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Immigration Governance in Spain: Comparing Policy Theories and Border Implementation Cases

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Abstract:
Spain's immigration governance combines residence regularisation, border enforcement, European Union coordination, and the protection of migrants' rights. This study examines how public policy theories explain regulatory change and administrative implementation in Spain, with particular attention to Ceuta in 2021 and Melilla in 2022. A qualitative comparative design was employed, using structured documentary analysis of immigration legislation and amendments through 2026, official migration statistics, institutional oversight findings, and 40 recent journal articles. Evidence was examined across five dimensions: policy objectives, institutional responsibilities, implementation procedures, legal safeguards, and observable outcomes. The findings reveal that Spanish immigration governance is not uniformly restrictive. Expanded pathways to lawful residence coexist with strengthened border management and increasingly complex European coordination. Oversight reports document failures to observe individual procedural safeguards in the selected border cases, while official statistics show divergent trends across migration routes. These patterns do not establish that enforcement measures caused changes in irregular arrivals or integration outcomes. Incrementalism most convincingly explains successive regulatory adjustments, whereas the multiple-streams framework illuminates the political timing of reforms. Rational policy analysis is more useful as a benchmark for evidence-based decisions and administrative accountability than as a complete explanation of observed practices. The study recommends differentiated indicators for border procedures, protection guarantees, residence authorisations, labour-market participation, and social integration.

Keyword: Public Policy, Immigran Policy, Spain, Internasional Immigran

INTRODUCTION

International migration is both a demographic reality and a contested field of public authority. For Spain, it connects population change, labour demand, asylum protection, bilateral relations with Morocco, and the management of an external border of the European Union (EU). The common practice of treating 'migration' as one

undifferentiated measure obscures important distinctions. A person born abroad may have acquired Spanish nationality; an applicant for international protection is not necessarily an irregular border arrival; and a residence permit is an administrative authorisation rather than a count of persons crossing a border. These distinctions matter because each population is governed through different legal instruments and administrative responsibilities (Eurostat, 2025; Instituto Nacional de Estadística [INE], 2025).

A methodological distinction is needed between the visibility of migration in public debate and the operation of migration law. Newspaper representations of people crossing at Ceuta and Melilla may reproduce criminalising and dehumanising images, while institutional messages can alternate between managerial and humanitarian framings. These are documented interpretive patterns, not numerical measures of border enforcement (Ali, 2025; Marino & Hategekimana, 2025).

Spain's transformation into a major destination country is empirically visible. The annual population census reported 49,128,297 residents on 1 January 2025, of whom 6,911,971 had foreign nationality and 9,464,210 were foreign-born. The respective shares were 14.1% and 19.3%, demonstrating that the birthplace and citizenship indicators cannot be substituted for each other. Provisional continuous population estimates for 1 January 2026 place the foreign-born population at 10,004,581 and foreign nationals at 7,243,561. These figures describe resident stocks, not annual arrivals or irregular status (INE, 2025, 2026).

The administrative questions are equally diverse. Spain's Organic Law 4/2000 establishes the basic framework for foreigners' rights, legal status, and social integration. Its implementing arrangements were repeatedly modified, including the 2011 regulation, the 2022 reform, and a replacement regulation approved in November 2024 that took effect on 20 May 2025. A further 2026 amendment created additional exceptional-residence pathways subject to specified conditions. At the same time, the EU Pact on Migration and Asylum entered into application on 12 June 2026, introducing new requirements for external-border screening, responsibility sharing, and rights safeguards. A credible account must therefore separate an evolving national residence regime from border and asylum governance (Boletín Oficial del Estado [BOE], 2000, 2011, 2024, 2026; European Commission, 2026b).

Recent analyses show why the nationality–residence–deportation relationship cannot be treated as a uniform administrative category. The Spanish deportation regime distributes exposure to removal unevenly across legal statuses and migrant groups, while regularisation debates depend on advocacy coalitions and government incentives rather than a solely technocratic choice. The resulting policy instruments have distinct distributive and institutional implications (Fernández-Bessa, 2025; Perna & Puig Batalla, 2023).

The border dimension is particularly salient in Ceuta and Melilla, Spanish territories adjacent to Morocco. Although their geographical and legal position has made them frequent subjects of securitisation debates, a single security-centred account misses important institutional variation. A 2021 ombudsman intervention concerned the return of unaccompanied minors from Ceuta without the individualised procedures required by law. After events at the Melilla border on 24 June 2022, the same institution reported that 470 people had been rejected without observing the required guarantees. These documented findings concern particular administrative acts; they neither establish that every border operation was unlawful nor permit a general estimate of the prevalence of such practices (Defensor del Pueblo, 2021, 2022). The Ceuta–Morocco relationship also

has a diplomatic dimension: scholarship on the May 2021 episode describes how migration management interacted with disputes concerning Western Sahara and bilateral leverage. Spatial research on Ceuta subsequently identifies the city as an arena of multiscalar conflict involving residents, migrants and several public authorities. These studies justify analysing border implementation through geopolitical and municipal institutions, not only police activity (Álvarez-Miranda & Brey, 2025; Agúndez, 2025).

Recent scholarship addresses distinct aspects of the Spanish immigration system but frequently applies different units of analysis. López-Sala and Godenau (2026) examine transfer restrictions and internal movement in Ceuta, Melilla and the Canary Islands. Other studies focus on vulnerability classification, international diplomacy or competing crisis frames. This article integrates those perspectives through a single comparison of regulatory changes, institutional practice and policy-theory expectations, while explicitly distinguishing legal provisions from documented administrative acts.

The empirical literature further differentiates the coastal and island border experience. Scholarship on Spain's southern maritime border illustrates how administrative classifications of vulnerability operate within security and market-oriented arrangements; research on peripheral transfers shows that entry and subsequent movement to the mainland are separate policy decisions. Studies of island containment and the Canary Islands route likewise identify territorial selectivity and the political uses of 'crisis' narratives (Karlsen, 2024; López-Sala & Godenau, 2026).

The theoretical issue is not simply whether Spanish policy is 'rational' or 'reactive'. A rational-comprehensive perspective expects explicit objectives, alternatives, evidence appraisal, and reasoned selection. Incrementalism anticipates policy modification through negotiated, successive adjustments rather than comprehensive redesign. The multiple-streams framework focuses on how policy problems, available solutions, and political conditions converge to enable decisions. Each perspective offers different observable expectations; their explanatory usefulness must be assessed against specific events rather than inferred from general descriptions of migration pressure. This theoretical differentiation is applied as an interpretive framework rather than as direct evidence about administrative decisions.

Contemporary policy scholarship provides an additional test for the models used here. An international comparison challenges the assumption that official policy texts have internally consistent goals, while a conceptual analysis argues that migration policy must distinguish spatially situated populations from flows and their governance. An assessment of crisis discourse warns that the label 'migration crisis' can serve different, even competing, administrative rationales. Accordingly, theory must be confronted with documented decisions rather than inferred from public rhetoric (Vigneswaran & de León, 2024; Hoffmeyer-Zlotnik, 2024; Margheritis, 2025).

A second gap concerns policy effectiveness. Discussions of stricter border management commonly cite a fall in arrivals as proof of success. Yet the Ministry of the Interior's year-end series shows a marked decline in nationwide irregular arrivals in 2025 alongside growth in recorded land arrivals to Ceuta and Melilla. Route substitution, conditions in countries of departure, diplomatic cooperation, weather, and registration changes can also alter the observed series. Without an identification strategy, numerical association cannot establish that one enforcement instrument caused the change. Parallel caution is necessary when linking regularisation rules to integration outcomes or faster case processing (Departamento de Seguridad Nacional [DSN], 2025, 2026; OECD, 2025b). This article addresses three research questions. First, how did Spain's immigration regulatory framework change between the foundational law and the reforms

in operation by 2026? Second, where do policy objectives, institutional rules, and implementation practices converge or diverge in the Ceuta 2021, Melilla 2022, and residence-reform cases? Third, which public policy perspective most convincingly explains the pattern of decisions and documented outcomes? The contribution is a transparent, theory-linked comparative matrix covering legal design, administration, and measurable consequences; it does not claim to estimate causal policy impacts or generalise from two border events to all Spanish migration governance.

A second element of novelty is to connect legal entry pathways with actual integration mechanisms. Studies of migrants in Spain show that citizenship may be understood as a route to civic and social incorporation, but subjective attachment to nationality cannot be inferred from citizenship rules alone. A systematic review of pull factors to the European Union similarly highlights the variety of economic and non-economic drivers of migration. These findings motivate separate analytical indicators for admission, belonging and integration (Finotelli et al., 2025; La Barbera & Finotelli, 2025; Kumpikaitė-Valiūnienė et al., 2025).

RESEARCH METHOD

The research uses a qualitative, structured comparative documentary design with embedded implementation cases. Its principal unit of analysis is the policy episode, defined as a legally or administratively identifiable decision followed by an observable implementation question. Three episodes are assessed: (1) the treatment of unaccompanied minors returned from Ceuta in August 2021; (2) border rejection operations following the 24 June 2022 incident in Melilla; and (3) the trajectory of residence and regularisation reform in 2022–2026. A fourth dimension, EU migration-governance reform in June 2026, is used to locate national practices within multilevel responsibilities. The comparison is analytic rather than statistical and does not treat these episodes as equivalent in population or purpose.

The documentary corpus was assembled through purposive retrieval of publicly available legislation, agency statistics, institutional assessments, and peer-reviewed studies. Searches focused on Spain's official legislation database (BOE), INE, the Ministry of the Interior and DSN, Defensor del Pueblo, European Commission, Council of the EU, Eurostat, and OECD publications. Search phrases combined immigration law, Reglamento de Extranjería, arraigo, Ceuta, Melilla, border rejection, irregular arrivals, and public policy theory. The primary legal period is 2000–2026 to capture regulatory lineage; the focused case and empirical evidence period is 2020–2026, with earlier theoretical works retained for conceptual definition. This is a targeted documentary study, not a claim of exhaustive systematic-review coverage.

Inclusion required an identifiable issuing institution or scholarly publication; a retrievable title and date; substantive relevance to policy instruments, implementation, migration indicators, or theory; and sufficient information to distinguish documented findings from commentary. Items were excluded when they merely repeated another report without adding independent evidence, lacked a traceable institutional source, or made uncheckable aggregate claims. Newspaper accounts were used only to identify contextual issues, not to establish the numerical tables or legal conclusions. Publication-year limits were not applied to enacted primary law, judicial decisions, or foundational theoretical texts, because their historical function requires earlier documents.

For the scholarly component, a targeted publisher search was carried out using combinations of 'Spain', 'immigration policy', 'Ceuta', 'Melilla', 'Canary Islands', 'regularisation', 'border externalisation', 'integration', 'EU migration pact' and

'administrative discretion'. The review was restricted to journal articles published between 2022 and 2026 on ScienceDirect or Taylor & Francis Online; older scholarly books and articles were excluded from the revised bibliography. Forty thematically relevant articles were retained, while official legal and statistical sources were classified separately as primary documents. This was a purposive documentary synthesis, not an exhaustive systematic review or meta-analysis.

Documentary extraction recorded the instrument or episode, publication or event date, legal objective, competent authority, population covered, implementation act, safeguard, observable outcome, and source limitations. Deductive content coding applied five common dimensions: (a) formulation logic and stated objective; (b) incremental adaptation or institutional change; (c) problem, policy, and politics alignment; (d) administrative coordination and procedural legality; and (e) effectiveness, protection, and integration indicators. Where passages supported more than one perspective, multiple theoretical codes were retained.

The coding also separated evidence about an institution's formal legal competence from evidence about an administrative decision. This matters because research on frontline discretion finds recurring gaps between codified rules and situated practices, whereas local integration studies show that understandings of responsibility vary between elected authorities, administrators and community organisations. Neither strand licenses the assumption that one institutional actor controls the whole process (Borrelli et al., 2025; Pettrachin et al., 2026).

Table 1. Comparative Design, Theoretical Expectations, and Documentary Indicators

Perspective / dimension	Observable expectation	Documentary test
Rational-comprehensive	Explicit options, forecasts, decision criteria, and ex-post review	Impact rationale, stated objectives, review provisions, evaluations
Incrementalism	Successive revisions responding to earlier limits or administrative demands	2011, 2022, 2024–2026 regulatory sequence
Multiple streams	Recognisable problem, available proposal, and political opening	Crisis timing, reform proposals, EU/Spanish political agenda
Implementation / legality	Formal safeguards visible in individual administrative acts	Ombudsman findings, statutory duties, court safeguards
Outcomes / integration	Changes in defined metrics, with denominators	INE population stocks, Interior border arrivals, permit requests

Source: Author, 2026

Triangulation was undertaken at the level of each claim. For Ceuta, the ombudsman's finding about minor repatriation procedures was checked against the duties in Organic Law 4/2000 and interpreted with scholarship on border governance. For Melilla, the ombudsman's stated finding was read alongside Constitutional Court Judgment 172/2020 concerning border rejections, with academic analyses used to interpret framing rather than to replace legal evidence. For regularisation, BOE provisions were paired with OECD's account of policy aims and ministry counts of applications. INE and Interior series were kept in separate categories to avoid combining stocks and flows.

Where sources report differing retrospective baselines, this is acknowledged rather than silently harmonised.

Cross-case assessment additionally treated externalisation as a spatial governance arrangement rather than only an agreement with another government. Recent analyses demonstrate that external-border practices reconfigure local places and reflect racialised, gendered and postcolonial relations. These interpretive perspectives inform the study's attention to affected populations, although they do not substitute for the official documentary record of any individual return or rejection procedure (Cobarrubias & Novak, 2025; Cappiali & Pacciardi, 2025).

The evidential hierarchy distinguishes explicit statutory rules and published institutional findings from the authors' interpretation and recommendations. A right guaranteed by law is not evidence that a person received it; an administrative application is not evidence that a permit was granted; and a decline in detected crossings is not a measure of protection outcomes. No interviews, field observation, unpublished administrative files, geospatial border surveillance data, or individual case records were collected for this revision. Accordingly, the study does not measure the causal effect of enforcement, the actual approval rate of all residence applications, or the incidence of procedural violations beyond the documented cases.

Comparability is maintained by applying the same questions to each episode while preserving substantive differences. The Ceuta case tests child-protection procedure, Melilla tests border rejection and remedy guarantees, and residence reform tests the design of lawful pathways and evidence of administrative take-up. The EU dimension tests the allocation of legal responsibilities rather than attributing a single national decision to Brussels. For transparency, table captions identify source provenance and observations are categorised as documented facts, conditional inferences, or proposed evaluation criteria. This structure follows the specimen article's integration of evidence, tables, and interpretive discussion while avoiding the appearance of invented fieldwork.

RESULT AND DISCUSSION

1. Regulatory Evolution: From The Framework Law to The 2026 Amendments

Organic Law 4/2000 provides the foundation of Spain's general immigration system and explicitly connects administrative status to the rights and social integration of foreign nationals. Subsequent regulations operationalised residence, work, family reunion, and exceptional circumstances, while separate rules govern international protection and the conduct of border authorities. The existence of one foundational statute should not be mistaken for unchanging policy: repeated subordinate reforms alter eligibility, documentation, and implementation pathways. The legal architecture therefore combines continuity at the level of statutory principles with significant adjustments in administrative design (BOE, 2000, 2011).

Royal Decree 557/2011 implemented the amended statutory framework following Organic Law 2/2009. Royal Decree 629/2022 then revised aspects of the residence system, notably routes associated with employment and training. Royal Decree 1155/2024 replaced the 2011 implementing regulation with effect from 20 May 2025. The official regulatory record demonstrates sequential adaptation, not one timeless policy. The 2025 design broadened the organisation of arraigo routes and addressed family and work-related residence conditions; the OECD describes employment, training, and family links as central inclusion mechanisms. Legal enlargement of a route, however, establishes formal eligibility rather than its eventual reach among the eligible population (BOE, 2011, 2022, 2024; OECD, 2025b).

The 2026 amendment requires separate attention because it occurred after the 2025 reform became operational. Royal Decree 316/2026 introduced, among other provisions, exceptional residence arrangements including an extraordinary arraigo mechanism subject to defined presence, status, and eligibility conditions. The regulation also established a route for certain persons who had applied for international protection before 1 January 2026. The legal publication specifies time-bound application conditions. These rules demonstrate a further change in administrative access; their long-term effects on employment stability, integration, and adjudication are not established by the existence of the decree itself (BOE, 2026).

Recent studies of the Pact help distinguish legislative compromise from implementation certainty. Negotiation research describes how the Council overcame institutional deadlock, whereas analysis of external policy identifies potential depoliticisation and subsequent renewed political controversy. Critical work on the Pact's vulnerability categories and asylum temporality also challenges the assumption that nominal protection provisions ensure effective access. These arguments are treated as interpretations of EU governance, not as case-specific findings of legal noncompliance in Spain (Triculescu et al., 2026; Arnoux Bellavitis & Ripoll Servent, 2026; Häkli & Peltonen, 2026).

Table 2. Selected Immigration Instruments and Implementation Implications

Instrument / period	Policy function	Institutional and analytical implication
Organic Law 4/2000, as amended	Rights, foreigners' legal status, integration	Foundational statutory duties; distinguish norms from case compliance
Royal Decree 557/2011	Detailed national residence and work procedures	Baseline for later incremental amendments; replaced in May 2025
Royal Decree 629/2022	Adjustments to residence, labour, and training pathways	Intermediate change within the pre-2025 system
Royal Decree 1155/2024 (effective 2025)	Reorganised residence and regularisation rules	Assess applications, eligibility and actual decisions separately
Royal Decree 316/2026	Additional exceptional-residence provisions	New time-bound eligibility routes; outcomes not yet established
EU Pact (applied June 2026)	Screening, asylum procedures, solidarity, rights oversight	Multilevel compliance and monitoring responsibilities

Source: BOE (2000, 2011, 2024, 2026)

The European layer has an analytically different function. The EU Pact on Migration and Asylum, adopted in 2024 and applied from 12 June 2026, establishes common screening obligations, border procedures, registration, and responsibility-sharing arrangements. It seeks more coordinated external-border and asylum governance while embedding fundamental-rights monitoring. National authorities remain responsible for day-to-day implementation within this supranational system. Hence, a national decision about residence eligibility and a border-screening decision may involve different instruments, agencies, and review channels. Their practical

interaction requires coordination rather than assuming that harmonisation at EU level resolves national implementation gaps (Council of the European Union, 2026; European Commission, 2026b).

Table 2 indicates a mixed rather than uniformly restrictive trajectory. Border-control provisions and procedural guarantees coexist with an increasingly differentiated system of residence admission and regularisation. This tension challenges any conclusion that Spanish policy can be classified solely through the securitisation of migration. A useful evaluation must ask which government function is being assessed: admission at the border, determination of asylum claims, lawful residence, employment access, or long-term integration. The definition of function also determines which agency must report performance and which rights standards are relevant.

A related institutional consequence concerns the financing of cross-border cooperation. Analyses of European migration funding show that earmarking, conditionality and intergovernmental coordination raise questions of transparency and accountability; spatial work likewise shows that the design of externalised border control may create local dependencies that are obscured in national statistics. The evaluation therefore records the agency responsible for each decision and the evidence needed to assess implementation (Tsourdi & Zardo, 2025; Gazzotti, 2025).

2. Verified Migration Indicators and Changing Territorial Routes

Population-stock measures show the structural significance of international migration. INE counted 9.46 million residents born abroad on 1 January 2025, compared with 8.84 million one year earlier in the census series, while the estimated total passed 10 million on 1 January 2026. The 2025 foreign-national population was about 6.91 million. These are different categories from first residence permits: Eurostat records approximately 562,000 first permits to non-EU citizens in Spain in 2024. Nor does this permit count represent all immigration flows, as EU free movement, status changes, and asylum arrangements follow different statistical definitions (INE, 2025, 2026; Eurostat, 2025). Annual irregular-border-arrival reports describe a narrower phenomenon: detected arrival events through specified routes. An Interior-based national-security bulletin initially reported 63,970 irregular arrivals in 2024. The final 2025 bulletin reported 36,775 arrivals for 2025 and used a revised comparative 2024 figure of 64,019, equivalent to a decline of about 42.6% on that bulletin's stated denominator. Such provisional revision is one reason why the source year and extraction date must accompany the indicator. The decline cannot be equated with a proportional fall in the resident foreign-born population, nor with a net change in migration (DSN, 2025, 2026).

Route-level indicators reveal a more complex geography. Arrivals to the Canary Islands fell from 46,843 in 2024 to 17,788 in 2025, while recorded land arrivals to Ceuta and Melilla combined increased from 2,647 to 3,850. Within that latter total, Ceuta recorded 2,531 in 2024 and 3,523 in 2025; Melilla recorded 116 and 327 respectively. These territorially specific series show that the national decline coincided with different dynamics at the two land borders. The figures do not identify individual migrants' legal eligibility, subsequent asylum outcomes, returns, or the cause of any route change (DSN, 2025, 2026).

Table 3. Official Migration Indicators: Definition, Reference Period, and Value

Measure	2024 / 2025 value	2025 / 2026 value	Interpretation
Resident population born abroad	8,838,234 (1 Jan 2024)	9,464,210 (1 Jan 2025)	Census resident stock; not a border-flow measure
Foreign-national residents	6,502,282 (1 Jan 2024)	6,911,971 (1 Jan 2025)	Citizenship stock; differs from place of birth
First residence permits, non-EU	~562,000 (year 2024)	—	Administrative authorisations during one year
Irregular arrivals, nationwide	63,970 (initial 2024)	36,775 (year 2025)	Detected border arrivals; 2025 series revises 2024 to 64,019
Canary Islands arrivals	46,843 (year 2024)	17,788 (year 2025)	Territory-specific arrivals
Ceuta/Melilla land arrivals	2,647 (year 2024)	3,850 (year 2025)	Land-border records; not resident stock

Source: INE (2025); Eurostat (2025); DSN (2025, 2026).

Table 3 prevents the category error present in many migration-policy debates. The population census, permit statistics, and arrivals series have different units and denominators. The 2026 INE provisional estimate of 10,004,581 foreign-born residents adds a more recent population observation but is not inserted into the 2024–2025 comparison because it comes from a different release date and estimation series. Similarly, Eurostat's approximately 165,000 first-time asylum applicants in Spain in 2024 measure applications for protection, not undocumented sea or land arrivals. Combining these numbers to describe 'illegal migration growth' would be analytically invalid (INE, 2026; Eurostat, 2025).

Stock indicators also reveal different aspects of immigrant incorporation that border-arrival counts cannot measure. A study using Spanish survey and infrastructure data associates broadband diffusion with more positive attitudes to migrants, while comparative labour-market research finds meaningful differences in immigrants' job transitions across Spain, France and the United States. A Spanish health-survey analysis identifies inequalities in self-rated health by immigrant status and length of residence. Each result measures a different outcome and should not be treated as a direct effect of the 2025 border-arrival decline (Golin & Romarri, 2024; Chassamboulli et al., 2024; Borrell et al., 2024).

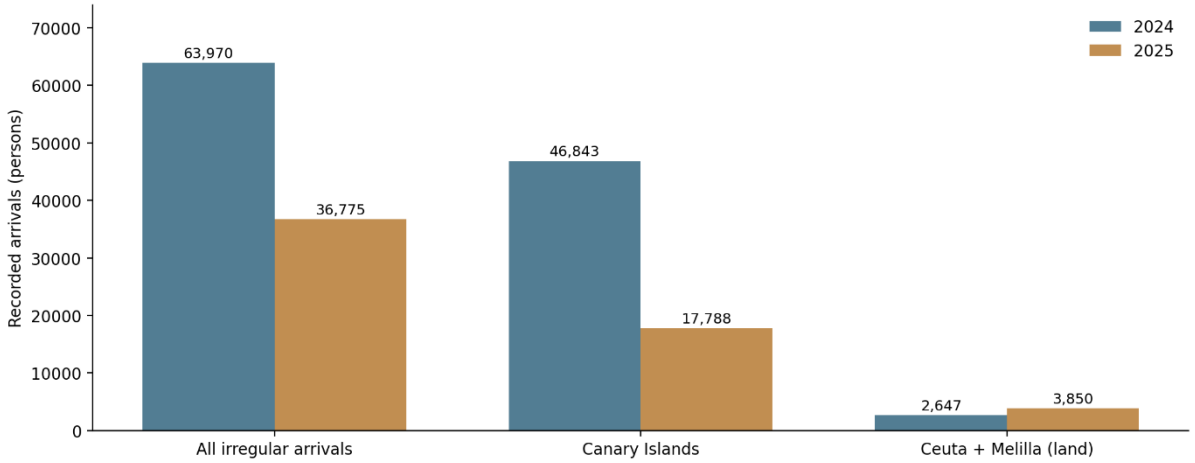


Figure 1. Recorded irregular arrivals by selected routes, 2024–2025
Source: DSN (2025, 2026)

Figure 1 illustrates why an aggregate trend is insufficient to evaluate an intervention. The steep change on the Canary Islands route dominates the national movement, whereas recorded land arrivals at Ceuta and Melilla increase from a much smaller baseline. This descriptive divergence is consistent with a need for route-specific analysis, but it is not a quasi-experiment. Assessing a policy intervention would require operational dates, patrol intensity, bilateral-cooperation changes, cross-route substitution, seasonal exposure, and comparable pre-policy trends. Since those causal conditions are not established in the present documents, no enforcement-effect estimate is asserted.

3. Ceuta 2021: Emergency Response and Child-Protection Procedure

The Ceuta episode provides a concrete test of the difference between an emergency administrative objective and applicable individual safeguards. During a period of unusually intense border movement and bilateral tension in 2021, Spanish authorities faced immediate reception and coordination challenges. The case selected for this analysis is narrower than the whole episode: the return to Morocco of unaccompanied minors who had been under the protection of the autonomous city. In its decision dated 13 August 2021, the Defensor del Pueblo identified returns that did not comply with the relevant procedural requirements and called for them to cease pending lawful individual consideration (Defensor del Pueblo, 2021).

Article 35 of Organic Law 4/2000 and the implementing framework required safeguards relevant to family circumstances, the child's views when appropriate, protective-service assessment, and prosecutorial involvement. The ombudsman's intervention stated that the required individual process, including hearing the child and receiving prior professional reports, had not been followed in the returns examined. The administrative question is therefore not whether repatriation of minors is universally barred. It is whether the responsible authorities documented and respected the statutory decision sequence before authorising a specific return. This creates a more precise test of implementation than a general claim about 'restrictive policies' (BOE, 2000; Defensor del Pueblo, 2021).

From a rational-comprehensive perspective, emergency action should still include decision criteria and the recorded assessment of alternatives compatible with child protection. The available ombudsman finding identifies a procedural deficit rather than a completed policy-options appraisal. Multiple streams is useful for understanding how a

sudden problem may intensify political attention, but the documents reviewed do not reveal every negotiation behind the decisions. A securitisation-oriented reading can explain why border order received priority in public narratives, while the operative failure concerned administrative safeguarding. Academic analysis of the 2021 Ceuta dispute also shows that diplomatic positioning and migration management were intertwined, which cautions against treating the case as a purely technical exercise (Álvarez-Miranda & Brey, 2025).

Ceuta also illustrates distributed authority. National bodies retain immigration and foreign-affairs functions, border services carry out operational control, and the autonomous city has responsibilities toward children in its care. Coordination failures can occur when a rapid national border response intersects with individualised protection decisions. An appropriate performance indicator is not simply the number of people returned; it is the proportion of return files containing an individual assessment, a recorded opportunity to be heard, involvement of child-protection authorities, and an accessible remedy. Those data are not available in the present corpus, so the case demonstrates a documented problem, not a calculated system-wide compliance rate. Procedural protection for children must also account for institutional transitions after admission. Research on unaccompanied migrant children in Spanish residential centres identifies a multidimensional set of educational, social and protective factors associated with exclusion risk. Scholarship on differentiated border temporalities emphasises that administrative waiting and mobility restrictions shape access to rights. These findings support a case-file audit that records assessment, guardianship, transfer, and remedy opportunities separately, rather than assuming that physical admission constitutes adequate protection (Fernández-Pacheco Alises et al., 2025; Iglesias Ortiz & Karimi, 2025).

4. Melilla 2022: Border Rejection, Legal Safeguards, and Accountability

The events of 24 June 2022 at the Melilla border offer a contrasting implementation episode involving immediate border rejection rather than the management of children already in local protection. Following examination of material supplied by government agencies, the Defensor del Pueblo stated in October 2022 that 470 people had been rejected at the border without the applicable legal guarantees being observed. It also recorded the loss of life and injuries, requested additional evidence, and pursued questions concerning asylum procedures and institutional conduct. The figure is an ombudsman finding tied to that event, not an annual count of irregular entries or a judicial determination of criminal liability (Defensor del Pueblo, 2022).

The legal benchmark is essential for an accurate interpretation. The Spanish Constitutional Court's Judgment 172/2020 did not invalidate the special border-rejection regime in its abstract form, but its constitutional acceptability was conditioned on judicial review, compliance with international human-rights obligations, and attention to individuals' particular circumstances. This creates an explicit comparison between the stated legal design and the ombudsman's later finding concerning implementation. Describing all border rejection as inherently unlawful would misrepresent the court; treating the statutory power as immunity from review would be equally incorrect (Tribunal Constitucional, 2020; Defensor del Pueblo, 2022).

This case offers stronger evidence of a specific formulation–implementation gap than of any nationwide security outcome. A border operation may be intended to re-establish territorial control while still requiring recording, identification of vulnerability, access to protection, and review. The documents establish a serious concern about these safeguards in the 2022 episode; they do not provide the total number of comparable

operations against which to calculate a breach rate. Scholarship on the flexible categorisation of vulnerability in Spain's southern border system further indicates why administrative practice should be examined independently of formal statements about protection (Karlsen, 2024).

The normative tension is also a governance problem. Security officers, asylum officials, reception services, judicial actors, Morocco-facing diplomatic channels, and independent oversight have different mandates and time horizons. Marino and Hategekimana (2025) demonstrate that managerial and humanitarian frames are simultaneously present in these borderlands. Their study helps interpret divergent actor narratives, but the ombudsman's finding remains the direct evidence for the administrative claim. Together, these sources support an integrated evaluation that reports both operational responsiveness and the legal quality of individual decisions rather than scoring security and rights as mutually exclusive goals.

Other recent work identifies broader limits to treating a fence as the only location of border power. A study of Melilla's territorial arrangements describes sovereignty and operational trade-offs in reliance on cross-border control, while research on Spanish maritime externalisation situates border operations within wider routes and risks. An ethnographic study of a Spanish detention centre similarly shows that administrative control has lived consequences not represented by entry totals. These perspectives motivate differentiated evidence of territorial control, legal safeguards and conditions of custody (Ferrer-Gallardo, 2025; Lopez Oggier, 2026; Perl, 2025).

Table 4. Cross-Case Implementation Comparison and Strength of Evidence

Case / policy objective	Documented administrative evidence	Permissible inference / missing evidence
Ceuta 2021: protection and lawful repatriation of unaccompanied minors	Ombudsman identified returns without required individual procedure and urged cessation	A documented procedural gap; no denominator for all child-return cases
Melilla 2022: border control with rights safeguards	Ombudsman reported 470 rejections lacking applicable guarantees after the 24 June events	A serious event-specific compliance concern; not a general breach rate
2025 residence reform: inclusion and administrative simplification	New regulation effective May 2025; official application counts subsequently published	More applications demonstrate take-up or demand, not approval or integration impact
2026 EU Pact: harmonised screening and protection	New obligations applied from June 2026	Compliance indicators proposed; full implementation effects not assessed

Source: Defensor del Pueblo (2021, 2022); BOE (2024); Ministerio de Inclusión (2025); European Commission (2026b).

Table 4 makes explicit the uneven character of the evidence: the border cases concern concrete institutional findings, whereas the residence reform concerns legal design and administrative take up. Treating all cases as interchangeable measures of 'policy success' would conceal rather than illuminate implementation. The comparative benefit lies in testing the same questions who is responsible, what rule applies, what

action occurred, and what observation is missing across substantively different areas of immigration governance.

5. Political actors, EU governance, and theoretical explanatory power

The institutional analysis also requires a longer time horizon than the two highly visible border episodes. Osso (2025) describes how successive European measures adopted after 2015 progressively reshape physical, legal and social access to protection. That argument informs the present distinction between discrete events and cumulative regulatory effects; it does not demonstrate that every Spanish amendment was intended to restrict admission. The analysis therefore identifies the timing, territorial scope and responsible institution for each instrument before assessing its potential implementation consequences.

Spanish immigration policymaking is organised across interacting levels of authority. The national legislature establishes general statutory rules, the government and relevant ministries define implementing regulations, the Ministry of the Interior and border services administer operational control, and migration-related ministries manage residence and integration arrangements. Autonomous authorities and local services become consequential when reception, child protection, schooling, and social inclusion intersect with immigration status. EU institutions set common asylum and border obligations and coordinate support, while courts and ombudsman institutions scrutinise legality. Civil-society organisations assist affected persons, identify procedural risks, and articulate competing accounts of public problems (BOE, 2000; Council of the European Union, 2026).

These authorities cannot be modelled as a single policymaker optimizing a single objective. A national administration may prioritise rapid border processing, a child-protection agency must document individual welfare, and a court assesses compliance with statutory guarantees. EU harmonisation adds common procedures without eliminating the national capacity problem of organising files, interpreters, legal assistance, and reception. This institutional distribution creates the possibility of vertical gaps between EU and Spanish obligations and horizontal gaps among national and local bodies. Such claims can be tested through recorded referral times, completeness of files, access-to-remedy measures, and inter-agency case transfers; the present documents do not supply full cross-institutional datasets.

Public–private and regional relationships further complicate the attribution of responsibility. Research on securitisation identifies security provision by private actors as part of the governance environment, while analyses of bordering in the Canary Islands examine how crisis framing intersects with humanitarian and everyday survival practices. A more recent account of the Atlantic route centres migrants' endurance and resistance, reminding evaluators that administrative records capture only part of the policy experience (Planas Gifra, 2024; Fradejas-García & Loftsdóttir, 2024; Salifu, 2026).

The rational-comprehensive model best identifies the standard against which policy formulation could be reviewed: stated goals should connect to specified instruments, anticipated effects, alternative options, and evaluation. Yet the available record does not establish that each border response followed such a decision process or that every regulatory change followed systematic ex-ante comparison. Incrementalism offers a closer descriptive fit for the sequence of 2011, 2022, 2024, and 2026 adjustments to residence rules. The 2024 regulation was substantial in scope, however, and should not be reduced to an insignificant incremental amendment; this finding instead points to cumulative adaptation within a continuing statutory framework.

The multiple-streams perspective accounts for the political timing of available solutions under changing problem conditions. Demographic demand, labour-market needs, and administrative backlogs are plausible problem signals; residence and regularisation pathways were policy alternatives; national political decisions and EU reforms formed part of the political context. At the border, rapid events made emergency control especially salient. This is a qualified explanatory interpretation, not a reconstructed sequence of confidential negotiations. The documentary record supports the presence of elements corresponding to the three streams but does not establish a single causal 'policy window' in which all actors reached an identical decision (OECD, 2025b).

Security framing is therefore a complementary explanation, not a substitute for the three public policy models. Border disputes and oversight findings show how territorial-control objectives can compete with the duty to provide access to protection and review. The expansion of arraigo residence pathways reflects a different logic of legal admission and labour-market incorporation. The comparative result is differentiated governance: authorities and political coalitions can give different weight to security, rights and inclusion within the same statutory framework. This conclusion concerns identifiable administrative mechanisms rather than a quantified national effect.

Table 5. Theory-To-Evidence Synthesis And Limits Of Interpretation

Theoretical lens	Evidence supporting the lens	Boundary of claim
Rational-comprehensive	Legislation specifies purposes and eligibility; safeguards allow a norm–practice test	No complete ex-ante alternatives appraisal in reviewed event files
Incrementalism	Successive implementing-rule revisions, 2011–2026	Large reforms also occur; sequence alone does not prove bargaining mechanism
Multiple streams	Migration pressures, labour needs, and available reform instruments overlap with political attention	Internal agenda-setting negotiations not directly observed
Securitisation / framing	Border-control language contrasts with rights-focused narratives	Narratives do not themselves establish measured policy effects
Multilevel governance	Different EU, national, autonomous, and oversight responsibilities	Implementation quality requires agency-level operational records

Source: Authors, 2026

Theoretical comparison should therefore reject a false choice between security and integration. Work on the spatiotemporal organisation of asylum argues that EU legal and procedural categories may affect whether protection claims become practically accessible; a separate critical account stresses the potential erosion of rights when migration is governed through neglect and dehumanisation. These contributions specify the normative risks to investigate, without proving that every operational decision in the three selected episodes shared those deficiencies (Tazzioli, 2026; Jubany, 2026).

6. Policy Effectiveness, Integration, and A Feasible Evaluation Agenda

The assessment of effectiveness must begin with explicit and separate criteria. Border management can be evaluated for lawful identification, reception capacity, case-processing timeliness, and accurate monitoring of routes. Procedural protection can be evaluated through individual screening, access to interpreters and legal assistance, vulnerability assessment, and availability of review. Residence reform can be evaluated through valid applications, completeness of files, time to resolution, approvals and refusals by legal category, entry into formal work, and subsequent status stability. Social integration requires still different measures of housing, educational access, labour quality, and discrimination. None of these dimensions can be derived from a single national arrivals figure.

The Ministry of Inclusion reported 495,000 applications for residence-related authorisations from 1 January to 20 May 2025 and 724,000 from the reform's commencement to 31 October 2025, describing an increase of 46.2%. Because the reporting windows differ in duration and administrative conditions, the raw counts establish volume but not a controlled change in monthly application propensity, processing speed, approval probability, or labour-market integration. They should also not be confused with Eurostat's first-permit count. A robust evaluation would construct comparable time windows and distinguish initial, renewal, and long-term categories before attributing changes to the regulation (Ministerio de Inclusión, Seguridad Social y Migraciones, 2025).

Evidence on social integration also counsels against equating formal admission with equitable inclusion. The OECD (2025a) notes strengths in migrant employment participation but identifies persistent problems of job quality, informality, skills recognition, and mobility. The European Commission's country assessment similarly highlights precarity and labour-market inequalities among non-EU nationals. These findings support a cautious claim that lawful access is a necessary administrative resource but not sufficient evidence of integration. The available documentary study cannot determine whether a specific residence pathway reduced poverty, discrimination, or social conflict among its beneficiaries (OECD, 2025a; European Commission, 2026a).

Integration effectiveness additionally requires sector-specific evidence. A comparative analysis of MIPEX countries differentiates patterns of immigrant health-policy inclusiveness, while field research in Huelva documents the precarious position of seasonal migrant agricultural workers and the expectations surrounding residence regularisation. A Spain–Mexico comparison of acculturation preferences shows that intergroup perceptions and emotions also influence conditions for acceptance. These studies supply reasons to monitor health entitlements, employment security and social participation separately (Chow, 2025; Gavin & Jongerden, 2025; Vázquez-Flores et al., 2025).

A practical monitoring arrangement would link the appropriate institution to each measure rather than create one omnibus immigration-performance index. Border authorities should publish route data with a fixed definition, correction notices, and reporting periods. Protection authorities should track anonymised safeguards and remedies in individual cases. Residence administrations should publish decision times and outcomes by eligibility route, while labour and social-services bodies assess post-authorisation inclusion with privacy safeguards. The Defensor del Pueblo and relevant judicial mechanisms must remain independent evaluators rather than mere contributors to executive operational reporting. EU Pact obligations add the requirement to

coordinate national screening practice with common monitoring standards (European Commission, 2026b).

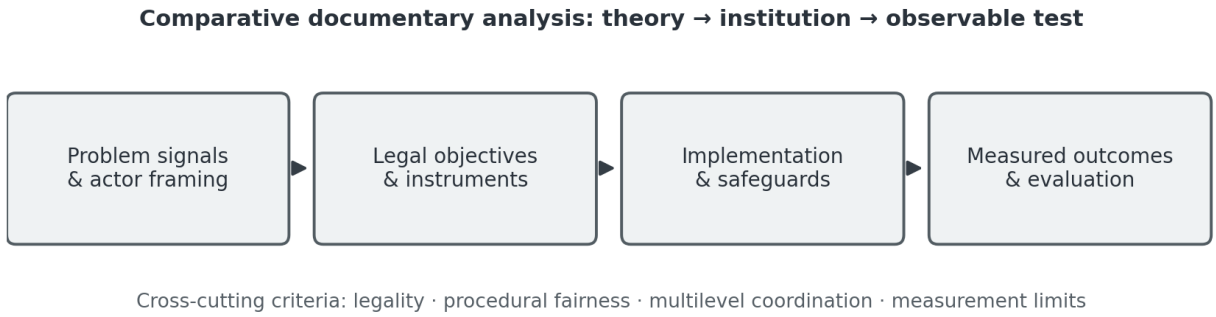


Figure 2. Theory-Linked Pathway for Evaluating Spanish Immigration Governance
Source: Authors, 2026

The most defensible synthesis is that policy effectiveness is multi-dimensional and evidence-dependent. The 2025 decline in irregular arrivals describes observed border patterns, not an identified security gain caused by a particular policy. The Ceuta and Melilla episodes establish weaknesses in specific protection processes without measuring the full system's compliance rate. The recent residence reforms demonstrate a legally broader policy toolkit without conclusively documenting integration effects. Improving governance thus calls for testable, institution-specific measures rather than a priori judgements that all restrictive provisions enhance security or that every such provision necessarily causes social harm.

Figure 2 summarises the original contribution of the comparison. Policy problems and political frames influence which instruments are prioritised, but their implementation is mediated by authority, administrative capacity, and rights safeguards. The final evaluative stage must use indicators that correspond to the purpose and population of each instrument. The figure should be read as a structured inquiry model for future empirical testing; the present documentary sources do not identify the magnitude or direction of all links.

CONCLUSION

This study demonstrates that Spain's immigration governance is better understood as a set of interacting policy regimes than as a single restrictive or permissive strategy. Organic Law 4/2000 continues to provide a general statutory foundation, while successive implementing reforms culminating in the 2025 regulation and 2026 amendment have modified legal residence and regularisation opportunities. The EU Pact adds a further layer of common border and asylum procedures from June 2026. The first research question is therefore answered by evidence of institutional continuity combined with substantial regulatory adaptation, rather than one linear trajectory toward greater control.

The case comparison answers the second research question through specific, unequal forms of evidence. The 2021 Ceuta episode identified returns of unaccompanied minors without required individual procedures; the ombudsman's Melilla 2022 assessment recorded 470 border rejections lacking the applicable safeguards. These findings expose demonstrable differences between legal guarantees and selected administrative practices. They do not establish the nationwide prevalence of violations.

Conversely, residence reforms and their application counts establish new legal pathways and administrative activity without measuring subsequent social integration. The evidence thus supports a differentiated judgement about implementation rather than a generalised claim that security always displaces human rights.

For the third research question, incrementalism most clearly describes the observed sequence of legal modifications, although some reforms were sizeable. Multiple streams provides a plausible, qualified explanation of the alignment of migration problems, available regulatory solutions, and political attention. The rational-comprehensive model remains useful as a normative standard for comparing stated objectives, documented safeguards, and evaluation criteria, but it is less persuasive as a general description of the decisions made in emergency border situations. Securitisation and multilevel governance supplement these perspectives by explaining actor framing and the distribution of authority. No single theory fully accounts for both residence reform and border implementation.

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