



STRATEGIC FILE

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Time to Put Hungary on the EU's Refugee Agenda

Anita Sobják

Paradoxically, there is both a real crisis and a false alarm in Hungary when it comes to refugees. Yet, the first is over-shadowed by the second because the government's campaign is mistakenly targeted at all immigrants, without regard to asylum seekers. This not only limits efforts invested in effective crisis-management measures but also produces long-term harm in social attitudes towards foreigners. At the same time, the Hungarian claims for more attention and support from the EU are legitimate. If the debate in Brussels continues to be limited only to Italy and Greece, the EU will tacitly allow the situation along the Balkans route to worsen, with consequences for the whole Union.

An Immigrant or Refugee Crisis?

Illegal border crossings to Hungary from Serbia are now hitting similar figures for migrant arrivals to Italy in 2015. Before 2012 the number of registered asylum-seekers in Hungary varied between 2,000 and 4,000 per year, but in 2013 this number increased to 18,900, and then in 2014 to 43,000.¹ As such, last year Hungary received more asylum seekers per capita than any other EU country except for Sweden. In 2015, more than 80,000 people crossed Hungary's border illegally as of mid-July² and the trend is expected to continue (for comparison, arrivals to Italy are around 85,000 this year).

Yet, it is important to specify with what purpose these people have arrived in Hungary. The division between a refugee and an immigrant is often unclear, as the first usually become the second upon receiving asylum. Another difficulty lies in the fact that labour migrants often attempt to pretend they are refugees. In the case of the upsurge in illegal border crossings to Hungary since 2013, there were instances of both refugees and labour migrants. However, the present situation is much clearer.

A specific trend has been an influx of Kosovars, beginning last autumn and peaking between January and March. They were applying for political asylum, but in fact were pursuing a better living in the EU. That inflow was suddenly cut off by an agreement between the Austrian, Hungarian and Serbian governments to return them to Kosovo.

Yet, the mass illegal border crossings have continued. Most of them are now indeed refugees—as opposed to the work-seeking Kosovars—and they come primarily from Syria, Afghanistan and Iraq. An estimated

¹ I. Gödri, "Nemzetközi vándorlás," in: J. Monostori, P. Óri, Zs. Spéder (eds.), *Demográfiai portré 2015*, KSH Népeségtudományi Kutatóintézet, Budapest, 2015, p. 196, <http://demografia.hu/kiadvanyokonline/index.php/demografiaiportre/article/view/2474/2175>.

² "Épül a határőrizeti célú ideiglenes biztonsági határzár mintaszakasza Mórahalom külterületén," Ministry of the Interior of Hungary, 16 July 2015, www.kormany.hu/hu/belugyminiszterium/hirek/epul-a-hatarorizeti-celu-ideiglenes-biztonsagi-hatarzar-mintaszakasza-morahalom-kulteruleten.

90–95% of them see Hungary as a transit route to other EU countries, where many already have family or acquaintances. Most often leave in a matter of a few days, well before their asylum claim can be settled, if it was filed at all. Even in the recent years of intensified refugee inflow, there have been no more than 500 cases of asylum granted per year.³

These refugees from the Middle East started to opt for the Balkans route to the EU through Hungary due to a mix of factors. First, the reinforced supervision of the central Mediterranean Sea makes this direction the cheapest and relatively most risk-free. Second, with the Greek government overwhelmed with a political and financial crisis, it has significantly loosened control of its borders and asylum-seeker registrations and prefers to let refugees transit almost unobserved, rather than register them. Macedonia and Serbia act similarly, reasoning that if the refugees aim to be in the EU, they are the EU's problem.

Aggressive Anti-immigration Campaign

Since February, the Hungarian government, particularly the prime minister's office, has embarked on an aggressive campaign instigating the public against the arriving foreigners. The discourse uses the terms refugee and immigrant interchangeably, with an emphasis on the second. Thus, it communicates a distorted picture of the reality on the ground, where the majority of those arriving come from war zones. It also creates the false illusion that Hungary is being invaded by economic migrants, although in 2014 only 140,000 foreigners lived in Hungary (about 1.4% of the population), a number that had actually decreased in recent years.⁴ Nevertheless, the campaign is using three underlying arguments to increasing public fear of migrants: first, that they will take away the jobs of locals; second, that they present a threat to public security by increasing the level of criminality; and, third, that their arrival raises the potential of terrorist attacks.

The continuity of the campaign has been ensured by a series of public statements, interviews and press conferences by senior government officials. To reach segments of the public that do not regularly follow media, a so-called national consultation was initiated in the form of a letter and questionnaire sent by Prime Minister Viktor Orbán to each household in Hungary. The questionnaire was such that it was aimed more at transmitting information than surveying opinions (a so-called "push poll"). Moreover, the content was misleading. For instance, it directly linked the issues of immigration and terrorism. It also used exclusively the term "immigrant," although in at least some places it was clearly referencing "refugees" (for example, Question 4 reports that the number of "immigrants" in Hungary had recently grown twentyfold, although that figure is true for asylum-seekers).⁵

The national consultation was promoted with a large-scale campaign using billboards marked as "government information" and posted across the country. They warned the newcomers to respect Hungarian law and culture and not to take jobs from Hungarians.⁶ Although they seem to be addressed to the migrants, they were in Hungarian, which hints at the actual target group. Most of the billboards were quickly vandalised by Hungarians as a sign of protest against the harsh government campaign. They also provoked a counter-campaign of billboards financed with private donations of as much as HUF 30 million (about €100,000) and which contained messages in English welcoming the refugees by satirising the government's billboards.⁷

The latest element of the campaign was the government's decision to build a four metre-high fence along the country's 175 km border with Serbia. The fence is expected to eliminate illegal border crossing, as well as deter further waves of migration. This is by no means a new practice. Bulgaria, Greece and Spain have also erected fences for the same purpose and the EU acknowledges Hungary's right to choose its own border management system.⁸ However, the actual effectiveness of the fence is in question. In the short

³ I. Gödri, *op. cit.*, p. 187.

⁴ I. Gödri, *op. cit.*, p. 199.

⁵ The English translation of the full text of the questionnaire can be accessed here: www.kormany.hu/en/prime-minister-s-office/news/national-consultation-on-immigration-to-begin.

⁶ Some examples of the messages: "If you come to Hungary, you can't take the jobs of Hungarians," "If you come to Hungary, you have to respect our laws," "If you come to Hungary, you have to respect our culture."

⁷ Some examples of the messages: "If you are the Prime Minister of Hungary, you have to respect our laws," "Come to Hungary, we've got jobs in London!," "Immigrants do not work and take our jobs away," "Sorry for our Prime Minister," "If you come to Hungary, could you bring us a sane Prime Minister?"

⁸ "Remarks by Commissioner Avramopoulos after his visit to Budapest," European Commission, Budapest, 30 June 2015, http://europa.eu/rapid/press-release_SPEECH-15-5283_en.htm.

term it is not likely to lessen new arrivals. With the lack of approval by Serbia, the fence will be built on the Hungarian side of the border. Thus, all who will set foot on Hungarian soil and express a wish to apply for asylum cannot be refused but must be allowed in via gates planned for every kilometre. In the coming years, the fence would not stop the influx of refugees, but only change its route, for instance first through Romania and then through Hungary again, or via Croatia and Slovenia. Thus, the project, widely discussed in Hungarian media, seems another element of the anti-immigrant campaign, rather than a viable solution to the crisis.

In fact, because refugee influx was gradual, it is hard to track what came first, the actual problem of migration or the aggressive government rhetoric. The government, though, managed to successfully identify the trend and has garnered valuable political capital from it. The campaign seems to have the clear purpose of diverting attention from other burning social and economic issues, such as the growing income gaps in the country and emigration, which has seen a boom since 2011,⁹ particularly among highly qualified young adults. Another aim is winning over the electorate of the far-right Jobbik party, whose support has risen from 12% in October 2014 to 18% in March 2015 (in June it dropped to 15%). Meanwhile, the potential collateral damage of the campaign is further increasing xenophobia in the society, which was already one of the least friendly countries in the EU toward immigrants.¹⁰ If xenophobia vis-à-vis immigrants had been declining in Hungary between 1995 and 2013,¹¹ the campaign easily reverses this trend. In April, 46% of the population claimed that no asylum-seeker should be allowed to enter Hungary, with just 9% friendly to foreigners and 45% unsure.¹²

Poor Crisis Management

While the government has invested most of its effort and resources in its robust campaign, concrete action to improve the country's refugee assistance system and thus mitigate the effects of the crisis leaves much to be desired. On the Hungarian–Serbian border, police are reinforced by units from all over the country, but they often lack the proper training in dealing with refugees. Newcomers are often held waiting in police custody for days until they can file their asylum applications, which are not always officially accepted or recorded during detention.¹³

Once apprehended by police on the border, the migrants must give their fingerprints and then receive a certificate (in Hungarian) and a free train ticket valid for 48 hours to a refugee camp. The time is short, the route complicated, and no instructions are given, unless by activists from civil society organisations (CSOs).¹⁴ Instead of getting to the camps, many choose to head further West unhindered. As a result, the train stations (especially in Budapest) are often crowded with groups of refugees, the sight of which adds fuel to the already scared public. Those who arrive to the refugee camps find them overcrowded and thus often in poor condition.¹⁵ Many are held in detention while waiting for their asylum claim to be processed, a practice not in line with international norms.¹⁶ With the state's lack of capacity and formal aid

⁹ I. Gödri, *op. cit.*, p. 202.

¹⁰ "Special Eurobarometer 415: Europeans in 2014," European Commission, Directorate-General for Communication, Brussels, 11 December 2014, p. 67, http://ec.europa.eu/public_opinion/archives/ebs/ebs_415_data_en.pdf.

¹¹ Between 1995 and 2013, Hungary's score on the xenophobia index had fallen from 70 to 58 points, where 100 signals the highest rate of rejection of immigrants. The European average in the same period was around 50 points. These are preliminary conclusions from comparison of the results of the International Social Survey Programme National Identity module, which consists of three surveys conducted in 1995, 2003 and 2013. Information compiled from an interview with Antal Örkeny, professor of sociology at the Faculty of Social Sciences of the Eotvos Loránd University, Budapest, 14 July 2015.

¹² "Tárki survey finds xenophobia record high in Hungary," www.politics.hu, 6 May 2015, www.politics.hu/20150506/tarki-survey-finds-xenophobia-record-high-in-hungary.

¹³ B. Jánoskúti, L. Balázs, K. Varga-Szabó, "Asylum Seekers' Access to the Territory and to the Asylum Procedure in Hungary," Hungarian Helsinki Committee, Budapest, 2015, p. 10, http://helsinki.hu/wp-content/uploads/Bordermonitoring_2014.pdf.

¹⁴ "Menekültek továbbjuttatása," Migration Aid, 8 July 2015, www.migrationaid.net/info/utaztatás; "Refugee/Asylum Seeker Information," Migration Aid, www.migrationaid.net/files/budapest-info.pdf; "Asylum in Hungary," Hungarian Helsinki Committee, 2 July 2015, <http://helsinki.hu/en/new-information-for-refugees>.

¹⁵ "ECRI Report on Hungary," European Commission against Racism and Intolerance—Council of Europe, Strasbourg, 9 June 2015, p. 32, <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-V-2015-19-ENG.pdf>; For more on the asylum detention facility in Debrecen, see: "Az alapvető jogok biztosa, mint OPCAT nemzeti megelőző mechanizmus JELENTÉSE az AJB-366/2015. számú ügyben," Office of the Commissioner for Fundamental rights, Budapest, April 2015, <http://goo.gl/8WVLoH>.

¹⁶ "ECRI Report," *op. cit.*, p. 31.

organisations only recently mobilised, CSOs and volunteers take a major role in keeping the assistance system going.¹⁷

While the difficulties in managing the situation on the ground are clear, even more reasons for concern come from recent legislative changes. On 6 July, parliament passed amendments to the Asylum Act to tighten asylum rules, in breach of EU law and Hungary's international obligations.¹⁸ It declared Serbia a safe third country for asylum, meaning new arrivals can be returned without even launching the asylum procedure. Those claims that nevertheless are submitted will almost all be dealt with under an accelerated procedure in a maximum 15 days—a period too short to make a well-informed decision on the individual merits of each case.¹⁹ The possibility of appeal was also severely limited and the conditions for detention extended. Furthermore, the government has initiated in parliament a modification to the penal code to further criminalise illegal migration (currently it counts as a minor offense) so that illegal crossings can result in jail terms.

Fair Claims in the EU

Although the present refugee wave to Europe has been ongoing for the past few years, it was the deaths of nearly 800 migrants attempting a voyage from Libya to the EU that finally pushed the refugee issue to the top of the Union's agenda. Yet, the discussion remains limited to the situation in the Mediterranean and there is little attention paid to the emerging alternate routes in the Western Balkans. In fact, in just the first quarter of 2015, the Western Balkans migrant track has detected three times as many illegal border crossings than in the Central Mediterranean.²⁰ Until recently,²¹ Brussels kept downplaying the significance of this route, as if with the halt of the Kosovar influx the situation had been solved.²² Thus, the level of awareness about the gravity of the situation in Hungary remains low among other Member States. Moreover, the wrongdoings of the Hungarian government are being tacitly accepted as long as they potentially curb the refugee flow, which is the explicit interest of the target countries.

With over 80,000 new arrivals only this year, the Hungarian position in the EU debate has some justification. Budapest was firmly against the plan for mandatory refugee resettlement across the EU (eventually rejected by the European Council on 25–26 June) and is not ready to receive any additional refugees on a voluntary basis, either. Its vehement objection to the EU proposals easily portrays Hungary once again as the black sheep of the Union. The case for it is seen in the context of Orbán's general track record of confrontations with Brussels on a wide array of issues. However, this time at least some of the Hungarian arguments are valid.

First, and most important, since Hungary currently receives more asylum-seekers than Greece or Italy, it makes little sense to have refugees resettled from those countries to the former. In the first three months of 2015, Hungary had by far the most first-time asylum applications per capita in the EU (3,322) and by total numbers was second only to Germany (73,100 in Germany, 32,800 in Hungary, 15,200 in Italy and 2,610 in Greece).²³ Second, most of the Member States opposed to the resettlement argued, even if the figure initially proposed by the Commission was low (716 were proposed to be relocated to Hungary and 307 resettled there), it obviously would have increased when additional refugees arrived to the EU. Third, the establishment of a permanent division mechanism for refugee resettlement was deemed as potential encouragement to further waves of refugees to transit to Europe. Fourth, Hungary was opposed to the very idea of the Commission unilaterally imposing any obligations on Member States with regard to

¹⁷ L. Rab, "A segélyszervezetek csak most vették észre, hogy menekültek is vannak," *Népszabadság*, 16 July 2015, <http://nol.hu/belfold/allj-ide-es-csinald-1551829>.

¹⁸ "UNHCR urges Hungary not to amend asylum system in haste," UN Refugee Agency, Budapest, 3 July 2015, <http://www.unhcr.org/559641846.html>; "Itt hamarosan „jogi határzár” épül," Hungarian Helsinki Committee, Budapest, 10 July 2015, http://helsinki.hu/wp-content/uploads/itt-hamarosan-jogi-hatarzar-epul_-Helsinki-Biz-menekultugy-jogszabalyvaltozas.pdf.

¹⁹ "Itt hamarosan ...," *op. cit.*

²⁰ "Frontex Risk Analysis Network Quarterly Report. Quarter 1," FRONTEX, Warsaw, 9 July 2015, p. 10, http://frontex.europa.eu/assets/Publications/Risk_Analysis/Fran_Q1_2015.pdf.

²¹ "Remarks by ...," *op. cit.*

²² "First measures under the European Agenda on Migration: Questions and Answers," European Commission—Fact Sheet, Brussels, 27 May 2015, http://europa.eu/rapid/press-release_MEMO-15-5038_en.htm.

²³ "Asylum in the EU in the first quarter 2015," Eurostat News Release, Brussels, 18 June 2015, <http://ec.europa.eu/eurostat/documents/2995521/6887997/3-18062015-CP-EN.pdf/4457b050-26f9-4cf1-bf27-9ffb73ff8c7b>.

immigration. According to Article 80 of the Lisbon Treaty, this issue should be governed by the principle of solidarity and a fair sharing of responsibility, including financial implications, among the Member States.²⁴

Hungarian opposition to the so-called Dublin III regulation²⁵ should also not come as a surprise, as this is seen by most Member States as the main weakness of the common European asylum system. In late June, Budapest announced it was indefinitely opting out of the system because it was temporarily technically not capable of receiving people sent back from the West. One day later the decision was revoked because of objections by Austria. While such unilateral steps are seen as unacceptable by the other Member States, this dysfunctional system clearly needs to be overhauled²⁶ as it overburdens the primary entry states, which then seek ways to evade the rules and let migrants pass unregistered.

Recommendations: Managing, Instead of Dodging the Crisis

The refugee crisis in Hungary is both genuine and something of a false alarm. The situation on the ground is serious, even if the government's misleading communication discredits it. Even if such emergency situations are difficult to be adequately handled, the government could definitely do more if it invested more in viable solutions rather than its politically motivated campaign. For instance, the one billion forint (about €3.6 million) spent on the national consultation, the close to HUF 400 million (€1.3 million) put into the billboards, or the estimated HUF 22 billion (€72 million) for the fence could cover the country's refugee assistance programme for many years to come.

However, the situation requires mobilisation beyond Hungary and there should be no waiting for the drama of a "Libyan boat" for Brussels to act. By continuing to turn a blind eye to the situation in Hungary, the EU increasingly shares the liability for its consequences.

To assist Hungary to properly mitigate the crisis:

- **The EU debate on the refugee crisis needs to be more balanced regionally and more attention has to be paid to the gravity of the situation in Hungary**, rather than only to Greece and Italy. This should be reflected at the political level, as well as in terms of aid. Allowing Hungary to opt out from the voluntary redistribution of the 60,000 refugees received in southern Europe was a good start, yet the Member States should also foresee the possibility of including Hungary in the relocation programme (as a "beneficiary," in EU parlance). Currently, apart from Italy and Greece, only Malta is foreseen as a potential beneficiary.²⁷ Such a prospect would urge the Hungarian authorities to undertake standard procedures (such as fingerprints of all new arrivals) rather than letting some of them pass through the country unobserved (which is what Greece and Italy have been doing).
- **The burden needs to be better shared between the EU and non-EU transit countries.** Just as Italy has argued for a system to process migrants in Africa, Hungary also expects a management system be set up in the Western Balkans. The EU should put political pressure on neighbouring countries (particularly Macedonia and Serbia) and also offer them expert, logistical and financial support. The establishment of a functional refugee management system in Macedonia and Serbia would be a long-term investment with benefits for both the EU and its neighbours.
- **European funds spent on Hungary should be for assisting refugees and immigrants, not only for keeping out or detaining border crossers.** An adequate level of spending on this side of the problem should be ensured through a combination of enhanced monitoring mechanisms and political pressure.
- **Legislative changes must be compliant with EU asylum law.** The new law on asylum reduces the asylum procedure time so radically that it makes it virtually impossible. While the

²⁴ Immigration policy in the EU is shared between the EU and the Member States and decisions are taken by qualified majority voting.

²⁵ The Dublin III regulation is the legal basis for determining which EU Member State is responsible for processing an asylum claim.

²⁶ K. Borońska-Hryniewiecka, K. Brudzińska, P. Sasnał, "Migrants 'R' Us: Recommendations for a Sound European Migration Policy," *PISM Strategic File*, no. 9 (72), April 2015, p. 2, www.pism.pl/Publications/PISM-Strategic-Files/PISM-Strategic-File-no-9-72.

²⁷ "First measures ...," *op. cit.*

relevant EU directive puts limits on overly lengthy procedures, this other extreme also has to be discouraged by Brussels. In case dialogue does not bear results, launching an infringement procedure against Hungary for a violation of certain EU asylum laws should be considered (and it wouldn't be the first time, occurring already in 2013 and 2014).

- **Hungary's harmful anti-immigration rhetoric needs to end and its message re-balanced.** Although the grassroots counter-campaign to the billboards has been effective in presenting an alternative view to the public, a more neutral approach is needed, too. For this, a comprehensive fact-based information campaign should be initiated to deconstruct myths about refugees and immigrants. This could be financed by the EU, the Council of Europe, UNHCR or other credible international promoters of democracy and human rights.

For a more functional EU immigration and asylum system in the mid to long-term:

- **EU migration and asylum policy needs a strategic overhaul**, as it has become outdated. It is also inadequate for dealing with the present influx caused both by a mix of external factors (crises in Africa and the Middle East) and internal ones (Greece loosening its border security and refugee system). In the heat of the debate on immediate measures to alleviate the crisis, which is the first part of the European Agenda on Migration, its second part, strategic thinking about long-term actions, should not be swept under the carpet.
- **Prepare well for the revision of the Dublin III regulation scheduled for mid-2016.** The review process has to be preceded by comprehensive research and feasibility studies. Since its many failures have built up within national governments an aversion to the very idea of the system, information and advocacy actions are needed to emphasise not only the burden-sharing aspect of the regulation but also its benefits for the Member States.
- **The very source of the crisis, not just its symptoms, has to be remedied.** Through foreign policy, as well as humanitarian and development aid, the EU and its international partners can improve the situation in the refugees' countries of origin. Moreover, through trade agreements and diplomatic pressure, Brussels can put pressure on them to sign readmission agreements with the EU, which could stem the tide.