

HANDBOOK ON REGULARISATION POLICIES

PRACTICES, DEBATES
AND OUTCOMES

EXECUTIVE SUMMARY



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Executive Summary

Rather than an exceptional measure, regularisation is a frequent response to resolve situations of longer term, protracted irregularity. This handbook argues that regularisation should be considered a standard element of the migration policy toolbox, providing a structured route for irregular migrants to regularise their status when other options, such as return, are not feasible. Irregular migration should be understood as a structural feature of contemporary societies, arising from ongoing labour demand, family and social networks, individual migration aspirations, and restrictive entry and residence policies.

This handbook provides practical, evidence-based guidance on the design, implementation, and evaluation of regularisation policies, highlighting their impacts on labour markets, social cohesion, and migrant rights. Drawing on experiences from Europe, North America, and other world regions, it examines how different policy approaches operate, how key actors shape outcomes, and how procedural design affects accessibility, inclusivity, and legitimacy. It underscores that regularisation, when carefully implemented, can reduce informality, enhance integration, and strengthen fiscal and social contributions.

Purpose and audience

This handbook is intended for policymakers, migration authorities, civil society actors, and researchers involved in migration governance. Situating regularisation in a broader historical context and clarifying its scope, it provides:

- Evidence-based guidance on the design and evaluation of regularisation policies.
- Insights into the practical consequences of policy choices for migrants, institutions and societies.
- Examples of good practice from Europe, Canada and the United States and other countries.
- Tools to anticipate (un)intended effects, simplify administrative procedures, and manage trade-offs between humanitarian, legal, and socio-economic priorities.
- Resources to support public communication strategies and debate around regularisation.

Defining regularisation: Concepts and scope

Clear understanding and careful framing of regularisation is essential for effective policymaking.

- **Clear definition:** In this handbook, regularisation is understood as an official, state-defined process that grants a residence status to individuals who were previously in an irregular situation, including persons whose deportation order was temporarily suspended (such as *Duldung* in Germany).
- **Pragmatic tool:** Regularisation addresses long-term irregular stay, humanitarian needs, and social inclusion, especially when other policy options are not, or no longer, feasible or desirable.
- **Diverse regularisation policies:** Regularisation encompasses temporary programmes, permanent mechanisms, and policies that may not officially carry the label of regularisation, all of which, if well-designed can achieve similar results.
- **Clear communication:** Transparent and consistent communication is essential to build trust among migrants and the public.

Rule of law and legal considerations for regularisation

Regularisation policies operate within legal frameworks, including fairness, equality and access to justice, emphasising the rule of law as a framework for protecting migrants rather than simply enforcing existing rules. Although the EU often states that it has no direct competence over regularisation, its institutions shape national choices through soft coordination, legal frameworks, and political discourse.

- **EU legal frameworks:** The 2008 Return Directive allows Member States to grant residence permits “on any grounds” (Art. 6(4)), while other directives mandate or enable issuance of residence permits for vulnerable groups, including survivors of violence, trafficking victims, and those exploited at work.
- **EU rulings:** Court of Justice of the European Union (CJEU) rulings have required states to grant residence rights or refrain from removal (see the rulings Ruiz Zambrano and [Metock and Others](#))
- **National courts:** Domestic rulings, such as in Ireland ([Luximon & Balchand](#) in 2018), show that courts can also shape targeted regularisation programmes.
- **Legal justification:** Measures such as firewalls, temporary suspensions of deportation, or time-limited regularisation schemes, enhance legal certainty and reduce exploitation.

Policy variations: Regularisation programmes vs mechanisms

Regularisation takes different forms, from time-limited programmes designed to address specific needs or crises, to ongoing regularisation mechanisms embedded in legislation. Both approaches can be effective, depending on how they are designed and implemented.

- **Time-limited regularisation programmes can respond to specific situations.** Germany's 2022 *Chancen-Aufenthaltsrecht* provides a transitional 18-month residence permit to individuals with at least five years of *Duldung*, linking temporary regularisation to integration requirements like employment and language acquisition.
- **Continuous regularisation mechanisms create ongoing pathways for individuals with an irregular or precarious status.** Spain's permanent '*arraigo*' mechanism (first introduced in 2004 and then expanded) now offers multiple pathways to regularisation based on social, employment, family, educational, or prior-status criteria, providing long-term stability for irregular migrants.
- **Design impact:** Policy design choices reflect broader political priorities and shape migrants' rights, administrative capacity, and the legitimacy of policies.

Stakeholder engagement and policy design

While regularisation remains primarily a national competence, effective regularisation relies on collaboration across multiple actors, including national authorities, EU institutions, trade unions, employers, civil society and migrant-leg groups.

- **National and local governments:** National authorities set the legal framework for regularisation, but cities often adopt more inclusive measures (such as 'sanctuary cities'), including access to services, municipal IDs, or support for applications. [These local initiatives](#) may diverge from national policy.
- **Civil society:** In Ireland's 2022 Regularisation of 'Long-Term Undocumented Migrants Scheme', civil society organisations played a crucial role in outreach and direct applicant support, ensuring accessibility for otherwise excluded groups.
- **Advocacy initiatives:** Migrant-led and faith-based movements have advocated for regularisation and also built political alliances. In Spain, [#RegularizaciónYA](#) initiated a Popular Legislative Initiative, collecting over 700,000 signatures by 2022 to push for a regularisation programme addressing workers in precarious sectors often excluded from existing pathways.

Impacts and outcomes

Regularisation has demonstrable social, economic, and legal effects, but outcomes depend on programme design and wider migration governance.

- **Limitations of conditional statuses:** Insecure, conditional or employer-dependent statuses can limit the effectiveness of regularisation, as seen in Italy's 2020 COVID-era regularisation which required applications via employers for agricultural and care workers, with strict conditions and documentation; reliance on employer sponsorship and short-term permits limited access and left many workers in precarious situations.
- **Need for monitoring:** Both intended and unintended consequences are crucial to monitor, including effects on labour markets, migrant rights, and integration trajectories, and adapt programmes accordingly. For instance, Canada's post-secondary student pathways illustrate unintended consequences, as changes to eligibility for certain study permits or post-graduate work permits in the 2020s increased the risk of students losing status, showing how policy gaps and administrative complexity can inadvertently produce irregularity even among compliant migrants.

Contextual and comparative perspectives

Regularisation policies operate within broader political, social, and international contexts that shape both their feasibility and outcomes.

- **Temporary protection regimes:** Short-term measures demonstrate how rapid responses can prevent irregularity, but carry risks when they are short-term or there are no pathways to other durable permits. In Türkiye, Syrians were channelled into temporary protection regimes as the main route to regular status and have remained with these statuses for the last 15 years. The activation of the Temporary Protection Directive (TPD) in the EU gave millions of Ukrainians immediate residence rights and access to services, showing how a coordinated regional mechanism can regularise large populations at scale, yet their protection is time-limited and was set to expire several times already.
- **Lesson from North America:** Experiences in regularisation measures and programmes from United States highlight practical lessons in design, accessibility, and civil society partnerships, offering valuable insights for European policymakers seeking to balance humanitarian obligations, labour market needs, and public legitimacy (see, for example, the Deferred Action for Childhood Arrivals (DACA) programme).
- **Latin American experience:** [Over 100 regularisations](#) have been implemented in Latin America in the 21st century. Columbia, which currently hosts the largest population of Venezuelan migrants in the region, offers them temporary protection and a range of regularisation pathways. Both Latin America and Europe share in common the selective, conditional logic and bureaucratic complexity. But Europe emphasises integration and discretionary assessment, while Latin America often prioritises broader access and rights-based approaches.

Conclusions

The evidence presented in this handbook shows that while regularisation can provide essential pathways to regular residence status, practical access remains uneven. Bureaucratic complexity, documentation burdens, and conditional criteria often limit the benefits of otherwise inclusive policies. Policymakers need to recognise that formal eligibility does not always translate into effective protection or stability for migrants.

There still are policy gaps to be considered. Across regions, selective eligibility, temporary schemes, and dependency on employer sponsorship create persistent barriers. Strengthening implementation through clear procedures, adequate support services, and monitoring mechanisms is essential. Ensuring that policies account for diverse migrant situations—including employment, family ties, and prior irregularity—can enhance fairness and effectiveness.

Comparative experience suggests potential pathways forward: embedding rights-based principles, simplifying administrative requirements, and balancing discretionary assessments with clear entitlement rules. Policymakers can also learn from regional practices, such as human rights-based access in Latin America and integration-linked approaches in Europe, to develop flexible yet coherent frameworks that reduce irregularity while supporting social and economic inclusion.

This Handbook demonstrates that migrant regularisation is not an exceptional measure but a core policy tool of migration governance. It examines policy designs, actors, and implementation challenges, highlighting impacts on labour markets, rights and social cohesion. Drawing on evidence from Europe and other world regions, it equips policymakers with practical options to address the presence of irregular migrants effectively and sustainably.



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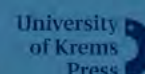


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