

OPTIONS BRIEF · CUT-OFF 19 SEPTEMBER 2026

Central idea

Derived from the strategy report "Ceuta 2026". All options are formulated within the legal framework and are presented for consideration; none replaces the judgment of the competent legal services or constitutes legal advice. Non-commercial; it does not require or presuppose access to non-public information.

CENTRAL IDEA

The fastest lawful path is not to lower safeguards but to increase processing capacity: more identification, more consular documentation, more judicial support, operational cooperation with Morocco, and physically relieving pressure on Ceuta. What remains after the first phase is probably the hardest to return, and its composition is not public.

LEGAL MECHANISMS

Legal mechanisms that should not be confused

Each mechanism with its definition, what it requires and its legal basis. Verified fact; its concrete application to each person depends on the individual file.

MECHANISM	WHAT IT IS AND REQUIRES	BASIS
Border rejection ("rechazo en frontera" under Spanish law)	Not applicable to those entering by swimming, according to the Supreme Court. The ruling itself accepts that maritime containment elements could restore it.	LO 4/2000, 10th Additional Provision; STS 814/2026 (also cited as STS 2965/2026)
Return ("devolución" under Spanish immigration law)	For those attempting to enter irregularly, including those intercepted at or near the border. It does not require an expulsion file: it is ordered by the Sub-delegate of the Government or, in single-province autonomous communities, the Government Delegate. Ceuta is an autonomous city, not an	Immigration Regulation (RD 1155/2024, in force since 20 May 2025), art. 23.1–23.4; LO 4/2000, art. 58

MECHANISM	WHAT IT IS AND REQUIRES	BASIS
	autonomous community: applying this to the Delegate in Ceuta is a reasonable extension consistent with the 2nd Additional Provision of Law 40/2015, not explicit text in the Regulation. The security forces responsible for coasts and borders take intercepted individuals to the National Police station for identification. The person has the right to free legal assistance and an interpreter if they lack means. If the return is not carried out within seventy-two hours, the judge is asked to authorise detention.	
Suspension of return	Even if a decision has been issued, it cannot be carried out and remains suspended in the case of pregnant women or people who are ill with a health risk, if an application for international protection is filed (until it is decided or ruled inadmissible), if the person is a victim of trafficking, or if there are indications they are an unaccompanied minor.	Regulation, art. 23.6
Expulsion	An individual sanctioning procedure for someone already in an irregular situation, slower than return. Whether people who have been in the city for weeks still fall under the return scenario ("intercepted in its vicinity") is a matter of interpretation for the legal services to resolve.	LO 4/2000, arts. 53 and 57; Regulation, art. 24.2
Voluntary return	Without coercion, with documentation and transport.	Administrative practice

MECHANISM	WHAT IT IS AND REQUIRES	BASIS
	Requires the person's genuine willingness.	
International protection and the Migration and Asylum Pact	Since 12 June 2026, the Interior Sub-secretariat's Instruction applies the asylum border procedure under Regulation (EU) 2024/1348, following the screening under Regulation (EU) 2024/1356, to anyone without entry authorisation who applies at a border crossing, after being apprehended in connection with an unauthorised crossing, or after a rescue. Legal assistance is mandatory. A decision is sought within four calendar days (art. 21 of Law 12/2009) and, at most, within twelve weeks including the appeal. The applicant is not authorised to enter the territory. Regulation (EU) 2024/1349 (return border procedure) applies only to those whose application is rejected under that procedure. The Instruction is an administrative act of the Interior Sub-secretariat, not a norm of general effect: its title cites Regulations (EU) 2024/1348 and 2024/1351, the screening under Regulation (EU) 2024/1356 appears in its section II.1.a), and it applies art. 21 of Law 12/2009 "in spirit" beyond the border post.	BOE-A-2026-12855 (Instruction of 11 June 2026); Regulations (EU) 2024/1348, 2024/1349 and 2024/1356 (EUR-Lex)
Crisis and force majeure	A Member State that considers itself in crisis may request the derogations set out in Regulation (EU) 2024/1359 and in art. 6 of Regulation (EU) 2024/1349. Regulation (EU) 2024/1359 is	EUR-Lex, Regulation (EU) 2024/1349, art. 6; Regulation (EU) 2024/1359

MECHANISM	WHAT IT IS AND REQUIRES	BASIS
	applicable since 1 July 2026, not since 12 June 2026. The sources consulted do not show that the Government has requested it.	
Minors	Indications that a person is an unaccompanied minor suspend the return. Minors have their own procedure, with an assessment of their best interests.	Regulation, art. 23.6.d); LO 4/2000, art. 35
Readmission (1992 Spain–Morocco Agreement)	Morocco readmits, at the formal request of the Spanish border authorities, third-country nationals who entered Spain illegally from Moroccan territory (art. 1). Provenance is proven "by any means" and the request must be filed within ten days of the illegal entry; its acceptance is documented with a certificate (art. 2). There is no obligation to readmit those authorised to remain in Spain after entering, those who held a visa or permit, or persons recognised as refugees by Spain (art. 3). Spain bears the transport cost to the entry point into Morocco (art. 10). A Joint Committee, under the two Interior Ministers, resolves disputed cases and may propose improvements (arts. 11 and 15), and the ministries may set the border crossings enabled for readmission (art. 14). The Agreement does not govern the readmission of Moroccan nationals. It has been in force since 21 October 2012 and is tacitly renewed every three years; either party may	BOE-A-1992-8976; entry into force: BOE-A-2012-15050

MECHANISM	WHAT IT IS AND REQUIRES	BASIS
	denounce it with effect three months later (art. 16).	

HOW USEFUL THE AGREEMENT REALLY IS

For those who entered on 30–31 July, the ten-day window expired around 10 August. The text does not say what happens to later requests, so their acceptance would depend on Rabat's willingness. It does offer the Joint Committee and the list of crossings as a channel for agreeing on modalities. No later protocol has been located in the BOE; the published precedent is from August 2018, when 116 people were returned within 24 hours, individually and with legal assistance (Público and elDiario.es). Art. 15.1 of the Regulation also ties denial of entry on readmission grounds to the deadlines set in the agreement itself.

COMPETENT AUTHORITY

Under art. 23.1 of the Regulation, return decisions are issued by the Sub-delegate of the Government or, in single-province autonomous communities, the Delegate. Ceuta is an autonomous city. The 2nd Additional Provision of Law 40/2015 extends to the Delegates of Ceuta and Melilla that law's provisions on regional delegates, not those of the Regulation; applying it to Ceuta is therefore a reasonable extension consistent with practice. The decision must be adopted individually; the 2025 ruling (first instance, not final) penalised returns of minors carried out without due process.

OPTIONS TO WEIGH

What can be done, with its basis and its limit

References to the annexes of RD 681/2026 refer to its wording as currently in force after RD 706/2026. Each option carries a single tag. FACT: the option has an explicit legal basis and its limits appear in the norm. JUDGMENT: its feasibility or effect depends on J&H's own assessment or on third-party cooperation; the confidence level is indicated (HIGH, MODERATE or LOW).

STATUS	OPTION TO WEIGH	BASIS AND LIMIT
ADMINISTRATIVE		

STATUS	OPTION TO WEIGH	BASIS AND LIMIT
JUDGMENT MODERATE	Immediate legal triage of the whole population into categories: liable to return, expulsion, international protection, minors or age to be determined, trafficking victims, vulnerable, without proven identity, subject to criminal proceedings.	RD 681/2026, art. 6.1 and annex I.5. Prevents files of a different nature from moving through the same channel; the grounds for suspension under art. 23.6 of the Regulation require classification from the outset.
JUDGMENT MODERATE	Separate tracks after triage: (1) minors and vulnerable people; (2) protection applicants; (3) adults without protection, with an individual return or expulsion decision; (4) voluntary return. Priority processing for those living on the street and in informal settlements.	Builds on the legal triage and respects the suspension grounds of art. 23.6 of the Regulation. The Interior Ministry states that triage is mandatory and precedes any procedure (expulsion, return, international protection, minors or trafficking), and that eleven International Protection officers have been added to reinforce asylum processing, with in-person and videoconference interviews (Interior Ministry note, 27 Aug). Prioritising by place of residence is a J&H operational criterion, with no explicit legal basis: it may not delay any track or alter its safeguards.
FACT	Extraordinary processing structure with extended shifts: identification, nationality, legal title, consular documentation, transport and execution running in parallel; reinforced immigration staff, interpreters and duty legal counsel.	RD 681/2026, annex I.5; Regulation, art. 23.3. On 30 Jul the Government announced it was sending six specialists from the General Immigration and Border Commissariat (Infobae, 30 Jul). It does not reduce safeguards: legal assistance and an interpreter remain mandatory.
JUDGMENT MODERATE	Size identification, legal assistance and decision-making capacity by phase, with daily targets, so that no phase limits	The Interior Ministry plans 24 identification lines once the Temporary Foreigner Reception Centre (CATE) is finished (4

STATUS	OPTION TO WEIGH	BASIS AND LIMIT
	the others: registration lines, officers, IT equipment, space and duty lawyers.	Sep): 14 at the CATE, 4 at Police Headquarters and 6 at the border crossing (Interior Ministry note, 27 Aug). The SUP police union counted around 80 daily registrations on 4 Sep with 6 computers, and estimated 250–300 with at least 20 units and more staff (El Pueblo de Ceuta, 4 Sep): this is a union estimate, and the output of the announced lines is not documented. Duty immigration lawyers have increased sixfold, to 18 (Telemadrid, 18 Sep). For the SUP, interpreters are no longer the main bottleneck. It does not reduce safeguards.

JUDGMENT

MODERATE

Standardised processing with individualised decisions: templates populated with each person's own data, notification stating available remedies, and quality control before signature, to withstand judicial review.

Regulation, art. 23.1–23.4: an individual decision, with legal assistance and an interpreter. The Ombudsman recommended in 2015 that every border rejection carry an administrative decision with a lawyer, an interpreter and notice of remedies; the recommendation was rejected (European Network of Ombudsmen, 2021). Applied here by analogy to return. The 2025 Cádiz conviction (first instance, not final) shows the risk of returning people without due process. A template does not replace individual examination.

FACT

Pact screening and asylum border procedure for those requesting protection: a fast decision with mandatory legal assistance and UNHCR access with consent.

Instruction of 11 June 2026 (BOE-A-2026-12855), an administrative act of the Interior Sub-secretariat. Its scope over people who have already spent weeks in the city and now

STATUS	OPTION TO WEIGH	BASIS AND LIMIT
		request protection depends on how "apprehension in connection with an unauthorised crossing" is interpreted.
JUDGMENT LOW	A permanent assisted voluntary-return point at every centre or settlement, with information in several languages and connecting transport.	Eases pressure on the system if there is genuine willingness. There is no data on demand. Not applicable to minors without due process.
FACT	Relieving pressure on Ceuta: transfer to mainland Spain, within the state reception system, of protection applicants and vulnerable people, and temporary housing in the spaces listed in the annexes.	RD 681/2026, annex I.10 and the spaces in annex I (Port plots, the K8 barracks, Defence Ministry land and others), as worded by RD 706/2026; RD 705/2026. The preamble to RD 706/2026 presents temporary housing in specific spaces as a first step toward speeding up return. It does not itself accelerate returns; it could free up capacity to process files. The port facility has been appealed before the Audiencia Nacional, which denied the urgent injunction request on 17 Sep (Infobae, 19 Sep).
JUDGMENT LOW	A public, daily tracking dashboard (people identified, decisions issued, returns and pending cases) and access for independent observers: the Ombudsman, bar associations and UNHCR.	Figures diverge: the SUP union puts the number remaining at around 15,000, versus the 5,000 attributed to the Interior Ministry (El Pueblo de Ceuta, 4 Sep), while this brief's order of magnitude uses 10,000 to 13,000. UNHCR access is already provided for, with consent, under the asylum border procedure (Instruction of 11 June 2026). No rule requires publishing the dashboard: it is a political decision and must

STATUS	OPTION TO WEIGH	BASIS AND LIMIT
		respect data protection. Its effect on tension is a J&H hypothesis.
POLITICAL AND DIPLOMATIC		
JUDGMENT MODERATE	An operational protocol with Morocco, channelled through the 1992 Agreement's Joint Committee: a joint liaison point, daily document validation, delivery windows and crossings, and advance processing of documentation.	1992 Agreement, arts. 11, 14 and 15; RD 681/2026, annex I.1 (Foreign Ministry). Depends on Moroccan cooperation; each return requires individual legal cover. Morocco's 10-Sep statement points to a strained relationship.
JUDGMENT LOW	European pressure and support: conditioning Morocco's preferential access, as the European Parliament requests, and seeking operational support from Frontex, which the resolution also calls for.	European Parliament resolution (17 Sep). The Pact's crisis derogations require a request from the State and a decision at EU level.
JUDICIAL		
FACT	Temporary reinforcement of duty courts, court clerks, the Prosecutor's Office, interpreters, videoconferencing and defence counsel.	RD 681/2026, annex I.2. The Government cannot instruct judges; it can provide resources. Detention requires judicial authorisation (Regulation, art. 23.4 and title XIV, ch. III, sec. 1, arts. 241–248).
JUDGMENT LOW	Legislative reform through Parliament, if the regime governing swimming entries is to be changed, without removing safeguards.	The City calls for it; the Supreme Court accepts maritime barriers. Requires a parliamentary process and does not resolve the short term.
COERCIVE		
FACT	National Police: identification, immigration matters, case files, custody linked to the procedure,	LO 2/1986, art. 12; Regulation, art. 23.2. Force may only be consistent, timely and

STATUS	OPTION TO WEIGH	BASIS AND LIMIT
	and physical execution of returns and expulsions. Civil Guard: custody of borders, coasts and ports, surveillance and protection of departure points.	proportionate (LO 2/1986, art. 5); never punitive nor aimed at speeding up procedures.
FACT	Armed forces: transport, housing, healthcare, communications, infrastructure and technological surveillance, freeing up police resources; may act as an agent of the authority in support of the security forces when the conditions of RD 194/2010 are met; there is no indication that this has been activated in Ceuta.	RD 681/2026, annex I.3; LO 5/2005, arts. 15.3 and 16; RD 194/2010, 1st Additional Provision (order from the authority, training and identification). According to the press, this has not been activated in Ceuta, and the PP is calling for it. It is not general policing and does not carry out ordinary arrests. On 27 Aug around 70 migrants attacked a vehicle carrying four soldiers (police; Euronews, El Progreso).

SEQUENCE AND LIMITS

How the options fit together and what cannot be crossed

COMBINED SEQUENCE

JUDGMENT

MODERATE

- 1 Identification and legal classification of the whole population, with daily targets per phase.
- 2 Prioritisation, by track, of files liable for return or readmission, and of those requesting protection; minors and vulnerable people through their own channel.
- 3 Extraordinary teams of police, foreign-affairs staff, interpreters and administrative personnel, on extended shifts.
- 4 Reinforced judicial capacity for whatever requires a judge's decision.
- 5 An operational protocol with Morocco for documentation and daily handovers, via the Joint Committee.

- 6 Intensified voluntary return and transfers relieving pressure on Ceuta toward the state reception system.
- 7 National Police carrying out immigration enforcement; Civil Guard securing the border, coast and departure points.
- 8 Armed forces absorbing logistics, transport, housing and surveillance.
- 9 A public, daily tracking dashboard and independent observers, from the outset.

ORDER OF MAGNITUDE

ESTIMATE

At $\approx 1,060$ returns a week (5,603 between 10 Aug and 16 Sep, per Minister Torres, $\div 5.3$ weeks), clearing 10,000 to 13,000 people (government sources and the Ceuta city government) would take between 9 and 12 weeks ($10,000 \div 1,060 \approx 9.4$; $13,000 \div 1,060 \approx 12.3$), assuming no new entries and that all were returnable. They are not: some are minors, protection applicants or vulnerable people. The figure serves as a reference, not a forecast.

Identification reference. At 80 registrations a day (SUP union figure, 4 Sep), registering 15,000 people would take ≈ 188 working days ($15,000 \div 80 = 187.5$); at 250–300 a day, between 50 and 60 ($15,000 \div 300 = 50$; $15,000 \div 250 = 60$). These are union figures, from a different source and universe than executed returns, and the output of the 24 lines announced by the Interior Ministry is not documented. They serve as a reference, not a forecast.

LIMITS THAT SHOULD NOT BE CROSSED

FACT

- **Collective expulsions or returns without individual examination**, including standardised processing that does not examine each case, prohibited by Protocol 4 of the ECHR (art. 4) and by the EU Charter of Fundamental Rights (art. 19.1).
- **Carrying out a suspended return**: for someone who has applied for international protection before a decision on admissibility, for pregnant women or people who are ill with a health risk, for trafficking victims, or for anyone who may be an unaccompanied minor (Regulation, art. 23.6).
- **Returning minors without due process**. On 11 September 2025, Section VI of the Cádiz Provincial Court (Ceuta) convicted two former Ceuta officials of malfeasance (art. 404 of the Criminal Code), with 9 years' disqualification, for returning 55 minors in August 2021. This is a first-instance ruling, not final, appealable before the Civil and Criminal Chamber of the Andalusian High Court of Justice.
- **Disproportionate or punitive coercion**, and using the armed forces as ordinary police outside a state of emergency.

SOURCES

Sources with full links

Consulted between 19 and 20 September 2026; sources 35 to 38, on 21 Sep; the norms flagged below as recently cross-checked, on 22 Sep (full pages read). Norms cited as FACT were cross-checked against their text in the BOE or EUR-Lex. Since 22 Sep, that verification has also covered LO 5/2005 (arts. 15.3 and 16, checked against the original text published in BOE no. 276 of 18 Nov 2005), Protocol 4 of the ECHR (art. 4) and the EU Charter of Fundamental Rights (art. 19.1), the latter also with its official Praesidium explanations (OJEU C 303, 14 Dec 2007). RD 705/2026 was cross-checked via its annex as reproduced in RD 718/2026 (its single article has not been read); the literal text of articles 72–73 of Law 40/2015 and of the 2nd Additional Provision was reinforced on 22 Sep: art. 73 was checked, reproduced in full, in a commentary edited by Wolters Kluwer (Aranzadi), and the extension of Government Delegates to Ceuta and Melilla under the 2nd Additional Provision is independently confirmed by the vLex legal database; the official BOE text of the 2nd Additional Provision itself has not yet been located. Regulation (EU) 2024/1356 was consulted only via its official summary. Press sources with an editorial line critical of the Government have been used only for verifiable data. The figures in source 36 are estimates from a police union, and source 38 dates from 2021: they are used as reference, not as current official data.

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- <https://boe.es/boe/dias/2005/11/18/pdfs/A37717-37723.pdf>
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- 40** **vLex · Órganos territoriales de la Administración. Delegados y Subdelegados del Gobierno (cita la DA 2.ª de la Ley 40/2015 sobre Ceuta y Melilla)**
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- <https://www.aranzadilaley.es/MK/PDF/Comentarios-a-la-ley-40-2015-de-regimen-juridico-del-sector-publico-2-Ed/publication.pdf> Jurídico.
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EDITORIAL NOTE

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