



Hungarian Helsinki Committee

HUNGARIAN GOVERNMENT REVEALS PLANS TO BREACH EU ASYLUM LAW AND TO SUBJECT ASYLUM-SEEKERS TO MASSIVE DETENTION AND IMMEDIATE DEPORTATION

Media information note

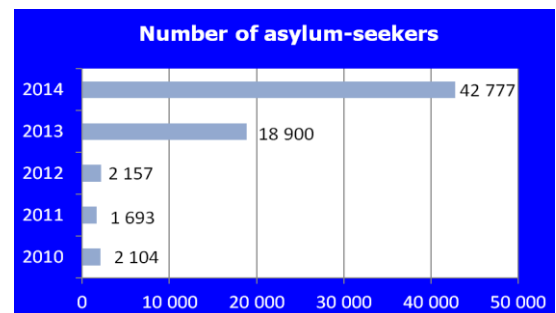
4 March 2015

Since September 2014, the number of asylum-seekers in Hungary increased spectacularly. Using this as a pretext, PM Viktor Orbán's government launched a campaign against migrants and asylum-seekers. The government's plans would not only breach EU law and international obligations, but following on a [series of steps weakening the rule of law](#) since 2010, they would further undermine the country's commitment to European democratic values.

The Hungarian Helsinki Committee, a prominent human rights NGO in Budapest, has been providing free legal counselling to thousands of asylum seekers and is an implementing partner of UNHCR. This information note aims to provide background information and key facts.

1. HUNGARY HAS BECOME ONE OF THE MAIN ENTRY POINTS TO THE EU

- According to [FRONTEX](#), the Serbian-Hungarian border section was the **third main entry point to the EU** for irregular migration, with 43 357 border crossings (as compared to 50 000 at the Turkish-Greek route and 170 000 in Southern Italy).
- With 42 777 asylum claims registered in 2014, the number of asylum-seekers saw **a twentyfold increase from 2012 to 2014**. From 1 January till 1 March 2015, Hungary registered 28 535 asylum claims. Over 95% of asylum-seekers enter Hungary in an irregular manner (a multiannual trend).
- **Reasons for the sharp increase are complex**, such as a) economic hardship, extreme poverty, corruption and high unemployment in Kosovo; b) the deplorable security situation in Afghanistan and the armed conflicts and civil wars in Syria and Iraq; c) the permanent failing of the Greek, Serbian and Macedonian asylum system and the grave deficiencies of the protection regime in Bulgaria, as well as d) the high death toll on the Central Mediterranean route.



2. KOSOVO, AFGHANISTAN AND SYRIA ARE THE MAIN COUNTRIES OF ORIGIN

- With a total of 21 453 asylum claims in 2014 and 22 975 in January-February 2015, **nationals of Kosovo were the largest group** among asylum-seekers. However, not one person from Kosovo received refugee status or subsidiary protection in Hungary in this period. Apparently, due to coordinated international border policing efforts on the Kosovo-Serbian and Serbian-Hungarian border, as well as the stepped-up campaigning within Kosovo, the number of Kosovars seeking asylum in Hungary **has dropped significantly** in the last week of February.
- **Afghan** citizens continue to be the second largest group (2014: 8 796; Jan-Feb 2015: 2 631). The third largest group, **Syrian** asylum-seekers continue to arrive in rising numbers now for several months (2014: 6 857; Jan-Feb 2015: 1 226). An increasing number of Iraqi citizens have sought asylum in Hungary, too (2014: 496; Jan-Feb 2015: 382). Palestinian, Sudanese, Eritrean, Somali and Iranian asylum-seekers also arrive in important numbers. The vast majority of non-Kosovar asylum-seekers arriving in Hungary in 2014 and early 2015 **come from some of the worst conflict zones and persecutory regimes** in the Middle-East and Africa. Unlike the number of Kosovars, the volume of these groups **does not seem to decrease**, e.g. in the last week of February 2015, the number of asylum claims submitted by both Afghan and Syrian nationals already outnumbered that of Kosovo citizens.

3. MOST ASYLUM-SEEKERS MOVE ON TOWARDS THE WEST AS SOON AS POSSIBLE

- According to the Office of Immigration and Nationality (OIN), approximately **80% of asylum-seekers abscond and leave Hungary** within less than 10 days after the submission of their asylum claim. OIN states that 30-40% of applicants leave within the first 24 hours. Consequently procedures terminated *without* an in-merit decision on the asylum claim largely outnumber in-merit decisions (24 326 terminated procedures in 2014 as compared to 5 291 in-merit decisions in 2014).

4. ...AND HUNGARY DOES LITTLE TO MAKE THEM WANT TO STAY

- Hungary is a country with no significant immigrant communities, the Hungarian economy and welfare system offer far less opportunities and benefits than most Western or Northern European countries, the Hungarian language is considered among the world's most difficult ones, while foreign languages are much less widely spoken in the country than in most EU member states. It is therefore understandable that Hungary is not a final destination country for most asylum-seekers who enter the EU here. However, many problematic policies significantly contribute to the massive outflow of asylum-seekers and even recognised refugees. The Hungarian asylum system's systemic deficiencies were criticised in recent years by the [UNHCR](#), [the Council of Europe Commissioner for Human Rights](#) and [civil society](#). The European Commission initiated infringement procedures against Hungary for the violation of certain EU asylum laws in 2013 and 2014.
- For several years, Hungary has been applying a **strict detention policy** even for first-time asylum-seekers: in 2014, 10% of asylum-seekers were placed in sometimes lengthy detention, while at certain points of time as many as 30-40% of adult male asylum-seekers were in detention in the country. "Asylum jails" have a capacity to hold approximately 450 detainees. (See an HHC report on the introduction of "asylum detention" [here](#) and a critical analysis of the detention policy from 2014 [here](#).)
- Asylum-seekers who are not detained are accommodated in **large open reception centres**. Here, **individual psycho-social care is not available**. No mechanisms are in place for the early identification of vulnerable asylum-seekers. Legal counselling social assistance and psychotherapeutic care is **entirely dependent on civil society actors** who lack stable and sufficient state funding for these activities.
- Decisions on asylum claims are taken in an **extremely strict** manner: in 2014, the OIN granted protection to 476 asylum-seekers, which is only 10% of the in-merit decisions. In contrast, 36% of all applicants were from Afghanistan and Syria.
- Recognised refugees often face **insurmountable difficulties when trying to integrate into Hungarian society** and become economically independent. For example, refugees are required to conclude an integration contract with and regularly report to the family support units of their local municipality as a condition for receiving any integration support. However, state-funded interpreters are not provided in this process, preventing any sort of direct communication between the refugees and their caseworker, who rarely speak foreign languages. Hungarian **language education is not provided** to refugees either. **Family reunification is extremely difficult** for refugees for a number of legal and practical obstacles, and those receiving only a subsidiary protection status are *de facto* excluded from family reunification.
- The HHC believes that by addressing these deficiencies, the irregular secondary movement of asylum-seekers and refugees could be somewhat reduced.

5. FEW IMMIGRANTS – GREAT BENEFITS

- According to census data, there are approximately **140 000 foreign nationals** living in Hungary, which is only 1.4% of the population, far less than in other European countries in a comparable situation (e.g. Czech Republic/Slovenia 4%, Austria 12%). **75% of them come from European (typically neighbouring) countries**, such as Romania, Ukraine, Serbia or Germany and many of them have a Hungarian identity or strong family/cultural connections with the country. The number of refugees and beneficiaries of subsidiary protection in Hungary is around 3 000 persons, but it is estimated that many of them (one-third, or even one-half) live in Western Europe.
- Foreigners living in Hungary are **far more active on the labour market** than Hungarians (in 2007-2012, 49% of Hungarians were active on the labour market as compared to 58% of immigrants), which means a "disproportionately" higher contribution by migrants to the struggling Hungarian social security and health care system. Immigrants are **better educated** on average than Hungarians (in 2007-2012, 16% of Hungarians had a university degree, as compared to nearly 35% in case of non-EU nationals living in the country). Many immigrants are **entrepreneurs** who provide job opportunities for Hungarian citizens.
- Uniquely in the continent, the net population growth rate has been constantly negative in Hungary since 1982, producing one of the **worst fertility indicators in Europe**, despite various attempts to reverse this trend. Since 1991, the country's population decreased by 200 000 persons, which would have been 400 000 without immigration.
- Despite this outstandingly positive picture, in polls Hungary usually figures **among the most xenophobic societies** in the EU (see [here](#) for example).

6. GOVERNMENT CAMPAIGN ATTACKS ASYLUM-SEEKERS AND MIGRANTS IN A STRUGGLE TO REGAIN VOTERS

- Facing decreasing popularity in polls and by-elections, Prime Minister Viktor Orbán initiated on 11 February 2015 a **communication campaign against migrants and asylum-seekers** on the pretext of the terrorist attacks in Paris in early January, which continued with a series of public statements, interviews and press conferences by senior government officials. Moreover a **plenary debate in Parliament**, titled "Hungary does not need

livelihood immigrants” was held on 20 February. A **“national consultation”** on the issue is to be held later in 2015.

- A number of **amendments** are planned to the national asylum and immigration laws. These plans include enacting legislation that would enable state authorities to
 - a) immediately detain all irregular migrants, including asylum-seekers;**
 - b) immediately deport irregular migrants, including asylum-seekers considered as “livelihood immigrants”;**
 - c) accelerate asylum procedures so that a final decision could be taken within a few days;**
 - d) oblige irregular migrants and asylum-seekers to work while in Hungary in order to “earn their keep”.**
- These plans would not only **violate EU law** and other international obligations, but following on a [series of attacks on the rule of law](#) since 2010, they would further **undermine the country’s commitment to European democratic values**. The government repeatedly confirmed that they are aware that the planned amendments would breach EU law, yet they are prepared to go against “Brussels’s will”.
- At the moment, the legislative schedule for adopting the amendments is not known publicly. Also, it is not from what sources the Hungarian government is planning to extend its detention capacities to accommodate the envisioned increase in asylum detainees.
- In the communication campaign, the government relies on **false and purposely misinterpreted information** to mislead public opinion:

False statements	Facts
Asylum-seekers constantly labelled as “livelihood immigrants”	Close to 20 000 Afghan and Syrian nationals claimed asylum in Hungary between 1 January 2014 and 1 March 2015, and several hundreds of others with genuine protection claims – Iraqis, Palestinians, Somalis, Eritreans, Iranians, etc. (see also point 2).
The mass influx of “livelihood immigrants” places an unbearable burden on Hungarian society	<p>Economic migration has an outstandingly positive impact on Hungarian economy, society and the welfare system (see point 5).</p> <p>The vast majority of asylum-seekers continue their route towards Western Europe within a few days (see point 3), thus the cost of their reception is insignificant (about 0,015% of the annual state budget).</p> <p>Even though 45-50 000 asylum-seekers moved irregularly from Hungary to the West in 2013-2014, only 827 asylum-seekers were returned to Hungary in 2014 from other EU member states in a Dublin procedure.</p>
The EU does not allow Hungary to detain asylum-seekers	The European Commission had indeed started an infringement procedure against Hungary in 2012, partly for keeping asylum-seekers in immigration (pre-deportation) detention – a practice severely criticised also by the UNHCR, the HHC and the European Court of Human Rights. In response, Hungary introduced ‘asylum detention’ based on the Recast EU Reception Conditions Directive. In 2014, 4 829 asylum-seekers were held in asylum detention, often for several months.
The EU does not support Hungary’s “fight” to protect its borders and does not listen to Hungary’s needs	For several years, Hungary has been receiving significant funding from the EU to assist it with managing asylum, immigration and border management. In 2014 alone, Hungarian state authorities received HUF 4 310 044 000 (≈EUR 14 367 000) from the European External Borders Fund to improve border protection. HUF 384 777 000 (≈EUR 1 283 000) arrived from the European Return Fund for improving the effectiveness of expulsion and voluntary return proceedings. In 2014, the Office of Immigration and Nationality received HUF 456 859 000 (≈EUR 1 523 000) from the European Refugee Fund for asylum related tasks, which represented approximately 20% of its annual budget in that year (information about such funding is available here).

The Hungarian Helsinki Committee believes that these developments **require the immediate attention and action of the European Union and the international community**.

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EXCERPTS FROM STATEMENTS BY HUNGARIAN POLITICIANS ON MIGRATION AND ASYLUM, 2015

"Economic migration is a bad thing in Europe, it should not be looked at as if there were any benefits in it, because it only brings pain and threat to the people of Europe; therefore immigration must be stopped, this is the Hungarian position. [...] We do not want to see among us a significant minority that has a different cultural background and characteristics from ours, we would like to preserve Hungary as Hungary."

(Prime Minister Viktor Orbán, [interview](#) in Hungarian public media on 11 January 2015, on the day of the demonstration on the occasion of the terrorist attacks in Paris.)

"EU regulations are unreasonable and provoke abuse. It must simply be said that those who cross the border illegally, whatever the reason [for the illegal border-crossing] is, must be immediately put in detention, this is what is most important. Hungary used to apply this practice, but the EU prohibited us from doing so. [...] The situation will change because the Austrians and the Germans are also in deep trouble. They will change the current rules and the refugees who arrive in Hungary will no longer be able to go further on from here, as the Austrians and the Germans will not tolerate this any longer [...]. And then these refugees will be stranded here and Hungary will face the question what to do with these refugees – who are actually "livelihood immigrants" –, and if at that point we do not have laws in place for immediately capturing them and immediately deporting them, then Hungary will become a refugee camp, it will become a destination for those who leave their homeland for a better livelihood, and we will be a big refugee camp. This can be avoided if we step up firmly. From the way the Hungarian police steps up it will become clear even in the Balkans that it is not worth coming to Hungary, **since they will be arrested, will be detained, will be deported, and while they are here, they will be forced to work**, as they will have to earn the money necessary for their keep – then they will not come."

(Prime Minister Viktor Orbán, [interview](#) on public radio on 13 February 2015, emphasis added.)

"The main reason, as we see it, is that at the end of 2012, because of the pressure of the EU, we had to change the until then correctly functioning Hungarian practice that kept illegal migrants out of Hungary and prevented Hungary from becoming a destination for "livelihood immigration". We had to change this because of the EU, and it is obvious that if we return to the rules in force prior to 2012 – what we actually want to do – then we will face another infringement procedure by the European Union. Hungary is aware of this, but we think that we do not have time to wait until the European Union – after lengthy debates – amends the relevant part of community law, since Brussels today is still pro-immigration; the majority of EU member states are not any more, yet Brussels still is."

(Antal Rogán, head of the parliamentary group of the governing Fidesz Party, [intervention](#) at the parliamentary plenary debate titled "Hungary does not need livelihood immigrants", on 20 February 2015)

"We are preparing for a decision that applies a very strict treatment against immigrants and which, in a certain sense, clashes with the practice accepted by Brussels. We believe that the solution for this problem is the immediate detention of illegal migrants; we would like to apply this and we will ask the people whether they agree with this. Then, while they are in Hungary, they should be under control and **we should enact legislation that allows us to deport them back to their homeland fast and without delay.** Two years ago we already tried using detention, which Brussels rejected most firmly, as Brussels politics are pro-immigration now."

(Antal Rogán, head of the parliamentary group of the governing Fidesz Party, [interview](#) on InfoRádió on 10 February 2015, emphasis added.)