded the constitutional threshold and was formally taken into consideration by the Spanish Congress in April 2024, with broad cross-party support. Despite this initial success, the initiative remained blocked in parliamentary processing throughout 2024 and 2025.

Nevertheless, the ILP significantly reshaped public and institutional debates on migration governance. Its demands were increasingly echoed in parliamentary discussions, ministerial negotiations, and public statements by the governing coalition, reinforcing the view that existing regularisation pathways under the Immigration Law were structurally inadequate to address widespread and long-term irregularity. Initially, the government pursued a partial response by reforming permanent regularisation mechanisms, particularly through changes to the arraigo system under Royal Decree 1155/2024, which entered into force in May 2025. While these reforms expanded access, they proved insufficient to address the scale of irregularisation highlighted by the ILP.

In January 2026, following prolonged negotiations, the Spanish Government approved an extraordinary regularisation through a Royal Decree amending the Immigration Regulation. The measure entered into force in mid-April 2026, opening a two-and-a-half-month application window and potentially benefiting between 500,000 and 800,000 people. Although adopted outside the formal ILP procedure, the regularisation has been widely recognised as the result of RegularizaciónYa!'s sustained political advocacy.

Non-detention preventive measures

Non-detention measures are not alternatives to the returns and readmissions framework but mechanisms to ensure its enforcement. However, they can provide a more dignified solution than detention, which remains the most common response despite its well-documented harms. Detention is costly both legally and economically: many legal experts argue it breaches fundamental rights such as habeas corpus and should be regulated like any deprivation of liberty. Conditions in detention often involve violence, health deterioration, and precarious living standards, leading some scholars to describe it as a form of torture. Economically, detention requires significant infrastructure and human resources, whereas alternatives demand minimal investment.

These measures, though promising, present challenges. For example, passport withdrawal can restrict access to essential services, highlighting the need for further research to identify options that best protect individuals without regular status. The legal framework permits judges to impose any precautionary measure deemed appropriate, yet evidence suggests this option is rarely used, while detention is often authorised without sufficient grounds. Additional measures, such as deportation directly from prison for those with expulsion orders, could be explored. Already practiced in some EU countries, these approaches are cost-effective, lower-risk, and more humane, though they remain underutilised in practice.

Padrón

The *padrón*, Spain's municipal register, is legally mandatory for all residents and serves as a gateway to essential services such as healthcare, education, and social assistance. While it does not guarantee equal socio-economic rights, it is crucial for initiating regularisation and offers protection against deportation. Historically a governance tool for recording inhabitants, the *padrón* became continuously updated in 1996 and gained relevance for immigration policy in the 1990s as Spain transitioned into a country of immigration. Its role was formalised in the early 2000s when Ley Orgánica 4/2000 made registration a requirement for the *arraigo* regularisation procedure.

Despite its importance, access remains uneven. Citizens can register online and rarely face enforcement, while foreigners must renew every two years and navigate municipal discretion, which varies widely. Barriers include proof of residence requirements and housing insecurity, often forcing migrants to rely on informal strategies or

intermediaries such as NGOs. Inclusionary measures introduced in the 2000s, such as allowing registration through NGOs for those without a fixed address, have been partially rolled back amid debates on “fraudulent” registrations, leading to restrictive practices like police checks and owner consent requirements.

Although *padrón* data can be shared with the police, this rarely has practical consequences. Migrants recognise registration as both safe and indispensable for accessing rights and pursuing regularisation. Nonetheless, structural obstacles, particularly housing shortages, racism, and municipal barriers to registration, continue to make registration challenging, reinforcing the *padrón*’s dual role as a tool of inclusion and a site of bureaucratic control.

Case-working in detention

Several organisations in Spain have agreements granting them access to immigration detention centres to support detainees. Their involvement has improved living conditions and facilitated fundamental rights, including access to legal counsel and translation services, which are often lacking. These organisations also work to prevent deportations through case management and assist non-deported individuals in pursuing regularisation. However, their scope varies: some may only enter upon detainee request, limiting their impact, while the Red Cross maintains a permanent presence in all centres. This enables greater daily support but restricts its ability to publicly denounce rights violations.

Promotion of regularisation through labour

Projects like Top Manta, a cooperative organised by the Street Vendors’ Union in Barcelona (Sindicato Popular de Vendedores Ambulantes) which produces socially responsible fashion, create and offer jobs to migrants in order to contribute to their regularisation by helping them meet the criteria of a job contract to access *arraigo social*. While Top Manta is the most well-known project of this kind, there are numerous initiatives, such as the delivery service Mensakas or the catering enterprise Mescladís, which have the promotion of dignified employment in the delivery and food sectors (which employ many irregularised people) as their main goal. These organisations, like Top Manta, Mensakas or Mescladís facilitate access, especially to integration into the regular labour market by creating pathways towards regularisation.

Job dependent temporary permits

Spain's pilot of job-dependent permits for foreign nationals between 18-21 years of age during COVID-19 is seen by some employers and migrants as offering a potential pathway to mitigate irregularity and, by extension, deportability. Yet, it simultaneously reinforces a model of conditional regularisation that ties legal status to labour market participation, thereby potentially reproducing the precarious dynamics it seeks to resolve. After what has been considered by the agricultural sector as a "successful" pilot with youth, most of which were previously under state care, the sector advocates extending these permits to all irregularised migrants, framing them as a pragmatic response to structural labour shortages and regulatory inefficiencies. While literature shows that such schemes risk institutionalising precarity by tying legal status to employment (Demetriou, 2015), proponents position them as complementary to *arraigo*, Spain's main regularisation route. The proposed permits would bypass the social integration report, a key bureaucratic hurdle in the current system, while still requiring proof of residence and a clean criminal record. Employers view this as essential to reducing fraudulent hiring and levelling competition, whereas migrants interviewed for MORE would generally subscribe to such option, considering it as a means to escape irregularity, accumulate residence evidence, and eventually qualify for *arraigo*. Interviews underscore that lack of status, rather than job scarcity, is the primary barrier to employment for most, suggesting that a labour-conditional temporary permit that allowed to work could simultaneously enhance state oversight and mitigate exploitative practices. However, it might also undermine *arraigo* social if employers opted not to sponsor it, given that the proposed measure offers a more accessible pathway to secure employees, which could contribute to entrenching precariousness of status.



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