

INSIGHT BRIEF

No. 02, 2026

Contrasting Directions in Migration Governance: Comparing Spain and the EU's Recent Initiatives

Miquela Kallenberger

Introduction

Migration policy in Europe is increasingly shaped by two competing approaches: one focused on externalization, deterrence, and border security, and another centered on regularization, integration, and social inclusion. This tension is not merely theoretical, as it continues to unfold in real time through policy choices at both the EU and Member State level.

Recent decisions by the European Parliament mark a significant shift toward a more restrictive and security-oriented EU migration framework. Newly adopted measures expand the ability of Member States to transfer asylum seekers to “safe third countries” and establish an EU-wide list of “safe countries of origin.” Collectively, these reforms aim to accelerate asylum procedures, deter irregular arrivals, and harmonize return and transfer practices across the EU. Critics argue that these measures will weaken the integrity of the right to asylum and shift the balance from individual protection to security and efficiency.

Simultaneously, Spain has adopted a massive regularization scheme that provides a legal pathway for thousands of undocumented migrants to stay and work in the country. The measure, backed by a citizen-led initiative, seeks to reflect legality with the lived reality that many irregular migrants are already embedded in Spain's labor market and society. This

Highlights

- European migration governance is increasingly divided between two competing approaches: externalization and restriction v. regularization and integration
- The STC framework reflects a broader EU strategy of migration externalization, where migration control responsibilities are increasingly shifted outside EU borders.
- Spain's 2026 regularization initiative could grant legal status and work authorization to more than 500,000 undocumented migrants already living in the country.
- The coexistence of restrictive EU asylum policies alongside inclusive national regularization programs may create fragmentation within the EU migration system
- The purpose of Spain's regularization program is to formalize labor participation, reduce informal employment, improve social cohesion, and align legal status with economic reality.

regularization scheme will change the legal status of over 500,000 people and is designed to improve social cohesion and formalize labor market participation.

Taken together, these developments illustrate the fragmented and evolving nature of migration governance within Europe. By examining Spain and the EU's recent migration policies, a greater insight may be gained into how the broader EU and its Member States continue to pursue divergent strategies in response to migration.

Background: Migration Governance and Regularization

The complexity of the European Union creates a vibrant arena for discussions on migration governance and regularization measures, since policy decisions of one Member State inevitably affect others (Kerwin, Brick, & Kilberg, 2012). The Schengen agreement has increased the ability for Europeans to freely move and thus, those who are regularized in one EU Member State are allowed to travel anywhere within the European Union. This reality has caused tensions toward Member States who have employed regularization measures in recent years, like Spain (Kerwin, Brick, & Kilberg, 2012). While the EU maintains that regularization remains a national competence, the EU continues to pursue broader migration governance strategies at the supranational level. As a result, Member States, like Spain, must balance domestic migration priorities with broader European objectives concerning mobility and border management. Thus, Spain will have to consider any EU regulations that bind Member States. However, EU-wide coordination is still fraught with ongoing tensions.

Background: EU's Safe Third Countries

The safe third country concept is embedded in EU asylum law, particularly the EU Pact on Asylum and Migration and within it, the Asylum Procedures Regulation (set to apply to all Member States on 12 June 2026), which aims to harmonize how member states assess admissibility and designate safe countries (EUAA, 2026). The safe third country (STC) concept follows numerous other EU migration externalization policies that have been adopted in recent years. For example, the EU has entered into many return and readmission agreements with various third countries since the early 2000s including Albania (2006), Pakistan (2010) and Belarus (2020) (Niemann & Zaun, 2023). Externalization

is a migration governance strategy that seeks to “externalize,” delegating migration control to third countries, rather than internalize, and to process migration procedures within its borders. The STC concept externalizes what is usually an internal asylum processing, pushing this issue outside the EU's borders. Additionally, those who traveled through so-called “safe third countries” before reaching Europe will risk having their requests dismissed without assessment, which poses a fundamental issue to the right to international protection.

Critics of the STC concept argue that this approach raises significant human rights concerns as countries designated as “safe” may still expose migrants and asylum seekers to serious risks

Similarly, critics of the STC concept argue that this approach raises significant human rights concerns as countries designated as “safe” may still expose migrants and asylum seekers to serious risks. For example, Tunisia is considered a safe third country even though it recently “cracked down” on migrants and asylum-seekers, expelling hundreds to the Libyan desert (Tagliapietra, 2024). Thus, these “safe third countries” may not be so “safe” for those seeking protection.

Background: Spain's Regularization Programs

While EU policymakers have often highlighted the need to create more legal migration channels to destroy the business model of human smugglers and traffickers, the EU has not adopted any meaningful legal migration channels other than for either highly qualified migrants or seasonal workers (Niemann & Zaun, 2023). Spain however, has had a long history of using regularization programs to address the presence of irregular (or undocumented) migrants within its borders. These programs emerged as a policy response to the country's transformation in the late 20th century from a nation of emigration to one of immigration. As Spain's economy expanded, particularly during the 1990s and early 2000s, demand for labor in sectors such as agriculture, construction, and domestic services attracted large numbers of foreign workers, many of whom entered or remained in the country without proper documentation (Finotelli & Rincken, 2023). Regularization programs were designed to bring these individuals into the formal economy by granting them legal residency and work permits. By legalizing undocumented workers, the government aimed to improve labor market

regulation and reduce exploitation in informal sectors. One of the most significant regularization efforts took place in 2005, when the Spanish government implemented a large-scale program that granted legal status to approximately 576,000 irregular migrants (Mellersh, 2026). At the time, critics warned that the measure would trigger a surge in irregular migration. However, subsequent research did not find strong evidence that the policy caused a significant increase in new irregular arrivals. Instead, studies pointed to measurable positive economic effects. Tax revenues rose substantially, with estimates suggesting an increase of more than 4,000 euros per regularized migrant per year (Mellersh, 2026). Regularization is often presented as a policy tool that enhances social cohesion, stabilizes labor markets, and reduces the informal economy (Kraler, 2019), and this notion was seen in the 2005 regularization program. Thus, with this history of success, Spain's 2026 measures may also act as a labor-market formalization mechanism.

New Policies

EU's Safe Third Countries

The EU's updated Safe Third Country (STC) concept, approved by Parliament in February 2026, allows member states to declare asylum applications inadmissible if applicants passed through a safe country or have ties there, enabling faster extraditions to these "safe" third countries. The new rules would allow EU countries to apply the STC concept in individual cases where one of these three conditions is met:

(1) there is a connection between the applicant and a third country; this connection may be considered established if members of the applicant's family are present in the third country concerned, if the applicant stayed there previously, or if there are linguistic, cultural or similar links;

(2) applicants have transited through a third country on the way to the EU, where they could have requested effective protection;

(3) an agreement or arrangement exists with a third country at bilateral, multilateral or Union level for the admission of asylum seekers (European Parliament, 2025).

Therefore, the new STC guidelines allow for a looser connection to a third country. The European Council on Refugees and Exiles (ECRE) notes that last year's reform of EU asylum law already changed the definition of safety to make it easier to classify a country as an STC, even when it does not respect the 1951 Refugee Convention (ECRE, 2025). ECRE is also concerned that offering three options will cause more inconsistency and will erode asylum appeal rights. This is because people who receive a negative decision on their asylum application will be sent to an STC and thus, will

no longer have the right to remain during the appeal. This fragmented approach may further restrict access to asylum across Europe, as well as an increase in people being sent to countries they are not personally safe in and do not have a meaningful connection with.

Additionally, because the STC measures exist within the EU asylum policies, the current implementation of the STC concept in EU countries is highly divergent, with some applying the concept systematically and others, including Spain, only referencing it in law or applying it inconsistently. However, greater convergence is expected as the transposition of the safe country of origin concept will become mandatory for all Member States under the EU Pact on Migration and Asylum, which will enter into application in June 2026 (EUAA, 2026).

Spain's Regularization Program

The Spanish government approved the most recent regularization program on 27 January 2026 that could benefit 500,000 irregular migrants (Doherty, 2026). In order to be eligible, applicants must have lived continuously in Spain for at least five months before December 31, 2025 (Government of Spain, 2026). Additionally, applicants must have a clean criminal record, both in Spain and abroad. Individuals who have applied for international protection (asylum seekers) can also apply, provided their application was submitted before December 31, 2025. Minors under 18 will receive a residence permit valid for five years. The application period is scheduled to open in April 2026 and run until June 30, 2026. Once an application is admitted, individuals are granted provisional authorization to work legally in any sector and any location in Spain, offering security for both workers and employers. Spain's regularization program, "guarantees rights and gives legal certainty to a reality that already exists," according to Spain's Ministry of Inclusion, Security Social and Migration (Doherty, 2026). Thus, this program catches up legal rights to the truth of the situation in Spain and many countries: that irregular persons are already living and working. This measure is meant to make the lives of those affected by irregular status more stable and codify what is already occurring.

Comparative Analysis

While regularization and the STCs exist in different migration realms because one is referring to legal status of irregular migrants and the other to asylum procedures, they are both imperative in the scope of migration governance and thus, should be effectively compared. To examine Spain's regularization program and the recent EU expansion of STCs, Table 1 below seeks to illustrate the exact differences in four dimensions.

Dimension	EU STC Measures	Spain's Regularization Program
Primary Objective	Deterrence and procedural efficiency	Integration and formalization
Rights Impact	Narrowing of asylum access	Expansion of legal protection
Economic Framing	Cost containment	Revenue generation and labor stabilization
Political Logic	Border Security	Social cohesion

Table 1: Comparative Analysis of EU STC and Spain's regularization program

Source: Created by Author

As shown above, Spain and the EU's contrasting migration policies reflect fundamentally different approaches in regard to the primary objective of the policy, the legal/human rights impact, the economic framing of each policy, and the political logic purported to advance such policy. The most significant distinction lies in the primary objective of each policy. The EU STC measures is designed to reduce asylum claims processed within Europe by accelerating inadmissibility decisions and facilitating transfers to third countries. By contrast, Spain's regularization program seeks to integrate undocumented migrants already residing within the country into the formal legal and economic system.

The policies also differ in their treatment of migrant rights. The EU's STC reforms may limit access to asylum procedures by allowing Member States to reject claims without substantive examination within the EU. In comparison, Spain's program expands legal protections by granting residence and work authorization to individuals previously living without legal status.

The economic component of each policy also reflects conflicting strategies. While Spain highlights an economic pragmatism that irregular migrants are helping Spain's economy and therefore the economy of the EU, the EU's economic logic suggests they are concerned with the administrative and legal costs of asylum processing. Thus, in order to reduce and contain costs, the EU externalizes this issue.

The two measures also reveal differing politically normative orientations toward migrants. Spain's regularization programs emphasize inclusion and socioeconomic integration, recognizing migrants as contributors to society. Conversely, the EU's safe third country framework embodies a more restrictive and border-security-first logic, seeking to shift responsibility outside of EU borders.

Additionally, a key difference lies between the timing of these measures. Spain's regularization programs are ex post measures in that they address migrants who are already present and often already embedded in the economy. In contrast, the EU's STC measures are ex ante in that they seek to reduce the number of irregular migrants to the EU and thereby reducing the number of asylum claims processed within the EU. The timing of these policies reflect the basis of the four categories expresses above, the logics of inclusion versus exclusion: Spain is acknowledging the reality that no matter how the EU tries to push immigrants away, there will always be irregular migrants and there should be measures that reflect this, while the EU can be seen as also acknowledging this reality, but choosing to find a different solution by cutting out the need to regularize by reducing the number of migrants able to access EU asylum procedures.

Conclusion

Europe now stands at a pivotal moment in migration governance. The two ethos that the EU and Spain are purporting suggest differing strategies in how to handle migrants without legal status coming to the EU. While regularization and the EU's proposed "safe third countries" are different mechanisms toward migration governance, each can be seen as connected to a broader strategy: exclusion and inclusion. These divergent approaches raise fundamental questions about the future direction of European migration policies. Namely, how will these opposing views of migration work in the long term for EU cohesion and Member State autonomy? As June 2026 approaches and the Asylum Procedures Regulation becomes mandatory for all EU countries, Spain will have to reconcile their inclusive regularization measures, with EU's externalizing STC concept.

Ultimately, this tension is unlikely to be fully resolved, but rather managed through ongoing compromise and policy adaptation. The challenge moving forward will be whether these models can coexist without undermining one another or rather, whether inclusion at the national level can persist alongside exclusion at the external borders. If not carefully balanced, this divergence risks creating fragmentation within the EU's migration system, weakening solidarity among Member States and complicating the implementation of common rules. At the same time, it may also push the EU toward a more flexible, multi-layered migration regime, where national experimentation and supranational coordination evolve in tandem.

References

- Doherty, L. (2026). Spain's migrant regularisation explained: How it will work and what it means for Catalonia. *Catalan News*. <https://www.catalannews.com/society-science/item/spains-migrant-regularisation-explained-how-it-will-work-and-what-it-means-for-catalonia>
- European Council on Refugees and Exiles (ECRE). (2025). Proposed reform of the safe third country concept. <https://ecre.org/proposed-reform-of-the-safe-third-country-concept/>
- European Parliament. (2025). Asylum: Parliament and Council reach a deal to update safe third country rules. <https://www.europarl.europa.eu/news/en/press-room/20251215IPR32222/asylum-parliament-and-council-reach-a-deal-to-update-safe-third-country-rules>
- European Union Agency for Asylum (EUAA). (2026). Implementation of safe country concepts. Retrieved April 30, 2026, from <https://www.euaa.europa.eu/implementation-safe-country-concepts>
- Finotelli, C. & Rincken, S. (2023). A Pragmatic Bet: The Evolution of Spain's Immigration System.
- Government of Spain. (2026). Press conference after the Council of Ministers. <https://www.lamoncloa.gob.es/lang/en/gobierno/councilministers/Paginas/2026/20260127-council-press-conference.aspx>
- Kerwin, D., Brick, K., & Kilberg, R. (2012). Unauthorized immigrants in the United States and Europe: The use of legalization/regularization as a policy tool. Migration Policy Institute.
- Mellersh, N. (2026). Spain's new migrant regularization explained. *InfoMigrants*. <https://www.infomigrants.net/en/post/69941/spains-new-migrant-regularization-explained>
- Niemann, A., & Zaun, N. (2023). Introduction: EU external migration policy and EU migration governance: introduction. *Journal of Ethnic and Migration Studies*, 49(12), 2965–2985. <https://doi.org/10.1080/1369183X.2023.2193710>
- Tagliapietra, A. (2024). Outsourcing responsibility: The EU's new pact on migration and asylum. German Marshall Fund of the United States. <https://www.gmfus.org/news/outsourcing-responsibility-eus-new-pact-migration-and-asylum>

EDITORIAL INFORMATION

About the Author:

Miquela Kallenberger is currently a Communication Trainee at UNU-CRIS. She holds a B.A. from UC Berkeley, J.D. from UC Law San Francisco, and an LL.M. from Ghent University.

Suggested Citation: Kallenberger, Miquela. 2026. Contrasting Directions in Migration Governance: Comparing Spain and the EU's Recent Initiatives. Insight Brief 26.02. Bruges: UNU-CRIS.

Disclaimer: The opinions expressed in this publication are those of the authors and editors and do not necessarily reflect the views of the countries of which they are nationals, nor those of the United Nations University, UNU-CRIS, or their governing and advisory bodies.

The designations employed, the presentation of material, and the use of the names of countries, territories, cities or areas in this publication, including on any maps, do not imply the expression of any opinion whatsoever on the part of the United Nations University, UNU-CRIS, or their governing and advisory bodies, concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Publisher: United Nations University Institute on Comparative Regional Integration Studies (UNU-CRIS), Bruges, Belgium

Copyright © 2026 United Nations University Institute on Comparative Regional Integration Studies