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Chapter 2

Migration as a Political and Public Phenomenon: The Case of Hungary

2.1. Introduction

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Hungary demonstrates a relatively high level of ethnic and particularly high level of cultural homogeneity. Nevertheless, due to its geographical position, Hungary has played the role both as transit and source as well as destination country for both regular and irregular migration during the past decades. In the context of the recent large-scale irregular migration towards (Western) Europe, however, Hungary has rather been a transit country, experiencing serious pressure at its southern border urging the government to take firm action. As member of the European Union since 2004 and of the Schengen Treaty since 2007, a part of Hungary's border forms the external borders of the European Union.

Understanding Hungary's reaction and firm standpoint in relation to the large-scale influx of irregular migrants to the European continent needs a brief overview over the past couple of centuries of Hungarian history. From 1526 the Kingdom of Hungary suffered for nearly 160 years under the Ottoman Empire, splitting the country into three parts and opposing systems with devastating consequences for the Hungarian nation including a demographic catastrophe (with the population loss in some regions reaching 70 and 90%).¹ Soon after the Ottoman conquest Hungary was incorporated into the Austro-Hungarian Monarchy after a freedom revolution crushed by Austrian and Russian troops in 1849. The 20th century brought even worse political traumas still vivid in the national remembrance of the nation: forced into the World War I as part of the Austrian Empire, Hungary lost 72% of its land through the Treaty of Trianon in 1920, including e.g. 3.7 million ethnic Hungarians, 62% of its rail lines, 85% of its forests, 50% of its arable land, 100% of its salt and steel mines.² Neither did the second part of the 20th century bring prosperity to the Hungarian people: after World War II the country was invaded by the Soviet Red Army troops assuring that a Communist-dominated government was installed for the post-war period. The Soviet troops remained in the country with re-

¹ P. Fodor, "Hungary between East and West: The Ottoman Turkish Legacy", [in:] *More MODOQUE. Die Wurzeln der europäischen Kultur und deren Rezeption im Orient und Okzident: Festschrift für Miklós Maróth zum siebzigsten Geburtstag. Argumentum Kiadó, MTA Bölcsészettudományi Kutatóközpont, Budapest 2013, pp. 406–407.*

² E. Ludwig, "Trianoni veszteségeink", *Magyar Nemzet Online*, 2010, available at: http://mno.hu/migr_1834/trianoni-vesztesegeink-239085 [accessed: 25.02.2017].

ference to the so called mutual assistance treaty by the two countries' governments, eventually resulting in the revolution of October 1956 crushed by the Soviets, killing thousands of civilians. After 1989 (and 1991, as the last Soviet tank left the country) Hungary tried to re-build its national community as "a homogenous, culturally rich and dynamic society, with limited resources, but with definitive democratic and modern values".³

The migrant crisis of 2015 was not the first time Hungary experienced large-scale migration. The first significant influx of refugees was during the 1980's when tens of thousands of ethnic Hungarians fled the dictatorship and ethnic discrimination in neighbouring Romania as well as from former Yugoslavia when the civil war broke out. Hungary acceded to the 1951 Geneva Convention and the 1967 Protocol relating to the Status of Refugees in March 1989,⁴ the primary reason was to be able to clarify the legal situation of the ethnic Hungarians fleeing from the neighbouring countries, but during the coming decade Hungary also commenced to grant protection as refugees to persons originating from non-European states.⁵ Current statistics show that asylum seekers arrive to Hungary from a variety of source countries: during 2016 the top five countries of origin were Afghanistan, Syria, Pakistan, Iraq and Iran (Table 2.1 below). The persons from Afghanistan represented a third of all asylum seekers in Hungary (Table 2.1 below), doubling the number of Syrians and tripling the number of Iraqis, who in the overall European Union average remained the largest and the third largest categories of all asylum seekers.⁶

Due to its location on the so called Western Balkan migrant route (via Turkey, Greece, the former Yugoslav Republic of Macedonia, Serbia or Croatia to then via Hungary to other EU Member States) Hungary, as traditionally a transit country, was heavily exposed to the large-scale influx of irregular migrants during the migrant crisis in the second part of 2015. The route had increased in popularity in the previous years as visa restrictions for five countries on the Balkans was relaxed in 2012 (Albania, Bosnia and Herzegovina, Montenegro, Serbia and the former Yugoslav Republic of Macedonia), but the record number of migrants arriving to the Greek islands in 2015 had a dramatic effect on the Western Balkan route with unprecedented numbers attempting to re-enter the European Union through Hungary.⁷

³ A. Belhaj, "Hungary and Migratory Fracture", Migration Research Institute, 2016, available at: <http://www.migraciokutato.hu/en/2016/10/24/hungary-and-the-migratory-fracture/> [accessed: 25.02.2017].

⁴ UN High Commissioner for Refugees, UNHCR, "Background Information on the Situation in the Republic of Hungary in the Context of the Return of Asylum Seekers", 31 December 1999, available at: <http://www.refworld.org/docid/3ae6b33a14.html> [accessed: 27.02.2017].

⁵ G. Demény, "Integration of Refugees in Hungary", 2007, *Fundamentum*, 2008, 12. évf. 5. p. 116, available at: <http://www.fundamentum.hu/sites/default/files/08-e-11.pdf> [accessed: 25.02.2017].

⁶ EASO, "Latest Asylum Trends – 2016 Overview", pp. 1–2, available at: <https://www.easo.europa.eu/sites/default/files/Latest%20Asylum%20Trends%20Overview%202016%20final.pdf> [accessed: 25.02.2017].

⁷ Frontex, "Western Balkan Route", 2017, available at: <http://frontex.europa.eu/trends-and-routes/western-balkan-route/> [accessed: 25.02.2017].

Table 2.1

The Number of Asylum Application by Nationality
in Hungary 2016

Citizenship	2016
Afghan	11,052
Syrian	4,979
Pakistani	3,873
Iraqi	3,452
Iranian	1,286
Moroccan	1,033
Algerian	710
Turkish	425
Somali	331
Bangladeshi	279
Kosovar	135
Other	1,877
Total	29,432

Source: Hungarian Immigration and Asylum Office, *Issue 2015–2016 Annual Statistics*, available at: http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=492&Itemid=1259&lang=en# [accessed: 25.02.2017].

Figure 2.1

The Western Balkan Route



Source: Frontex and the Center for Eastern Studies (OSW), available at: <https://www.osw.waw.pl/en/publikacje/analyses/2015-07-01/migration-pressure-hungarian-border> [accessed: 25.02.2017].

During the period between January and August 2015 more than 400,000 persons entered the country illegally of which 132,006 applied for asylum. There is no official data available on the exact number of irregular migrants arriving, but according to estimations by the International Organization for Migration (IOM) the number of illegal border crossings attempted or completed in Hungary in 2015 was close to 411,515.⁸ According to the figures from IOM Hungary was on the third place (after Greece and Croatia) regarding the apprehended number of irregular migrants at its external borders.⁹ Approximations made by the Hungarian authorities suggest that the number of irregular migrants is in fact much higher and rather closer to 460,000; however, no official data confirms this figure. During these weeks it became clear to the Hungarian authorities that the tools and mechanisms for border control provided by the Schengen system were purely sufficient for smaller groups of persons entering the county, and as other countries on the Western Balkan route had proved incapable of performing the duty to register the potential asylum seekers, a large administrative burden fell on the Hungarian authorities.¹⁰ The Hungarian government awaited a joint response from the leaders of the European Union to act upon the crisis, but eventually started the construction of a barrier (barbed-wire fence) in June 2015 on the Serbian and Croatian borders with the priority to protect its nationals, as well as to maintain public order and security and to combat irregular migration. The fence had an immediate impact on the number of irregular migrants arriving to the country, decreasing the numbers dramatically, which at the highest point were moving around 7,000 persons a day.¹¹ The strengthening of the border was complemented through amendments to the asylum law designating Serbia as safe third country and allowing for expedited asylum determination.¹² In addition, climbing through the fence or damaging it became criminal offence punishable with imprisonment through an amendment to the Penal Code.¹³ There is no current data available on the number of persons sentenced according to the new amendment, but an article from the Hungarian news website Index dated February 2016 – referring

⁸ IOM, “Migration Issues in Hungary”, 2016, available at: <http://www.iom.hu/migration-issues-hungary> [accessed: 25.02.2017].

⁹ *Ibidem*.

¹⁰ A Magyar Tudományos Akadémia Migrációs Munkacsoportja (The Migration Working Group of the Hungarian Academy of Sciences), MTA MM, “Az Európába irányuló, és 2015-től felgyorsult migráció tényezői, irányai és kilátásai”, 2015, p. 5, available at: http://mta.hu/data/cikkek/106/1060/cikk-106072/_europabairanyulo.pdf [accessed: 25.02.2017].

¹¹ IOM, “Migration Issues in Hungary”...

¹² *Ibidem*.

¹³ 352/B. § in the Hungarian Penal Code, entered into force on 15 September 2015 through law 2015. évi CXL. törvény 31. §.

to statistics from the City Courthouse of Szeged (located approximately 20 km from the Serbian border) – mentioned 1,052 persons found guilty of the crimes above.¹⁴

Table 2.2

Average Daily Number of Irregular Migrants in Hungary
during the Migrant Crisis in 2015

May	274	
June, July and August	1,500	447%
September and October	>7,000	366%
November and December	10	

Source: IOM and Hungarian Police. Table made by the Migration Research Institute, available at: <http://www.iom.hu/migration-issues-hungary>; <http://www.police.hu/hirek-es-informaciok/hatarinfo/elfogott-migransok-szama-lekerdezes?honap%5Bvalue%5D%5Byear%5D=2015&honap%5Bvalue%5D%5Bmonth%5D=9> [accessed 25.02.2017].

Through a brief overlook over Hungary's history of immigration from the 1980's and onwards it becomes clear that immigration towards the country has mainly been dominated by persons originating from the neighbouring countries Romania, Ukraine, Yugoslavia and Slovakia (Figure 2.2 below). Between the years of 1988 and 2002 the number of immigrants arriving to the country was 295,000 of which 71% from the neighbouring countries.¹⁵ It is important to bear in mind this seemingly high figure, as it makes immigration to Hungary rather unique in a sense that most of the persons originating from these countries (90%) were of Hungarian origin.¹⁶ The most common motivational factor behind the migration to Hungary was the ethnic discrimination both by the states as well as by the members of the majority societies, further ethnic tensions and everyday conflicts, making life as an ethnic minority insecure. Hungary – as stated in its Fundamental Law¹⁷ – bears responsibility for the fate of Hungarians living beyond its borders. Originating from territories that once were integral parts of Hungary the sameness in language, culture and history self-evidently facilitated their social inclusion.

¹⁴ See http://index.hu/belfold/2016/02/08/atlepte_az_ezret_a_keritesmaszasert_elitelt_migransok_szama/ [accessed: 25.02.2017].

¹⁵ Demographic Yearbooks of Hungary referred to by I. Gödri, [in:] *The Nature and Causes of Immigration into Hungary and the Integration of the Immigrants into Hungarian Society and Labour Market. Demografia English Edition*, Vol. 49, Budapest 2005, p. 168, available at: <http://demografia.hu/en/publicationonline/index.php/demografiaenglishedition/article/view/259/589> [accessed: 25.02.2017].

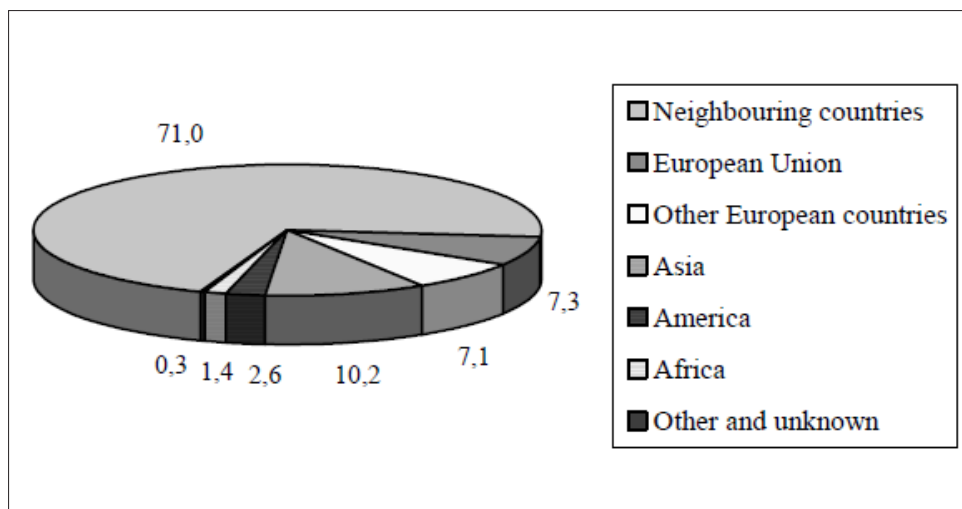
¹⁶ *Ibidem*.

¹⁷ See The Fundamental Law of Hungary, Article D; <http://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20Law%20of%20Hungary.pdf> [accessed: 25.02.2017].

Additionally, Hungary has also received a fairly huge number of immigrants coming both from the EU as well as from non-EU countries and from Asia (especially from Vietnam and China), but the number of persons originating from the American or the African continents have never been greater than a couple of hundred persons.¹⁸

Figure 2.2

Immigration to Hungary between 1988 and 2002



Source: Demographic Yearbooks of Hungary referred to by I. Gödri, [in:] *The Nature and Causes of Immigration into Hungary and the Integration of the Immigrants into Hungarian Society and Labour Market. Demografia English Edition*, Vol. 49, Budapest 2005, p. 169, available at: <http://demografia.hu/en/publicationsonline/index.php/demografiaenglishedition/article/view/259/589> [accessed: 25.02.2017].

The main countries of origin regarding migration to Hungary of today are – as indicated in Table 2.1 above – non-EU countries mostly located in the Middle East and South-East Asia. During 2015 no less than 177,135 persons applied for asylum in Hungary (which was an increase with 314 per cent compared to 2014), with the number of the non-European asylum seekers increasing with 626 per cent (compared to 2014).¹⁹ More than 150,000 of the applications were terminated by the Hungarian Immigration and Asylum Office as the asylum seekers left the country.²⁰ The number of asylum seekers

¹⁸ *Ibidem*.

¹⁹ Statistics for 2015 from the Hungarian Immigration and Asylum Office, available at: http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=177&Itemid=1232&lang=hu [accessed: 3.03.2017].

²⁰ *Ibidem*.

decreased significantly in 2016 with 29,432 persons applying for asylum in Hungary.²¹ The recognition rate of those granted international protection was around 1–4%. Due to economic reasons (wages, social benefits and GDP *per capita* considerably lower than in the old EU member states) and to cultural factors (e.g. unique and rather difficult language), Hungary continues to prevail mostly as a transit country in recent mass migration.

Hungary uses a complex set of instruments to implement its broader migration priorities. These instruments include supporting a visa waiver for certain bordering countries (Ukraine, Serbia), upholding the established procedure and administrative system of simplified naturalization, expert and financial assistance for countries on the Western Balkans which already made steps towards an European integration, policy measures to motivate economic investments within the framework of the policy of Eastern Opening, and the proactive participation in regional (the Budapest Process, the Prague Process, the Eastern Partnership Panel on Migration and Asylum) and bilateral dialogs (e.g. with the USA, Russia, India), as well as mobility programs (e.g. the region of North Africa, countries of the Eastern Partnership).

In addition to all of the above, we should also be mindful of the fact that as a member state of the European Union, Hungary shares some of its migration-related competencies with the states of the Union. Accordingly, Hungary pays attention to EU objectives and the set of instruments available regarding visa policy, legal migration and mobility, illegal migration, international protection, and optimizing the development impact of migration and mobility, although the Hungarian Government has developed a new, reformist approach since the migration crisis of 2015, gradually breaking away from the Union's federalist frames and structures.²² This is important, because membership in the EU also means that the decisions, appeals, and hardships of other member states have an immediate effect on Hungarian migration trends: the economic development and the social services of certain member states attract migrants who consider Hungary a transit country, and the inadequacies of a member state in migration management increase the migratory pressure on Hungary.

In addition, migration also involves public security and national security risks. One factor in this is that some Hungarian borders will remain the external border of the European Union and the Schengen area in the foreseeable future, with the responsibility and tasks of managing the Union's border section.

²¹ *Ibidem*.

²² See <http://www.kormany.hu/en/the-prime-minister/news/prime-minister-viktor-orban-proposes-ten-point-action-plan> [accessed: 25.02.2017].

Hungary has proven to be an eminent student since the beginning – when joining the Schengen area in December 21, 2007 –, and September 15, 2015, when the fencing system put in place on the Serbian and the Hungarian border section started to operate, did not change this. Conversely, Hungary – with periodical technical and human resource support from the Visegrad countries – continues to carry out its external border protection tasks, assuming even more responsibility and financial costs.²³

2.2. Migration Policy

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2.2.1. Legal Framework: The History, the Pillars, and the Features of the Legal System of Migration

(Dániel Horváth)

2.2.1.1. Asylum Outlook

The mass influx of Hungarians from Transylvania fleeing from the Romanian revolution in 1989–1991 was the first instance of Hungary facing the process of cross-border, or international migration. Although the unplanned migration put a substantial admission, procedure, and administrative burden on the country, the beyond the border Hungarians were – and still are – a preferential group for the political leadership, so their reception and support became a priority issue in national policy. Shortly after the first waves of migration initiated by the Romanian revolution, the effects the South Slavic crisis of 1991–1995 started to reach the country, and lead to the reception of tens of thousands of refugees from Vojvodina, the Slavonian part of Croatia, as well as refugees of German, Gypsy, and Serbian ethnicities. Although leaders of the young democracy that just got rid of the shackles of socialism had the right political intention and good will, the sparseness of information on what was happening in the war, and the lack of experience in asylum administration made it difficult at first to care for about fifty thousand refugees. Still, these initial experiences led to Hungary – then applying the rules of the 1951 Geneva Convention with territorial restrictions only – accepting its first asylum right law, which now conforms to the traditions of European asylum legislations.²⁴ Full accordance with the Union measures, the reforms mandatory

²³ Not counting the cost of the second defence line to be completed by the middle of 2017, the fencing system put in place over a 170 kilometer border section between Serbia and Hungary has drawn about 200 billion HUF from the taxpayers' money.

²⁴ CXXXIX Act of 1997 on the right to asylum.

due to the country's accession to the Union in 2004, had to wait until January 1, 2008, when the new, fully EU-conform asylum law of the country came into force.²⁵ The so-called executive regulations of these laws, which included the precepts, declared the procedural rules, the reception standards, and the rules of integration. The frame for these is set by Article XIV, paragraphs (2) and (3) of the Fundamental Law, which state the principle of non-refoulement, and of the conditional right to asylum.²⁶ Major, institutional level changes of the period thereafter were related to the initiation of an asylum detention, the reform of the integration system, and the inauguration of certain special forms of procedure.

On July 1, 2013 – as a reaction to another rise in the number of asylum seekers, and the infringement procedure started by the European Commission – along with an open reception facility structure, the aliens policing detention practice was replaced by a so-called asylum detention practice, conforming to the Reception Directive. Even though the use of asylum detention was more of an exception rather than the general practice until 2016, Hungary has to this day remained one of the few member states of the Union where this legal instrument has developed to be a fully-fledged element in the system of asylum reception. The applicants spend an average of 45–53 days in closed asylum detention accommodations, six months is the longest. In case of families, the law sets the limit at thirty days, while unaccompanied minors can not be detained. Newly emerging intentions of the legislator can bring major changes into this process, inasmuch as the Parliament approves the most recent asylum reform package of the Government, according to which, asylum seekers would have to remain in transit zones for the entire time of the asylum procedure, and – in case it comes into force – the new regulation would also include those currently residing in reception facilities within the country. Consequently, we can forecast the elimination of open reception centres, as well as the asylum detention system in the medium term.

In reference to the defects of the former integration and support system (e.g. systematic weaknesses, the migration practices of clients, the labor market and language barriers) the new system, coming into force on January 1, 2014, was a fundamental reform of the integration system based on the financial support, and the services in kind provided for asylum seekers and people granted international protection. The latter emphasized the bilateral nature of the integration process, and introduced the institution of an integration contract, which led to more emphasis on the individual responsibility of clients. In 2014, the asylum authority entered into close to 600 contracts. As of June 1, 2016, ho-

²⁵ LXXX Act of 2007 on the right to asylum.

²⁶ See <http://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20Law%20of%20Hungary.pdf> [accessed: 5.03.2017].

wever, the asylum integration system has also – along with several other measures aiming to raise the effectiveness of the asylum procedure – undergone major changes: the institution of integration contracts was ceased regarding the future, and the possibility for other financial and in kind benefit, based on the asylum law, also ceased. In the Government's view, the primary goal should be the support of Hungarian families, and the support system of asylum seekers or third country citizens granted international protection should be aligned with that of Hungarian citizens. The unspoken message of the indisputably anti-migration package of measures was to create less appealing conditions for the migrants, and strengthen the transit migration character of the country even more.

As a clear governmental reflection to the European migration crisis started in 2015, the rules of the Hungarian asylum procedure were notably changed as of 1 August 2015: the asylum procedure is no longer divided into two parts, and the rules of the preliminary assessment procedure were removed from the law. The asylum authority decides in a uniform procedure on the possibility of the Dublin procedure, and on the possibility of an accelerated procedure.²⁷ In accordance with the amended Section 47 of the Law on Asylum, applications for recognition as refugee or subsidiary protected person are subjected to examination by the refugee authority after their submission. During the examination, the refugee authority determines whether conditions are met for applying the Dublin Regulations, and determines whether the application is inadmissible, or if an accelerated procedure is possible.²⁸ For inadmissible applications or those evaluated in accelerated procedures, a decision must be made within fifteen days after identifying the reason that justifies the inadmissibility or the accelerated procedure. If no shorter-term procedure is possible, it must be carried out within sixty days after the submission of the application – according to the original rules.

However, given the longer-term implications, hereby we refer to the fact that on March 17, 2016, in its decision number C-695/15 PPU, taken in the case of *Shiraz Baig Mirza vs OIN* (Office of Immigration and Nationality), the Court of Justice of the European Union ruled that the Hungarian legislation and its practical application complies with the Dublin III Regulation and the relevant refugee guidelines, which allows for a so-called inadmissibility

²⁷ See Section 51 Act Nr. 127 of 2015 on amendment of laws regarding temporary security border closure and migration.

²⁸ Accelerated procedure is typically for asylum application lodged in the “transit zones” at the Southern borders of Hungary. For its procedural shortcomings, see the report of the Amnesty International entitled “Fenced out”, pp. 16–19, available at: <https://www.amnesty.org/en/documents/eur27/2614/2015/en/> [accessed: 25.02.2017].

investigation in case of applicants taken over within the Dublin system as well. Among others, an application is considered unacceptable in case the applicant is originated from a so-called safe third country, yet he/she applies for asylum in one of the Member States. Thus, even after the Dublin takeover, Hungarian authorities can legally examine the applicability of the safe third country concept, and if conditions are met, the applicant's expulsion to that safe third country may be ordered legitimately.²⁹

Depending on the outcome of the judicial decision made in the Dublin procedure (i.e. whether the Member State charged is responsible of examining the application, or not) the Hungarian refugee authority orders the termination or continues the suspended asylum procedure. Legal remedies are provided for the applicant in both cases.

The duration of the judicial review is sixty days according to the law (but often more – from 4 to 9 months – in practice).³⁰

General experience has shown that the procedures usually take more time than expected not just because of the Dublin procedures being time-consuming, but mainly due to the excessive workload of the courts. However, statistics are improved by the fact that the majority of applicants (80–90%) abscond for an unknown location before the procedure is actually carried out, which though increases the number of terminated asylum procedures, but it is favorable for the number of cases involving judicial review.

In comparison with the number of asylum applications in 2013 (18,900) and 2014 (42,777), there was an unprecedented increase (177,135) in terms of asylum applications in Hungary last year. Comparing the figures from the first quarter of 2015 and that of 2016, we can clearly see direct effects of the government measures last year: while there were 33,549 applications submitted between January and March 2015, the figures intensively fell down a year after (7,182 applications up to the end of March in 2016). In total, there were altogether 29,432 asylum applications registered in Hungary in 2016.

Even though there is a high number of applications, most clients (97%) do not wait out the close of their procedure. This is also attested by the fact that the most common reason for eliminating procedures was the clients disappearing to unknown locations. The ratio of people recognized by the asylum authority as a refugee or a person granted other international protection was between 1 and 4% in comparison to total applications in the 2013–2016 time period.

²⁹ See <http://curia.europa.eu/juris/documents.jsf?num=C-695/15> [accessed: 15.02.2017].

³⁰ For more information, see the appeal rules under <http://www.asylumineurope.org/reports/country/Hungary/asylum-procedure/procedures/regular-procedure> [accessed: 25.02.2017].

2.2.1.2. Aliens Policing Outlook

In Hungary, aliens policing tasks are carried out by the Immigration and Asylum Office, and the Police, with shared competence. As the general rule, the Police takes action against migrants arriving to the country illegally, when arrested in the border area, and carry out their expulsion and deportation to a third country or their country of origin at its own discretion. A change in competence takes place if the client submits an asylum application, or the Police can not remove the client from the country within 72 hours. In either case, the client is transferred to the competent regional directorship of the Immigration and Asylum Office.

Hungarian law – in attention to the country being a member state of the Union, and replacing the formerly unified regulation³¹ – now settles the rules for people with the right to free movement, and the entry and stay of third country citizens in separate sources of law (Act I. and II. of 2007), amended by implementing regulations. The constitutional framework concerns the protection of sovereignty and national identity, and related state tasks.³² These could have received an even more definite form in the proposed seventh amendment of the Fundamental Law in October 2016, if the initiative did not fail, due to lack of support from the opposition.³³

The mass influx of migration in 2015 created a new situation, however, and the legislator quickly responded, on the ground of the security interests of Hungary and the Union. The entry into force of the new legislation,³⁴ creating a legal basis for the construction of a fence on the border between Hungary and Serbia, in conjunction with further legislative amendments³⁵ criminalizing irregular entry and damage to the fence, has created a hostile environment towards those seeking asylum. Nevertheless, in relation to taking action against illegal migration in a more narrow sense, we have to note that the Police employs an adequate number of patrols and technical equipment in order to reduce the security risk possibly caused by illegal migrants to a minimum, through capturing, arresting, registering, and officially controlling them. Since the 2015 crisis, the Police can lean on the Hungarian Defence Force for primarily logistical and – in the transit zones – medical assistance, as authorized by the above mentioned legislative actions.

³¹ See The XXXIX Act of 2001 on the entrance and stay of foreigners.

³² See The National Avowal chapter of the Fundamental Law of Hungary.

³³ The above mentioned amendment could have become a constitutional barrier to the European Commission's "mandatory settlement quota" plans as well.

³⁴ See Act Nr 127 of 2015 on amendment of laws regarding temporary security border closure and migration <http://mkogy.jogtar.hu/?page=show&doid=a1500127.TV> [accessed: 20.02.2017].

³⁵ See Act Nr 140 of 2015 on amendment of certain laws regarding management of mass migration, available at: <http://mkogy.jogtar.hu/?page=show&doid=a1500140.TV> [accessed: 25.03.2017].

According to the current legislation, the authorities do not start aliens policing procedures against illegal migrants – in case no other crime is committed, such as damaging the border barrier – intercepted within 8 kilometers from the border, but accompany them behind the fence, indicating that asylum applications can be submitted in one of the transit zones – presently operating in Rösztke and in Tompa. Based on the authorities making a decision on the acceptability of their applications, the country can be entered only in this way (then within 8 days).

The present legislation change before the Parliament would modify this regulation in a way that in the future, all migrant persons not able to prove their identity, but applying for asylum, caught by the Police anywhere in the country, would be transported to a transit zone established in the southern, external borderline, and the client had to wait out the end of the asylum procedure there.

In order to understand the professional justification of the above mentioned governmental actions, we have to refer to the trends of illegal migration of the past few years. According to the statistics, illegal migration towards Hungary has grown steadily since 2012, intercepted only by the governmental actions and the tangible border barrier established on the border between Serbia and Hungary in the last quarter of 2015. Looking back, the Police arrested over 50,000 persons for unauthorized border crossing or its attempt in 2014. In 2015 – mainly before the southern border barrier started to operate –, the Hungarian authorities took measures against over 428,000 persons for illegal activities (the above mentioned unauthorized border crossing or its attempt for the most part), and this number went down to about 35,000 in 2016, due to the measures outlined above. Illegal arrivals from outside of Europe come though Turkey, Greece, Macedonia and Serbia, or on the Turkey-Bulgaria-Serbia route to reach Hungary, and the well known event of 2015 brought no change in this trend. The proportion of unauthorized border crossings and their attempt is exceptionally high on the border between Serbia and Hungary (about 90% in a countrywide comparison).

Also, it should be understood that the general tendency of the past few years showed a significant percentage of illegal migrants (over 96%) submitting an asylum application. As the large number of police arrests show, the problem was not the interception or arrest of people involved in illegal migration, but the abuse of those asylum procedures that are conducted according to mostly unified European standards. Prior to the more severe measures of 2015, the most effective way to get to Western Europe was this: after the Police caught and arrested the illegal migrants on the external Schengen border, the clients filed asylum applications to avoid aliens policing detention, and were placed

in open reception centres for the most part. Taking advantage of their right of free movement within Hungary during the asylum procedure, and the lack of control on the internal borders, they could reach their country of destination – Germany or Sweden in most cases – within 24 hours. We have to make a note about the administrative practice of these member states: there has been very limited possibilities for the detention of clients – even on the very height of the migration crisis –, essentially nothing hindered their free movement, and the escalation of social tensions. With its latest measures, the Hungarian political leadership seeks to constrain the processes that induce this circular migration, and wants to cut the reinforcement flow of illegal migration.

2.2.1.3. Citizenship and National Policy Outlook

As we have already mentioned, Article D of the Fundamental Law of Hungary assumes responsibility for Hungarians living beyond its borders, and Article G provides provisions related to Hungarian citizenship. The detailed rules for the origin, acquisition, and deprivation of Hungarian citizenship are laid out in Act LV of 1993, amended with the possibility of simplified naturalization for beyond the border Hungarians since 2011.³⁶

From the organizational perspective, it is worth to note that the authority responsible for citizenship affairs was the Office of Immigration and Nationality from 2000 until January 1, 2017. At the beginning of 2017, however, this responsibility – as outlined in the section on the Institutional system – was transferred to the Government Office of the Capital City Budapest for the most part, and to the Prime Minister's Office for the less – generating predominantly central governing tasks. The former institution with exclusive jurisdiction over citizenship issues continues its operation as the Immigration and Asylum Office.

The practice of simplified naturalization is worth to mention from the perspective of our topic, especially because this procedure has been often abused, though the target value was reached, and the political leadership presently in power has since the beginnings had the national policy objective of making it easier for the Hungarians beyond the border to gain citizenship, and be able to show off one million new Hungarian citizens. According to the rules of simplified naturalization,³⁷ an application can be submitted by people who fully meet the following (joint) requirements of preferential naturalization:

- he or any of his ancestors was a Hungarian citizen or if he serves reason to believe his or her origin is from Hungary,

³⁶ As of March 1, 2013, the legislator introduced further changes and facilitations (regarding the acting body, and the scope of people entitled to preferential naturalization) in the simplified naturalization process.

³⁷ See Act LV of 1993, paragraph 4.§ (3); see also <http://www.allampolgarsag.gov.hu/images/angol.pdf> [accessed: 2.02.2017].

- he proves his knowledge of the Hungarian language (inspected by the body receiving the application),
- according to Hungarian law, he has no criminal record and is not under prosecution, and
- his naturalization does not violate the public and national security of Hungary.

In our time, mainly Ukrainian, but to some extent also Romanian criminal circles support criminal organizations to gain Hungarian citizenship in a fraudulent way, to gain Hungarian (and thus, EU) travel documents in particular. The popularity of Hungarian travel documents is most likely due to the fact that they can be used for travelling to 150 countries of the world visa-free, and they are much easier to acquire than American or British documents for instance. Abuses have to do with the formal, or total lack of inspection on the knowledge of the Hungarian language in the first place. In addition, according present judicial practice, the lack of knowledge of the Hungarian language is not sufficient to revoke the citizenship, revoking requires the proof of other circumstances giving rise to further abuse.

2.2.2. Institutional Framework: Main Stakeholders and Reception Facilities

(Dániel Horváth)

The Hungarian institutional administration system of migration has several actors: along the hierarchical structure of the home affairs sector, several departments carry co-ordinate responsibilities, and many international, intergovernmental and non-governmental organizations (NGOs) cooperate.

The prime actor is the ministry responsible for aliens policing, asylum, and fostering the social integration of foreigners, as it governs the executive organizations responsible for implementing aliens policing and asylum rights. Other ministries are also involved in the process of migration administration:

- The ministry responsible for foreign policy (e.g. Schengen visa issues, foreign policy embedding, and securing coherence);
- The Prime Minister's Office (attending to general interdepartmental coordination, national policy, regulating citizenship, and administering simplified naturalization);
- The ministry responsible for employment policy (authorizing the employment of third country citizens in Hungary, administrative contribution, allocating quotas, managing the employment policy situation of migrants, providing services), and

- The ministry responsible for health care, education, social and retirement policy, and advancing equal opportunities in society (in educational issues, the social benefits for foreigners, their social rights, their social integration, the placement of unaccompanied minors, and the integration of foreigners in general).

On the implementation level, the two main aliens policing authorities directed by the Minister of Interior are the Immigration and Asylum Office³⁸, and the Police.

The Immigration and Asylum Office and its regional organizations attend to visa consultation tasks in the Schengen visa issuing procedure, and have the following competencies: issuing residence and settlement permits, a wide range of coercive measures that can be enacted against foreigners, carrying out asylum procedures and the assessment of statelessness, providing specific services for recognized refugees/subsidiary protected persons/admitted persons, and providing travel documents for foreigners.

The migration related tasks of the Police – apart from protecting the state border and monitoring cross-border traffic – include in-depth control, imposing aliens policing detention and expulsion, and carrying out deportations.

Finally, beyond the level of authorities, contact and cooperation with international and intergovernmental organizations in the field of migration and asylum should be highlighted [including, but not limited to organizations such as the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the International Committee of the Red Cross (ICRC), and the International Centre for Migration Policy Development (ICMPD)], and the Hungarian contribution to the activities of relevant European Agencies [chiefly the European Asylum Support Office (EASO), and the European Border and Coast Guard Agency (FRONTEX)].

Apart from the authorities, the non-governmental organizations (NGOs) are also crucial actors, who often fill in the niches of Hungarian migration tasks in the system, in areas such as finding employment in the labor market, housing assistance, or organizing language courses.

Recently, Hungary's institutional reception system has undergone major changes, in accordance with the change of priorities in the migration policy. Currently in Hungary, there are five different types of reception facilities

³⁸ The Immigration and Asylum Office, successor of the former Office of Immigration and Nationality, has national authority over public authority tasks in relation to asylum and – authority still shared with the Police – aliens policing, as of January 1st, 2017. Citizenship and change of name matters, including pending administrative cases, were transferred to the Government Office of the Capital City Budapest at the date mentioned above, and – as the central governing body for native for registry matters – to the Prime Minister's Office.

to accommodate asylum seekers and persons granted international protection: (open) reception centre (in Kiskunhalas and Vámoszabadi), (open) temporary reception centre (in Körmend), closed asylum detention centre (Békéscsaba, Nyírbátor, Kiskunhalas), community shelter (in Balassagyarmat) and separate child protection institutions to accommodate unaccompanied minors (in Fót and Hódmezővásárhely). The asylum detention as such was introduced to the Hungarian law as of 1st July 2013, as a response to the infringement procedure launched by the European Commission criticizing the Hungarian law enforcement practice where asylum seekers could be put into aliens policing detention without prejudice to their special status. In 2015, there were 2,393 asylum detentions ordered (1.3%), while in the subsequent year, this number was 2,621 (8.9%) in total. Statistical figures clearly reflect the shift towards a more severe asylum policy that aims to ensure the availability of the applicant for the entire length of the asylum procedure.³⁹

The question of what type of reception facility each asylum seeker is placed at is decided by the refugee authority in each case, based on the circumstances and credibility of the applicant, the available information, and the knowledge of spare capacities. (Accommodating clients in one or another Hungarian reception facility according to their status was in practice only from 2008 to mid-2013. Subsequently, each open institution could receive clients regardless of their status.) In addition, the refugee authority may decide to limit the place at which the asylum seeker can stay to a particular area of the country for the period of the asylum procedure, which the client must not leave in principle. Finally, it is possible to place the applicant at a private accommodation. It is worth mentioning that in Hungarian law the alternative to asylum detention is the so-called asylum bail, which is rarely used by the refugee authority (in 2014, asylum detention was ordered for 4,829 applicants, and in 2015, for 2,393 applicants, which is 11% and 1% of all applicants, respectively).⁴⁰

As a response to the latest national security challenges and the obvious nexus between migration and terrorism, the Hungarian Government announced to introduce a new reception system, where asylum seekers will be expected to remain within one of the so called transit zones (either in Röszke, or Tompa) for the entire length of the asylum procedure. Only those who are finally granted international protection will be allowed to enter Hungary. Although the governing rules are not yet available, one thing remains certain: the Hungarian reception system in its current form will be discontinued in the first half of 2017.

³⁹ "The Latest Modification in Law on Asylum Is", available at: <http://mkogy.jogtar.hu/?page=show&docid=a1500127.TV> [accessed: 25.02.2017].

⁴⁰ Statistical data (Issue 2014–2015) are available at: http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=492&Itemid=1259&lang=en [accessed: 18.02.2017].

2.2.3. Other Policies

(*Sándor Gallai*)

In order to understand the measures and policies that the Hungarian government implemented to tackle irregular mass migration, it can be helpful to identify those principles which were expressed by the prime minister⁴¹ and could be regarded as the bottom-line in the formulation of the national-level response to the 2015–2016 crisis. The government persistently made a difference between asylum and immigration policies and insisted that for the former European-level decision-making was well-placed, but the latter should prevail as a competence of the national governments. Given the amalgamation of refugees and economic migrants in the recent waves of immigration, the European asylum policy should rest on effective border control. The government regarded it as a prerequisite not only for minimizing the security risks, but also for detaching the illegal migrants from the legitimate asylum-seekers. Moreover, in the lack of strict control along the external borders of the Schengen area, it would be impossible to avoid the restoration of internal border checks and maintain the free movement of people. In the implementation of a joint European refugee policy the Hungarian government demanded to respect and apply the “first safe country” principle, in other words: it did not regard the choice of the destination country as a fundamental right of the asylum-seekers. The government also rejected all compulsory quota mechanisms of reallocation and resettlement, it only expressed support for voluntary participation in any such EU schemes. The Hungarian leadership argued that permanent solution to the crisis could only be given if the responses were to address the causes of people fleeing their homeland right in and near the conflict zones and if the countries in trouble would be assisted jointly not only by individual states, but also by the European Union and the entire international community.

Since the Hungarian government was negative on both the speed and the contents of EU reactions to irregular migration, it urged a more effective joint European policies based on firm border control, the registration of asylum-seekers, the return of economic migrants and the halt of the migration flows outside the territory of the EU. At the same time, the government also took steps at national level and introduced policies to end the crisis by stopping – or at least diverting – the flow of immigrants arriving to Hungary.

The first major set of policies was designed to establish an effective border control at the Southern ends of the country's territory. To meet this objective, the

⁴¹ Those ideas were expressed in various interviews and speeches documented at the websites of the prime minister (<http://www.miniszterelnok.hu/> [accessed: 25.02.2017]) and the cabinet (<http://www.kormany.hu/hu> [accessed: 25.02.2017]).

deployment of physical border barriers⁴² played a key role by reducing the number of illegal border crossing. The first physical obstacles were temporary razor wire fences,⁴³ which had mostly been produced in correction centers by prison inmates. First they were installed by the army⁴⁴ at the Serbian border, then similar fences were also deployed at the Croatian border. However, the actual deployment process was much slower than anticipated,⁴⁵ and it did not prevent thousands of irregular migrants crossing the border every day.⁴⁶ The government transported them to newly created transit zones in Budapest, from where they could continue their journey towards Austria. When this possibility was suspended, it resulted in a bottleneck and a chaotic situation at the Eastern Railway Station of Budapest,⁴⁷ which only ended after the fence along the border had been completed.⁴⁸ Behind the initially installed razor wire fence the government also succeeded to get a temporary security fence erected. It was announced that preparatory measures would be taken to secure the Eastern borders as well.⁴⁹

The installment of the wire fences was facilitated by a legal change (Act no. CXXVII/2015) that created a 10 meter wide zone along the borderline within which the state – in return for compensation – acquired the right to use the land on public interest. Since it was obviously rather easy to cut and pass the temporary wire fence, the governing majority also decided to declare the hindering of fence building as well as the damaging and the illegal crossing of the fence to be a criminal act which should be sentenced for imprisonment or expulsion (Act no. CXL/2015). For the legal submission of asylum claims two transit zones were open at the Serbian-Hungarian border. However, in order to prevent mass immigration, a rather low daily cap (originally set at 15, later reduced to 10) has been applied on the number of new entrants

⁴² Although fences can also be found at parts of the Spanish-Moroccan, Greek-Turkish, Bulgarian-Turkish and Latvian-Russian borders, Hungary received severe criticism from its neighbors, the EU and international organizations (e.g. https://www.nytimes.com/2015/06/19/world/europe/hungarys-plan-to-build-fence-to-deter-migrants-is-criticized.html?_r=0 [accessed: 25.02.2017]).

⁴³ The official name was Quickly Installed Wire Barrier (Hungarian abbreviation: GYODA).

⁴⁴ They were assisted by a small number of public workers (e.g. <http://24.hu/belfold/2015/07/31/hatarzar-azt-mondtak-talaltak-munkat-l-a-keritest-fogjuk-epiteni/> [accessed: 25.02.2017]).

⁴⁵ The delay led to the resignation of the minister in charge (http://www.portfolio.hu/vallalatok/lemondott_hende_csaba_honvedelmi_miniszter.219212.html [accessed: 5.03.2017]).

⁴⁶ A. Juhász, C. Molnár, "Magyarország sajátos helyzete az európi menekültválságban", 2016, p. 268, <http://www.tarki.hu/hu/publications/SR/2016/13juhasz.pdf> [accessed: 28.02.2017].

⁴⁷ "The Social Aspects of the 2015 Migration Crisis in Hungary", eds B. Simonovits, A. Bernát, 2016, p. 8, http://www.tarki.hu/hu/news/2016/kitekint/20160330_refugees.pdf [accessed: 25.03.2017].

⁴⁸ The closing of the green borders led to a clash between the police and a group of immigrants (<https://vs.hu/kozelet/osszes/osszecsapas-a-hataron-kimozditottak-a-keritest-0916> [accessed: 12.03.2017]).

⁴⁹ Due to the low number of illegal border crossing at the Ukrainian and Romanian borders, those plans were not implemented. All the government did was some limited landscaping at a small part of the Romanian border.

among whom the vulnerable persons with special needs have enjoyed priority. The low figures demonstrated two things: on the one hand, the government did not want to introduce a mechanism that would encourage migrants to arrive in huge numbers at the Hungarian borders; on the other hand, it offered the possibility of saving some capacities of the naturally overburdened civil servants and agencies that were in charge of dealing with the cases of the arriving immigrants. The transit zones have been jointly operated by the Immigration and Asylum Office and the army. Along with the installation of the physical border barriers and the opening of transit zones at the Southern ends, the existing transit zones of the capital city, Budapest, were closed down. The government also decided to mark an 8 kilometer wide security zone along the country's borders, and the corresponding law (Act no. XCIV/2016) stipulated that anyone caught within that zone, unable to prove his/her identity, shall be accompanied to one of the official crossing points and expelled from the country without starting an asylum procedure. Those who wish to apply for asylum are allowed to return to Hungary, but only through the transit zones for which they have to queue along with all other migrants arriving at the border. After that legislation had been adopted, every day an average 10-20 persons were accompanied to the border crossings.

The governing majority intended to increase the level of security for which the expansion of police and military capabilities was also necessary. As the migration crisis escalated, the government increased the number of permanent and stand-by military presence to ca. 6,000 officers who were also supported by 750 – mostly transport – vehicles. The maneuvers of the vehicles and the transport of military and police units were facilitated by the recent building of simple police roads all along the Serbian and Croatian borders. At the same time the government also decided to set up new units of police Border Guard. The hiring and training of the new border policemen takes place gradually with a target number of 3,000 new recruitments. The expansion of police forces and the recruitment of new border guarding policemen would allow ordinary policemen stationed at the borders to return to their original post.

At the proposal of the government, parliament codified a new case of special legal order, a state of emergency for situations when an emergency is caused by mass immigration (Act no. CXLII/2015). The conditions of this particular migration-caused state of emergency were primarily defined by the number of asylum seekers: the state of emergency shall be declared if the number of asylum claims in Hungary exceeded a daily average of 500 in a month/750 in a fortnight/800 in a week or if the number of immigrants in the transit zones surpassed a daily average of 1,000 in a month/1,500 in a fortnight/2,000 in a week. However, the state of emergency may also be declared if migration

leads to a situation which poses direct risk to the public order of any settlement (i.e. not only the villages and the towns at the border, but also anywhere else in the territory of Hungary). When a state of emergency is declared for mass immigration, the police enjoys extended operational competences, including the possibility of imposing restrictions on traffic, closing buildings and public areas, forcing people to leave or hindering them to enter to or departure from such places, limiting the operation of public and publicly used institutions, and entering and staying in private homes⁵⁰ for the purpose of check-up or for the observation and securing of a scene.

Under such special legal order the army also acquires the right to use weapons in violent conflicts to protect the borders; to settle a conflict situation which presents a direct risk to the protection of the border; to implement measures that are essential for tackling mass immigration; to stop violent actions which aim at disturbing the order at the state borders. When the special legal order is provoked by mass immigration, the state of emergency can be initiated by the national police chief and the director general of the Immigration and Asylum Office and it can be declared in a decree by the government at the proposal of the minister in charge. Once the act came into effect, the government declared a state of emergency nationwide. In September 2016 the government decided to extend it till 8 March 2017.

The policies against massive irregular migration have been repeatedly criticized by both the European Union and various international and domestic organizations. The government will certainly continue to face legal and political disputes over its measures and actions. Nevertheless, the inflow of asylum seekers slowed down considerably and their number dropped drastically (Figure 2.3).

The spectacularly lower figures were partly the result of domestic policies (e.g. more effective border control, bottlenecks in transit zones), but certain international developments (e.g. more rigorous policies in receiving countries, the Turkey-EU deal) also contributed to the change in situation. However, the level of cooperation between the asylum seekers and the authorities remained very low and more than 95% of the registered asylum claimants continued to disappear within the Schengen area without waiting for the termination of their asylum procedure. To put an end to the possibility of asylum seekers abusing their situation and the lack of internal borders within the Schengen area, the government made two important decisions. First, in February 2017, it agreed to hamper illegal border crossing by having a second fence built to the border, parallel with the already standing physical barrier, on the other side of the police road.⁵¹ The new barrier shall be ready by May 2017. It will have electronic

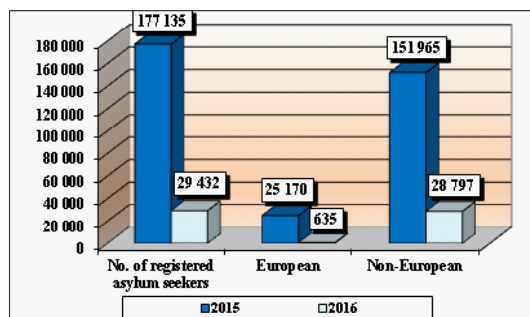
⁵⁰ The latter is only allowed in the possession of a written command.

⁵¹ E.g. <http://magyaridok.hu/belfold/lazar-janos-ujabb-hatarzar-letesiteserol-dontott-kormany-1436536/> [accessed: 25.02.2017].

detectors and loudspeakers to warn the approaching persons in three different languages (English, Farsi and Arabic) of the illegality of crossing the (green) border.⁵² Second, the government also presented a bill, which was adopted by parliament in March (Act no. XX/2017). Among else it introduced two substantial changes: on the one hand, all legally arriving asylum seekers will need to wait in the transit zone until their claim will have been processed by the authorities; on the other hand, the 8 kilometer border zone will be extended to the entire country, so regardless of the place they are captured, all unregistered immigrants shall be taken back to the transit zones; the open reception centers will be closed down and their current 67 residents will also be transported to the transit zones, which will be expanded to a capacity of 100 and offer accommodation, health, social, telecom and meal service facilities.⁵³ The transit zones are open to Serbia,⁵⁴ but only those will get admittance to Hungary, whose claim for international protection is found grounded by the Hungarian authorities.

Figure 2.3

The Total Number of Registered Asylum Seekers in Hungary
in 2015 and 2016



Source: Immigration and Asylum Office,
http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=177&Itemid=965&lang=hu [accessed: 25.02.2017].

⁵² The loudspeakers are planned to say: "Attention, attention. I'm warning you that you are at the Hungarian border. If you damage the fence, cross illegally, or attempt to cross, it's counted to be a crime in Hungary. I'm warning you to hold back from committing this crime. You can submit your asylum application at the transit zone" (<http://www.reuters.com/article/us-europe-migrants-hungary-fence-id-USKBN1692MH> [accessed: 25.02.2017]).

⁵³ <http://www.origo.hu/itthon/20170328-bakondi-mostantol-senki-sem-lephet-be-illegalisan-magyarorszagra.html> [accessed: 25.02.2017].

⁵⁴ In 2015 the parliament adopted the Act no. CVI/2015, which enabled the government to issue a decree on the list of safe third countries. As it includes Serbia, the government argues that arrivals from the Southern border should not be eligible for international protection in Hungary as they arrived from a safe country.

2.2.4. Social Integration of Migrants and Refugees

(Hanga Horváth-Sántha)

As the European experiences show, both migrant as well as refugee integration is a complex process including economic, legal, social, cultural and educational aspects. Factors that have an impact on the possibility of social inclusion are – among others – the legal norms concerning the situation of the migrants and refugees, the attitude of the host society towards them, the possibility to learn the language (and the difficulty of the given language) and access to the labour market.

It should also be noted that the integration of persons in need of international protection (i.e. refugees, persons with subsidiary protection or other type of protection) differ from other categories of migrants (labour migrants, intra-EU migrants, migrants with family status etc). The former category is often referred to as a particularly vulnerable group, nevertheless with very different demographics and skills, requiring specific integration policies.⁵⁵ Due to the nature of their forced migration – often paired with traumatic experiences and psychological distress –, humanitarian migrants often need more targeted measures to be able to strengthen the rather weak attachment to the host society and to be able to integrate fully into the labour market.⁵⁶

In the literature as well as in the official policy documents of the European Union on the subject matter it is often emphasised that integration is a two-sided process, requiring the same efforts from both the members and institutions of the host society as well as from the persons who have been granted the right to stay in a country which is not their country of origin. The way of considering the integration process as a two-way process is captured well in the communication of the European Commission as well. In its *Communication on Integration, Immigration and Employment* the Commission highlights that “Integration should be understood as a two-way process based on mutual rights and corresponding obligations of legally resident third country nationals and the host society which provides for full participation of the immigrant. This implies on the one hand that it is the responsibility of the host society to ensure that the formal rights of immigrants are in place in such a way that the individual has the possibility of participating in economic, social, cultural and civil life and on the other, that immigrants respect the fundamental norms and values of the host society and participate actively in the integration process,

⁵⁵ European Parliament, Directorate General for Internal Policies, “Labour Market Integration of Refugees: Strategies and Good Practice”, 2016, p. 20, available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578956/IPOL_STU\(2016\)578956_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578956/IPOL_STU(2016)578956_EN.pdf), p. 20 [accessed: 25.02.2017].

⁵⁶ *Ibidem*.

without having to relinquish their own identity.”⁵⁷ The meaning and importance of the two sides of the same coin was also reinforced by the Commission in its *Action Plan on the integration of third country nationals* in April 2016.⁵⁸ Notwithstanding the different policy documents on EU level, integration remains primarily under national competence.

The quote underlines the important and fragile balance between the rights and the duties of the migrants and refugees who are granted a residence permit in the country of destination. In relation to the migrant population significant research has been conducted regarding their social integration and labour market integration in Hungary, showing optimistic results on their labour market integration and – to a certain extent – on their social integration as well. But regarding the refugees there is no available open source data on the current size of the refugee population in Hungary (their number is estimated at around 2,500 according to government circles), but it has been a clear trend – at least for the past decade – that an overwhelming majority of those granted refugee protection leave the country.⁵⁹ Hence, assessing the successes of social inclusion and integration policies is only possibly through the small fraction of recognised refugees who actually decided to stay in Hungary during the past one or two decades, or those who came as other types of migrants not primarily fleeing from war or persecution. The same trend of leaving the country in short time was also very clear during the migrant crisis in 2015 when 97% of the persons entering as asylum seekers almost immediately left the country,⁶⁰ the majority of them not even awaiting the end of the asylum process. This trend, however, was not new and solely induced by the migrant crises, but a well-known practice for the Immigration and Asylum Office already much earlier. As a consequence, the assessment of the success of social integration policies in relation to persons with international protection status is somewhat difficult and potentially misleading due to the relatively small numbers.

The migration research focusing on the social as well as the labour market integration on migrants in Hungary has during the past couple of years in large parts been financed through the European Integration Fund⁶¹, which has

⁵⁷ European Commission, “Communication on Integration, Immigration and Employment”, 2003, pp. 17–18, available at: <http://eur-lex.europa.eu/legal-content/LVN/TXT/?uri=uriserv:c10611> [accessed: 25.02.2017].

⁵⁸ Communication from the European Commission, “Action Plan on the Integration of Third Country Nationals”, 2016, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_action_plan_integration_third-country_nationals_en.pdf [accessed: 25.02.2017].

⁵⁹ G. Demény, *op. cit.*, p. 117.

⁶⁰ MTA MM, “Az Európa irányuló...”

⁶¹ Re-named to Asylum, Migration and Integration Fund in the EU budget period stretching from 2014 to 2020.

contributed to the realisation of larger empirical studies based on quantitative as well as qualitative methods, but also to civil society projects aiming the practical facilitation of the social inclusion process.⁶² The previously mentioned research funded by the European Integration Fund has been able to stretch the research to all relevant (policy) areas within the field of integration of migrants, as stated in the Zaragoza Declaration as well.⁶³ Migration research was, however, self-evidently an existing important research even in earlier years, but then the focus within research on integration matters was mainly on the legal and/or policy aspects of social inclusion (as well as labour market integration), including several case studies.

2.2.4.1. Labour Market Integration of Migrants in Hungary

Despite the fact that the question of employment situation and labour market integration are integral parts of the policy discourse on integration of migrants, research purely focusing on these matters has been relatively underrepresented in the past decade.⁶⁴ At the same time it is important to mention that almost all the research in relation to the social inclusion of migrants in Hungary dealt with the question of labour market integration as well. Analysis of surveys conducted by – among others – the Hungarian Demographic Research Institute⁶⁵ suggest that migrants in Hungary have a higher employment situation than the Hungarian population, which is especially true regarding the migrants of Hungarian origin.⁶⁶ According to the mentioned surveys ethnic Hungarian migrants have a higher employment and activity rate in comparison to the non-migrant citizens, and their unemployment rate is lower among them.⁶⁷

From the outcome of the survey “Migrants in Hungary”⁶⁸ in 2009 (also funded by the European Integration Fund) it also became clear that the migrant groups showed great variation in terms of employment and labour market activity.⁶⁹ The survey contained, i.e., a detailed comparison between six dif-

⁶² A. Kovács, “Bevándorlók integrációja Magyarországon: korábbi kutatások adatai alapjai”, [in:] *Bevándorlás és integráció*, ed. A. Kovács, Budapest 2013, p. 25.

⁶³ Declaration of the European Ministerial Conference on Integration (Zaragoza, 15 & 16 April 2010), available at: <https://ec.europa.eu/migrant-integration/librarydoc/declaration-of-the-european-ministerial-conference-on-integration-zaragoza-15-16-april-2010> [accessed: 25.02.2017].

⁶⁴ A. Kovács, *op. cit.*, p. 26.

⁶⁵ A research group founded within the Hungarian Central Statistical Office that became an independent institute in 1968.

⁶⁶ Targeted survey conducted by the Hungarian Demographic Research Institute in 2002.

⁶⁷ *Ibidem*.

⁶⁸ Bevándorlók Magyarországon, “Az MTA Etnikai-nemzeti Kisebbségkutató Intézet és az ICCR Budapest Alapítvány által végzett kutatás zárótanulmányai”, 2009, available at: http://www.solidalapok.hu/solid/sites/default/files/mtaki_iccr_bevandorlok_magyarorszagon.pdf [accessed: 3.03.2017].

⁶⁹ A. Örkény, M. Székelyi, “Az idegen Magyarország”, 2009, [in:] “Bevándorlók Magyarországon, Budapest”, available at: http://www.solidalapok.hu/solid/sites/default/files/mtaki_iccr_bevandorlok_magyarorszagon.pdf [accessed: 25.03.2017].

ferent group of migrants (ethnic Hungarians from the Transcarpathian region in Ukraine, Ukrainians, Chinese, Vietnamese, Turkish and Arab respondents) and aimed at identifying different integration strategies among the migrant groups themselves. When the survey was conducted, the average time spent in Hungary was 14 years among the Vietnamese respondents, 10 years among the Chinese, 9 years in the case of Transcarpathian Hungarians, Ukrainians and Arabs and the Turkish respondents.⁷⁰ Regarding the motivational factors behind their migration to Hungary two third of the respondents named family (or acquaintances) as the main reason, paired with favourable information about Hungary prior to the migration.⁷¹ According to the survey the educational level among the respondents was quite high; 52% held a degree and 39% was in Hungary due to enrolment in higher education, hence, presumably they would, after some time, receive qualifications from an institution for higher education.⁷²

With regard to the *de facto* employment rate and labour market activity, the authors of the study highlighted that the success of this integration is not purely to be measured by the existence of a position, but also by the assessment whether the position in the country of destination is similar to the position held in the country of origin. A clearly positive trend was visible among the respondents: more than the half (54%) had a position similar to the one in the home country, while 20% held a better position.⁷³

From the point of societal integration language skills are tremendously important, as language represents the bridge between the host society and the migrants. With regard to the migrants' Hungarian language skills the survey showed an interesting variation among the non-ethnic Hungarian groups (who self-evidently spoke the language already prior to their migration). Half of the Ukrainian respondents spoke Hungarian, while one third of the Vietnamese, Chinese and Turkish respondents claimed to have a good conduct of the language (see, figure 2.4 below). There was, however, a group representing around 20% each among the Turkish, Arab and Chinese respondent who claimed to have no knowledge of the Hungarian language and who did not wish to improve their skills either.⁷⁴ The attitude in relation to learning the language of the host society inevitably has an impact on the integration strategies developed by the different groups of migrants.

⁷⁰ *Ibidem*, p. 86.

⁷¹ *Ibidem*, p. 87.

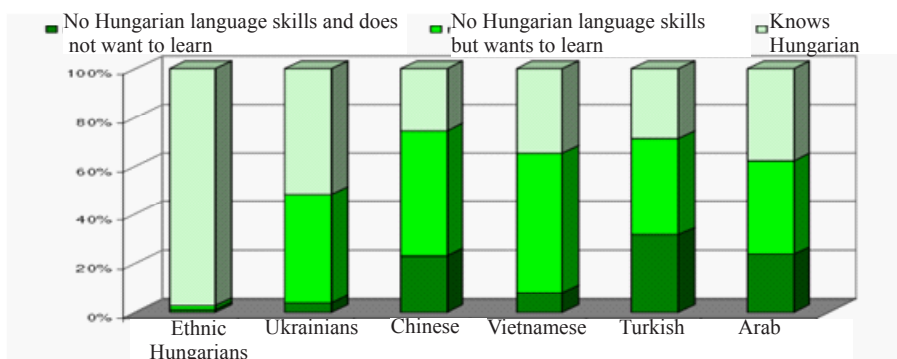
⁷² *Ibidem*, p. 90.

⁷³ *Ibidem*, p. 91.

⁷⁴ *Ibidem*, p. 95.

Figure 2.4

Language Skills among Migrants in Hungary in 2009



Source: A. Örkény, M. Székelyi, "Az idegen Magyarország", 2009, [in:] "Bevándorlók Magyarországon, Budapest", available at: http://www.solidalapok.hu/solid/sites/default/files/mtaki_iccr_bevandorlok_magyarorszagon.pdf [accessed: 25.03.2017].

Regarding the relation toward the members of the host society the vast majority of the respondent groups claimed to accept Hungarians minimum as friends. Almost all respondents from the Transcarpathian Hungarians the Ukrainian groups claimed that they would not mind a Hungarian family member, but in this regard the Chinese and Vietnamese were much more hesitant. A group of 4% among the Chinese claimed not even wish to have Hungarians as their neighbours, while 13% of the Vietnamese claimed to accept Hungarians as neighbours at the most. Two third of the Turkish respondents claimed that they would not mind Hungarian family members, while the outcome was around 50% among the Arab respondents.⁷⁵

2.2.4.2. Migrant and State Strategies towards Integration

Upon arrival in the host country migrants have several paths to choose from regarding their own integration.⁷⁶ One strategy may be the one of learning the language, entering the labour market, making an effort to integrate into the host society and – eventually – applying for a citizenship in order to stay permanently in the new country of residence. Another strategy may be the one of finding a resort among the own community, not to learn the language of the host society and to live rather segregated. A third strategy is the one of transnational integration, entailing the capability to adapt to local conditions as well as to maintain close ties and networks to the country of origin, but where the

⁷⁵ *Ibidem*, p. 105.

⁷⁶ *Ibidem*, p. 116.

possibility to increase the economic gain is one of the leading goals in choosing further migrant routes.⁷⁷

Among the above mentioned six groups of migrants in Hungary investigated in the study, the patterns regarding the integration strategies are quite clear: the majority of the ethnic Hungarians chose the first, assimilative strategy, while the majority of the Chinese, Turkish and Vietnamese migrants chose the strategy of segregation. The Arab group was special in a sense that the majority of the respondents arrived as students during the years of Socialism, hence, their integration commenced already as young students. Many of them are highly educated, chose Hungarian life companions and learnt the language during the course of their studies. Hence, a relative majority of the Arab respondents claimed to follow the assimilative strategy. A relative majority of the Ukrainian respondents rather claimed to follow the transnational migrant paths, with the expected economic profit guiding the next steps.⁷⁸ It has also been a known issue for quite some time that primarily the Chinese and Vietnamese groups only apply a seemingly assimilative approach in the case of bogus marriages, which poses a great challenge to law enforcement in deciding the true intent behind fatherhood declarations regarding Hungarian children made by the members of these groups.⁷⁹ The real intent behind the mentioned fatherhood declarations is in fact to obtain permanent residency in Hungary.

Regarding national policies of integration a national strategy of migration entered into force in 2013,⁸⁰ which foresaw the possibility of establishing a national strategy for integration as well. This, however, has not yet been drafted by the competent decision-makers.

2.2.4.3. The Hungarian Law on Asylum

After the brief overview of the situation of some migrant groups in Hungary, the group of refugees should also be examined accordingly. As a first step, the legal environment needs to be considered, which, in this case is the Hungarian Law on Asylum. According to the Law on Asylum in force, the same rights

⁷⁷ *Ibidem*.

⁷⁸ *Ibidem*, p. 120.

⁷⁹ Hungary's contribution to the European Migration Network in 2012 on the subject of abuse of residence permit with family purpose, available (only in Hungarian) at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/family-reunification/hu_20120606_familyreunification_hu_version_final_hu.pdf [accessed: 25.03.2017].

⁸⁰ Az 1698/2013. (X. 4.) Korm. határozattal elfogadott Migrációs Stratégia és az azon alapuló, az Európai Unió által a 2014–2020 ciklusban létrehozásra kerülő Menekültügyi és Migrációs Alaphoz kapcsolódó hétéves stratégiai tervdokumentum, available at: <http://belugyialapok.hu/alapok/sites/default/files/MMIA.pdf> [accessed: 25.02.2017].

and obligations apply to persons granted international protection as to Hungarian citizens – unless there are provisions expressly excluding them. Some exceptions apply to the former category: they only have the right to vote at municipal elections and local referendums, and are not entitled to work at jobs, offices or in functions for which Hungarian citizenship is required by law.⁸¹ In practice, labour market integration, housing and access to social security benefits to persons granted international protection is difficult, partly due to the lack of language knowledge (and limited access to language training), partly due to the lack of previous jobseeker's allowance. Persons granted international protection (refugees, beneficiaries of subsidiary protection, and temporary protected persons) may stay in the reception centre for up to two months from the date their recognition becomes final.⁸²

The latest modifications of the Law on Asylum entered into force in June 2016 set forth the following provisions: the refugee status as well as the subsidiary protection is to be reviewed every three years, the legislature can order status review in case of extradition of refugees is sought, the period of stay at the reception centre is to be reduced from 60 to 30 days, the housing subsidies are to be abolished for those granted international protection, schooling support to children, and neither asylum seekers, nor those granted protection will receive pocket money (normally HUF 2,850 per month).⁸³ In connection to the modification of the Law of Asylum NGOs had the possibility to express opinions in March 2016 through a public consultation.

Regarding children the Hungarian law on education provides instant access to the schooling system regardless of the status of the child. The number of children with migrant backgrounds in the educational institutions is quite low, however, the ones who attend public education institutions receive integrated education in accordance with European and Hungarian laws.

Regarding the recognition of qualifications, it is possible to recognise diplomas and other qualifications obtained abroad, but for this the physical documentation has to be provided, referencing it is not enough. To facilitate this process, Hungary has long provided the possibility for the recognition of educational and professional qualifications through the Equivalence and Information Center, which is a governmental agency.

⁸¹ 10§ of the Law on Asylum, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0700080.TV [accessed: 25.02.2017].

⁸² Section 32-32/B of the Law on Asylum, and Governmental Decree Nr. 301 of 2007 (9 November) on implementation of the Law on Asylum, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0700301.KOR [accessed: 25.02.2017].

⁸³ See Sections 56–72 of the new concept, available at: <http://www.kormany.hu/download/6/54/a0000/Tervezet.pdf#!DocumentBrowse> [accessed: 25.02.2017].

2.2.4.4. Social Integration of Refugees and Persons Entitled to International Protection in Practice

As already mentioned before, there are several practical circumstances that make social integration difficult for persons granted international protection, and the recent legislative efforts foreshadow an even darker future for them. In absence of relevant statistical summary, the exact number of persons granted international protection residing in Hungary cannot be established. However, it is a known practice, that those granted international protection often leave the country shortly after their recognition – also with the help of already saved-up sums of earlier received state benefits – in order to join their family members, compatriots in other Western or Northern European countries with better integration prospects.

2.3. Public Attitude

(*Sándor Gallai*)

In 2015 the migration issue dominated the European political agenda.⁸⁴ That was the first time in the European Union when a non-economic issue was put on the first place of the list of top problems at EU level. More than half of the all respondents (58%) mentioned immigration as the top problem, while the second-placed terrorism was “only” mentioned by every fourth. It was also seen by 68% of the Hungarian respondents as the primary problem of the EU. The Hungarians also ranked immigration as a top national problem (together with unemployment). The perception of immigrants was heavily influenced by their origin: while the relative majority (49%) of Hungarians felt positive about the immigration of people from other EU member states, 82% (one of the highest among all member states) had a negative feeling about the immigration of people from outside the European Union. In terms of support for a common European policy on migration Hungary was not an exception: the majority (55%) supported the idea, however, this figure was closer to the lower end and the level of opposition (39%) was among the highest ones.

A year later the Eurobarometer survey⁸⁵ still found immigration being the top problem at EU level, but this time it was only mentioned by 45% of the respondents. Of those who saw immigration as the top problem of the EU,

⁸⁴ https://ec.europa.eu/home-affairs/what-is-new/news/news/2015/20151223_2_en [accessed: 25.02.2017]; the survey data see: <http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/2098> [accessed: 25.02.2017].

⁸⁵ http://europa.eu/rapid/press-release_IP-16-4493_en.htm [accessed: 25.02.2017]; for the detailed results see the survey report: <http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/2137> [accessed: 25.02.2017].

the second highest score (65%) was reached in Hungary. Concerning the top national problems, 30% of the Hungarians named immigration on the first place which was the second highest score (behind health and social security, mentioned by 33%). Compared to the previous year a much higher proportion (57%) of Hungarians reported to have a positive feeling about the immigration of people from other EU member states, while 81% (once again one of the highest) felt negatively about the immigration of people from outside the European Union.

The Project 28, an EU-wide survey conducted by Századvég Foundation in Q1 2016,⁸⁶ revealed that 77% of the European citizens claimed that the EU performed poorly when handling the migration crisis. In Hungary 82% believe so. In the EU 83% agreed that the external borders should be protected more effectively; the corresponding figure in Hungary was 96%, the highest in the entire Union. Despite being critical of the EU, in every member states the majority of the people would be unwilling to sign a petition about leaving the EU. Altogether nearly two-thirds (64%) were against signing such a petition, while in Hungary 75% rejected signing. The rapid population growth of the Muslims were seen by 36% of Europeans as a very serious threat to their continent and an additional 34% regarded it as a somewhat serious threat. In Hungary, on the other hand, 53% saw it a very serious threat and 35% categorized it as a somewhat serious threat to Europe. Although a resettlement quota system for distributing migrants to Europe was supported by 53% of the respondents, in Hungary the rejection of the quota was the highest (85%). Support for protecting the borders by fences against immigrants was at 41% in the EU, meanwhile 51% disapproved the border barriers. The level of backing the fences was the second highest in Hungary (79%). Illegal immigration was found a very serious problem by 49% in the EU and 35% in Hungary, while the figures for the answer of “somewhat serious problem” stood at 35% and 38%, respectively. Nearly two-thirds of Europeans believed that the influx of immigrants would increase crime (65%) and the risk of terrorism (65%), and change the culture and identity of the receiving country (63%). The approval rate of the equivalent statements was even higher in Hungary (85%, 84%, and 73%, respectively).

In 2016 the Migration Research Institute – in collaboration with Századvég Foundation – also conducted a series of public opinion polls in Hungary on various aspects of migration. As opposed to the usual samples of 1,000, we generally reached out to at least 2,000 Hungarian adults for the polls.⁸⁷ In the

⁸⁶ [Http://project28.eu/](http://project28.eu/) [accessed: 25.02.2017].

⁸⁷ The only exception was the last survey, when 1001 adult citizens were interviewed. Each sample was representative regarding age, sex, education, and residence. The respondents were introduced to the

first survey (May 2016), we tried to identify the main concerns of citizens, their willingness to receive immigrants, their views on the management of the migration crisis and those on sovereignty. Nearly two-thirds (63%) believed that the current wave of asylum seekers was dominated by economic migrants. Every fourth (23%) respondents claimed to have personal experience with immigrants and they mostly (75%) reported negative experience and regarded mass immigration to Europe as a serious risk to public safety (72%). Most respondents (78%) claimed to see a direct link between the immigration wave and the increasing number of terrorist actions. In their opinion (73%) the latter was also in connection with the integration difficulties of already settled immigrants. Because of the threats and the negative perceptions, nearly three-fourth of the respondents (73%) would oppose the opening of reception centers in their municipality, while one-fifth would condition it to local job creation and development. Humanitarian considerations were also important as three-fifths (61%) would accept real refugees to the extent possible, but – due to the lack of sufficient resources and to the fear of losing their job – economic migrants would be rejected (65%). The overwhelming majority regarded the decisions on the asylum (73%) and settlement of immigrants (79%) as part of the national competences, while – according to more than half of the citizens (56%) – the protection of the Schengen external borders should be dealt by EU organs and a more effective border control would be needed (60%). An assistance by the army in the protection of the borders and the installment of physical barriers (fences) to stop the immigrants were broadly supported (by 87% and 80%, respectively). The majority (75%) believed that the number of arriving migrants could be reduced by positive political and economic changes in their country of origin.

Our second survey (June 2016) partly focused on the origin of personal experience on migration, and partly on the possible solutions to irregular migration. Altogether 90% opposed the irregular arrival of migrants to Europe. In line with our first survey, nearly every fourth respondents (22%) claimed to have personal experience on irregular migrants gained either directly or from a close relative. Of those with personal experience, nearly three-fourth (74%) had a negative opinion on the migrants;⁸⁸ three-fifth only met migrants by accident and 9% by being the victim of harassment or insults by immigrants; one-third communicated with them in person, two-thirds only had indirect impressions. The EU was mostly (59%) expected to guarantee strict border

questionnaires by computer-assisted telephone interviewing (CATI-method). Within a $\pm 2.2\%$ margin the results are equivalent with as if all Hungarian adults were interviewed.

⁸⁸ This finding was in sharp contrast with a general conviction of and claim by left-wing politicians suggesting more positive views on immigrants in cases of personal contacts with them.

control, but its proposal on a quota-based re-allocation mechanism was rejected by most respondents (71%). According to an overwhelming majority (90%), the reestablishment of peace and stability in the sending countries would mean a real solution to the migration crisis. While the majority (56%) believed it was possibility to use financial aid to the sending and the transit countries effectively, their bulk (86%, 48% of all respondents) assumed that it would only be possible under international monitoring. 55% agreed to the statement that Hungary should also give financial aid to the sending countries, so a slight majority was in favor of Hungarian efforts to be taken to ease the migration pressure on Europe.

In the third survey (July 2016) the economic impacts of migration were assessed differently: while a slight majority (56%) generally considered foreign employees contributing positively to the economy of the receiving countries, 81% associated rather negative economic impacts to those who arrived with the recent waves of migration. The conditions of successful integration would include obedience with the laws (93%), employment (89%), engagement in social affairs, accepting the local culture (84%) and learn the local language (81%). In the case of those arriving with the current wave of migration, seven of ten (69%) respondents did not see their integration possible in the short term (within 5 years); 45% of them named the lack of cooperation by the immigrants as the primary obstacle to successful integration. All other reasons were mentioned by a considerably lower share (1–15%) of the respondents. Most people agreed that the failure of integration would increase social tensions (90%), result in parallel societies (74%), higher crime rate (89%) and stronger extremist groups (85%). A considerable majority of respondents claimed that mass immigration would lead to the spread of both radical Islamist ideas (83%) and to higher support for extremist, open-to-violence, anti-immigration groups (90%). 77% did not regard the immigrants as a solution to Europe's demographic problems.

The fourth survey (September 2016) repeated the question about the support for a quota-base reallocation of the asylum seekers: the result was nearly identical with the previous one since 72% opposed any such proposals. Three-fourth (78%) suspected organized criminal groups behind the European terrorist attacks and only one-tenth believed in lonely terrorists. The motivations were mostly found by the respondent in poverty (46%), discrimination (28%) and the misinterpretation of Islam (65%). The spread of radical Islamist views could most effectively be stopped by the family (58%), the security services (55%), the teachers (45%), friends and acquaintances (45%), civic groups (44%), churches (43%) and social workers (30%). A slight majority

(51%) agree that in cases of serious crimes it is justifiable to revoke the citizenship of the receiving country from immigrants with dual citizenship.

In the fifth survey (September 2016), which was conducted in the run up to the quota referendum, we asked the respondents about the main potential risks of illegal border crossing. The possibility of terrorist attacks was mentioned by 28%, increasing crime rate was named by 26%, more frequent violence against women by 14%, the threat to the national culture and identity by 13% and the losses of jobs by 4%. Altogether it also meant that 7 out of 10 Hungarians reckoned with deterioration in public security. People were also asked about religious and cultural differences: 52% regarded Muslim religion and way of life incompatible with European and Hungarian ways of life. 32% answered “less compatible”, 9% chose “partly compatible”, and only 1% picked “fully compatible”. The niqab, hijab and burka were considered by 36% as natural products of Muslim religious and cultural traditions, while 59% regarded them as means of suppressing the women. Not surprisingly, 53% supported the idea of banning those garbs in Europe, but 39% would oppose such a notion. As to the possibility of the integration of immigrants into local societies and economies in Europe, 10% answered “more likely” in contrast with 81% responding “less likely”.

It is obvious from the public opinion figures that the Hungarian population has reluctant attitude towards immigrants and strong reservations against the immigration of people with markedly distinct cultural background. They tend to be more open to refugees, but regards the majority of asylum seekers as economic migrants. The overwhelming majority is skeptical about the possibility of successfully integrating the immigrants who arrived to Europe in the past few years. The Hungarian citizens would expect the immigrants to obey with our laws, work, respect the culture of the receiving society and learn its language. The influx of a large number of Muslim immigrants and their unsuccessful integration are generally regarded as security risks and hotbed for both religious and political extremism. The Hungarian public saw a direct link between mass immigration and the recent wave of terrorist attacks. Terrorist were not regarded as lonely criminals, but rather as members of organized groups, which misinterpret the Islam and commit violence in Europe. Social integration would be an important factor in stopping of radicalization, however, the family of potential terrorist could play the primary role in the prevention of extremism.

As opposed to general expectations, personal experience with immigrants does not result in higher support for migration; on the contrary, they tend to have rather negative opinion on the immigrants. While the Hungarians are critical about the operation of the European Union, they continue to support the

country's membership in the Union, and would be glad to see more EU assistance with effective border control. On the other hand, the majority would rather keep immigration policy and asylum decisions in national competences, and rejects any quota based reallocation mechanism among the member states. At the same time, the bulk of Hungarians strongly support the deployment of physical border barriers to stop mass immigration, and consider international cooperation and aid offered to the sending countries as the best possible solution to the migration crisis. In addressing the stabilization of the crisis zones, the Hungarian citizens would like to see their own government also taking a share of financial assistance.

2.4. Political Implications

(*Sándor Gallai*)

2.4.1. The Evolution of the Party System

By applying a multi-level nomination process and a high implicit threshold, the Hungarian electoral system⁸⁹ – adopted in 1989 – effectively filtered the political contesters and kept the number of parliamentary parties relatively low. Every election ended up with the formation of only 4 to 6 parliamentary groups. Both the increasing concentration of votes for the main parties and the disproportionality of the system (i.e. the overrepresentation of the winner of the majority component (the SMDs) of the electoral system and the underrepresentation of the smaller parties in legislature) facilitated the formation of governments that could rely on stable parliamentary backing. The position of the governments was strengthened further by the introduction of the constructive vote of no-confidence (1990), an institution which presents a serious obstacle to the creation of an alternative majority in parliament. Taking those factors into account, it is not surprising – albeit quite exceptional in the region – that in Hungary's post-communist political history there has been no need for an early election. It is therefore not an exaggeration to claim that after the regime change the Hungarian proved to be the most stable party system in the East Central European region.⁹⁰ This was already demonstrated by the second free elections, since Hungary was the only country where the very same (six) par-

⁸⁹ C. Tóth, "A magyar választási rendszer", [in:] *A magyar politikai rendszer – negyedszázad után*, ed. A. Körösenyi, 2015, http://politologia.tk.mta.hu/uploads/files/A_magyar_politikai_rendszer_-_negyedszazad_utan_nyomdai.pdf [accessed: 22.01.2017].

⁹⁰ A. Körösenyi, C. Tóth, G. Török, "A magyar politikai rendszer", 2003, p. 191, www.tankonyvtar.hu/hu/...a.../2011_0001_520_a_magyar_politikai_rendszer.pdf [accessed: 22.01.2017].

ties, which had obtained seats in the first free election, re-entered parliament for a second term. In addition, the concentration of the party system led to the emergence of a quasi-bipartisan or more precisely a two-block structure⁹¹ characterized by a very low level of fragmentation and electoral volatility.⁹²

The post-communist successor party, the Hungarian Socialist Party (MSZP) was able to consolidate its position within a few years after the regime change and prevailed as the main actor on the left.⁹³ By 1998 the leading position on the right was captured by Fidesz,⁹⁴ a party which, between 1993 and 1995, had moved away from the liberal to the conservative camp. While in the 1990s the swings of the voters compared to previous elections suggested the existence of a very high proportion of the electorate with vague or with no party affiliation,⁹⁵ the confrontational policies of the first Fidesz-led government (1998–2002) strongly divided the population, and strengthened the voters' commitment to the main parties. In both the 2002 and the 2006 elections the MSZP and Fidesz were each supported by more than 40% of the voters. Obtaining together 4 out of every 5 votes meant such a high level of concentration in the party system that it was legitimate to talk about the consolidation of a quasi-bipartisan structure. Under such circumstances the small parties were either bound to run together with a senior partner or they had to struggle hard to push their result over the 5% parliamentary threshold.⁹⁶ As the electoral behavior and the voting patterns also contributed to the stability of the party system, leading experts and academics believed in the freezing of the consolidated structure.⁹⁷

In contrast with the experiences of traditional two-party systems, the nature of the contest between the MSZP and Fidesz was not centripetal, but centrifugal.⁹⁸ Therefore it was not surprising that the domestic political and moral

⁹¹ G. Soós, “Kétblokkrendszer Magyarországon”, 2012, http://politologia.tk.mta.hu/uploads/files/archived/1948_I_01-SoosGabor_Ketblokkrendszer_Magyarorszagon.pdf [22.01.2017].

⁹² Z. Enyedi, B.F. Casal, “Pártverseny-mintázatok és blokk-politika Kelet-Közép-Európában (1990–2009)”, *Politikatudományi Szemle*, 2010/I, pp. 22–23.

⁹³ It is important to note the using “left” and “right” is correct in terms of the image, the identification and the cultural orientation of the parties, but in respect of policies the positions have often been inconsistent or the complete opposite of what would derive from the traditional values of the political left and right, Z. Fábán, “Pártrendszer és társadalmi kohézió jelzőszámai Magyarországon”, [in:] *Társadalmi Ríport 2012*, eds K. Tamás, I.T. György, Budapest 2012, pp. 293–313.

⁹⁴ Established as a generational party, the name FIDESZ was originally created as an acronym from the name of the Alliance of Young Democrats (Fiatal Demokraták Szövetsége – in Hungarian). In reflection to the elimination of the upper age limit and also to indicate the reorientation of the party, the acronym was given up and replaced by Fidesz – Hungarian Civic Party (Fidesz in short) in 1995.

⁹⁵ L. Hubai, *Magyarország XX. századi választási atlasza 1920–2000*, Napvilág Kiadó, 2001.

⁹⁶ The threshold was initially 4%; it was increased to 5% ahead of the 1994 elections.

⁹⁷ *Parlamenti választás 2006*, ed. Karácsony, G., Budapest 2006, <http://www.valasztaskutatas.hu/kiadvanyok/parlamenti-valasztas-2006> [accessed: 28.02.2017].

⁹⁸ N. Sitter, “A magyar pártrendszer 2010-ben: polarizáltabb, kevésbé plurális”, [in:] *Új képlet. Választások Magyarországon, 2010. Demokrácia Kutatások Magyar Központja Alapítvány*, eds E. Zsolt, Sz. Andrea, T. Róbert, Budapest 2011, p. 43.

crisis of 2006⁹⁹ as well as the consequences of the severe economic situation¹⁰⁰ – aggravated by the international financial crisis of 2008 – had both undermined government stability and cracked the rigidity of the party system. The “critical election”¹⁰¹ of 2010 resulted in a considerable transformation of the political landscape (Table 3.). On the one hand, the neck on neck race between the two main parties had come to an end: Fidesz won a landslide victory and enough seats to hold control of the constitutional (2/3rd) majority, while the Socialist Party lost more than half of its former supporters and slipped into the position of a middle-size party. On the other hand, the list of parliamentary parties had also changed markedly: two of the formerly important parties of political transition, the Hungarian Democratic Forum (MDF) and the Alliance of Free Democrats (SZDSZ), failed to pass the threshold and fell out of parliament, whereas two – relatively new – anti-establishment parties succeeded to win representation. In the campaign the radical, anti-Semitic and anti-Roma Jobbik party¹⁰² talked about a derailed regime change and called for the punishment of those who took part in it.¹⁰³ The Politics Can Be Different (LMP) party claimed to develop a non-ideological profile, nevertheless it had a markedly green program and an alternative leftist image.¹⁰⁴

Between 2010 and 2014 the second Fidesz-led government used its super majority in parliament rather extensively. Among other, the government enacted a new constitution (“Fundamental Law”)¹⁰⁵ and modified several cardinal laws that were subject to qualified majority.¹⁰⁶ Some legislative actions and the subsequent changes to institutions, policies and/or personnel provoked severe criticism not only among the domestic opposition but also at international (European) level. The adoption of the Fundamental Law, the new media law, the mandatory retirement of older judges, the re-nationalization of the capital stocks of the mandatory pension funds, the curtailed competences of the

⁹⁹ Z. Enyedi, K. Benoit, “Kritikus választás 2010. A magyar pártrendszer átrendeződése a bal-jobb dimenzióban”, [in:] Z. Enyedi, B.F. Casal, *op. cit.*, pp. 22–23.

¹⁰⁰ L. György, J. Veress, “A 2010 utáni magyar gazdaságpolitikai modell”, *Pénzügyi Szemle*, 2016/3, pp. 374–375.

¹⁰¹ Z. Enyedi, K. Benoit, *op. cit.*, p. 20.

¹⁰² N. Sitter, *op. cit.*, pp. 48–49; A. Tóth, I. Grajczjár, “Válság, radikalizálódás és az újjászületés ígérete: a Jobbik útja a parlamentbe”, [in:] Z. Enyedi, B.F. Casal, *op. cit.*, pp. 59–60.

¹⁰³ https://jobbik.hu/rovatok/jobbik_aktualis/20_evet_a_20_evert_-_megjelent_a_barkad_hetilap_legujabb_szama [accessed: 4.05.2010].

¹⁰⁴ N. Sitter, *op. cit.*, p. 49.

¹⁰⁵ The communist constitution of 1949 had been modified heavily in 1989–1990, but – despite the reference in the new preamble – it was not replaced until as late as January 1, 2012 leaving Hungary to be the last among the post-communist CEE countries to adopt a new basic law.

¹⁰⁶ While the modification of the constitution requires the support of 2/3rd of all MPs, the cardinal laws can be modified by 2/3rd of those present.

Constitutional Court, the act on Churches, the changes to the electoral system, the revoking of some municipal competences, the sectoral surtaxes and the reduction of the public utility prices received particularly strong foreign criticism and contributed to the international isolation of the Hungarian government.¹⁰⁷ The policies of the government also divided the Hungarian public and – together with the consequences of the economic crisis – undermined the popularity of the government. Economic hardships were indicated by the high deficit of the general government balance and the EU's Excessive Deficit Procedure against Hungary; serious indebtedness, FX loan crisis and weakening national currency; downgrading the government bonds by the international rating companies into the “junk” category; the rapidly growing share of non-performing loans and freezing credit markets; the lack of private investments, sluggish consumption as well as economic contraction with two waves of recession.

Table 2.3

The Results of the 2010 Parliamentary Elections

Party	Share of votes cast for the territorial party lists	No. of seats won in SMDs	No. of seats obtained from the national party list	No. (and proportion) of parliamentary seats won by the party
Fidesz-KDNP*	52.7%	173	3	263 (68.1%)
MSZP	19.3%	2	29	59 (15.3%)
Jobbik	16.7%	0	21	47 (12.2%)
LMP	7.5%	0	11	16 (4.1%)
MDF	2.7%	0	0	0 (0.0%)
Other parties, independents	1.2%	1**	0	1 (0.3%)

* Fidesz set up a joint electoral list and had joint candidates with the small Christian Democratic People's Party (KDNP).

** The seat was obtained by an independent candidate.

Source: National Election Office, http://www.valasztas.hu/en/parval2010/298/298_0_index.html [accessed: 10.03.2017].

Despite all those conflicts and difficulties, by 2014, the next parliamentary elections, the governing Fidesz was able to regain its earlier popularity. The party certainly benefited from the heterogeneity and the fragmentation of the left. However, according to polling agencies, it was the considerable reduction of the public utility prices – introduced in three different phases ahead of the elections – which proved to be vital in driving many of the previously disappointed

¹⁰⁷ Non-legislative issues, like Hungary's relations with Russia or PM Orbán's speech on – among other things – illiberal democracy, also led to harsh criticism.

Fidesz voters back to the party's camp.¹⁰⁸ This was enough for the incumbent governing forces to repeat their electoral success of 2010, and they win a constitutional majority¹⁰⁹ again (Table 2.4). The elections were held under a new electoral system,¹¹⁰ which had been adopted in 2011 with the support of the government MPs. Given the central position of and the single largest support for Fidesz, the party could have won the elections under the previous electoral system as well. Nevertheless, some elements of the new electoral law definitely favored Fidesz and added to its victory.¹¹¹

Table 2.4

The Results of the 2014 Parliamentary Elections

Party	Share of votes cast for the national party list	No. of seats obtained from the national party list	No. of seats won in SMDs	No. (and proportion) of parliamentary seats won by the party
Fidesz-KDNP*	44.9%	37	96	133 (66.8%)
MSZP-Együtt-DK-PM-MLP**	25.7%	28	10	38 (19.1%)
Jobbik	20.2%	23	0	23 (11.6%)
LMP	5.3%	5	0	5 (2.5%)
Other parties, minorities	3.9%	0	0	0 (0.0%)

* Fidesz again set up a joint electoral list and had jointly supported candidates with the Christian Democrats.

** The Socialists (MSZP) presented a joint electoral list together with "Together" (Együtt, the party of the outgoing prime minister of 2009–2010), Democratic Coalition (DK, a splinter party of the MSZP), Dialogue for Hungary (PM, a splinter of the LMP) and the Hungarian Liberal Party (MLP).

Source: National Election Office, http://www.valasztas.hu/en/ogyv2014/416/416_0_index.html [accessed: 10.03.2017].

¹⁰⁸ <http://www.origo.hu/itthon/20140107-honnan-szerzett-a-fidesz-egymillio-szavazot-egy-ev-alatt>. htm [accessed: 7.01.2017].

¹⁰⁹ It did not last long though as it was lost in a by-election 10 months later (<https://veol.hu/hirek/veszpremi-idokozi-valasztas-1680827> [accessed: 10.03.2017]).

¹¹⁰ C. Tóth, *op. cit.*, pp. 240–245.

¹¹¹ The easier nomination requirements (i.e. the more contesters), the relative majority (plurality) in the SMDs, the higher proportion of SMD seats, the more limited compensation after the losing candidates and the winner's bonus (also called compensation) generally help the most supported party, while redistricting and the suffrage of Hungarian citizens living in the neighboring countries favored Fidesz rather directly. The single round put pressure on the opposition parties to agree on cooperation *before* the elections (and not between the two rounds) also played into Fidesz's hands because the opposition was heterogeneous and their joint list included the least popular politician, a former Socialist PM and the current head of Democratic Coalition (DK) party.

The 2014 elections confirmed that the key features of the new party system could be best captured by the dominant position of Fidesz (supported by 45–50% of the active electorate), the apparently better electoral embeddedness of the political right (as Jobbik, Fidesz's opposition on the right, was able to catch up with the Socialists, the largest party on the left),¹¹² and the fragmentation and the permanent crisis of the left (characterized by an increasing number of splinter groups and new parties, while losing nearly 2/3rd of its former voters).¹¹³ And whereas in other European party systems of free elections the dominant parties often monopolize their political side, in the post-2009 Hungarian structure Fidesz occupies a “central” position in the sense that it faces opposition from both the left and the right.¹¹⁴

After the parliamentary election of 2014 the popularity of the governing Fidesz started to decrease. However, in contrast with earlier parliamentary terms, this time the popularity losses of the governing side were not accompanied by the increase of the support for the opposition parties.¹¹⁵ Moreover, a year later, Fidesz was able to stop the trend of decreasing popularity and the stabilization of public support for the party was – to a great extent – the result of its firm stance on immigration and its response to the migration crisis.

2.4.2. Party Positions on Immigration

Until mid-2015 the issue of mass migration was not high on the political agenda. Although the first waves of migration reached Hungary half a year earlier, that earlier flow mostly consisted of economic migrants from Kosovo. Despite some sporadic warning voices, neither the government, nor the main opposition parties seemed to worry about the rising number of immigrants or the growing share of Asian and African migrants. The first marked exception was the coverage of an interview by the prime minister, in which he criticized economic migration and expressed Hungary's preference for halting the influx of culturally strikingly different immigrants to Europe.¹¹⁶ While this interview

¹¹² The losses occurred since 2006 and contributed to the sinking of the left into a permanent crisis, C. Tóth, G. Török, “Az új pártrendszer”, [in:] *Társadalmi Riport 2014...*, pp. 515, 526–529.

¹¹³ The Socialist Party was considerably weakened by the departure of its former prime minister Ferenc Gyurcsány, who formed a new party called Democratic Coalition. LMP also suffered losses due to the departure of some of its MPs who established the party of Dialogue for Hungary (PM). The left was further divided by the emergence of other small parties (e.g. together, a party founded by another former prime minister, Gordon Bajnai; the Hungarian Liberal Party [MPL], headed by Gábor Fodor, an ex-member of Fidesz and SZDSZ).

¹¹⁴ *Ibidem*, p. 518.

¹¹⁵ *Ibidem*, pp. 516–517.

¹¹⁶ The interview was made in Paris at the commemoration of the victims of the terrorist attack against *Charlie Hebdo*, <http://www.kormany.hu/hu/a-miniszterelnok/hirek/a-gazdasagi-bevandorlast-meg-kell-allitani> [accessed: 20.11.2016].

was not followed by actual governmental steps, one month later, in February 2015, parliament held a special session debating immigration and in May and June the government run an awareness campaign in forms of a national consultation survey and giant billboard posters. Both the survey¹¹⁷ and the giant posters suggested that the immigrants pose a threat to the jobs, culture and security of the Hungarian citizens. The opposition criticized the government for conducting a xenophobic campaign, spending public money on such advertisements and generating ungrounded fear in the Hungarian citizens.

In the summer of 2015, when the government made the first decisions on tackling the rapidly increasing number of irregular migrants and minimizing illegal border-crossings, the political discourse shifted more to the appropriateness of the governmental responses to the crisis, the need for national policies, the treatment of migrants, the acceptability of EU decisions and the government's willingness to take part in the formulation of joint EU policies. The political parties on the right consistently used the terms "migrants" and "immigrants". They emphasized the security risks that mass migration presented and also stressed the right of the national governments to turn back economic migrants. In their opinion mass migration was a severe threat to European cultures and civilization. They were rather negative on the EU responses to the crisis and advocated the adoption of effective measures at national level. The parties on the left, on the other hand, persistently called the arriving migrants "refugees" or "asylum-seekers". They tended to underline that governmental responses should be given in line with Hungary's legal and humanitarian obligations, but they also emphasized the need for joint European migration policy.¹¹⁸

2.4.2.1. Fidesz

From the beginning of the migration crisis Fidesz¹¹⁹ persistently opposed mass immigration. The MPs of the party were critical of the influx of "culturally different" people, whose integration proved to be a failure in most Western societies. Their mass immigration was seen as a threat to both European security and civilization. In their view demographic problems and the shortage of la-

¹¹⁷ The government's national survey on migration ended up with 1.1 million questionnaires filled in and returned. For each question 90–95% of the answers were in line with the position of the government.

¹¹⁸ We reconstructed the party positions on migration from the parliamentary debates of the respective laws. The records were taken from the website of the Assembly (<http://www.parlament.hu/orszagguyolesi-naplo> and <http://www.parlament.hu/ulesnap-felszolalasai> [accessed: 5.01.2017]).

¹¹⁹ The government is formally backed by a coalition of two parties. Here we write about Fidesz, the senior governing party, since its junior partner, the Christian Democratic People's Party (KDNP) has no measurable public support on its own. It was also evident from the parliamentary records that in the area of migration the MPs of KDNP did not express any considerably different views from that of Fidesz.

bor should not and cannot be solved by mass immigration as – in contrast with earlier waves – the current influx was dominated by under- and uneducated people. The Fidesz deputies insisted on the need to differentiate between refugees, who are forced to flee their country by humanitarian necessity, and economic migrants. Fidesz blamed the aggressive export of democracy, the abuse of asylum, the failure of EU policies and the irresponsible promises taken by some national (most notably German) and European leaders for the massive migration crisis of 2015–2016.

The party repeatedly warned about the serious public health and security risks that irregular mass migration presented. The terrorist attacks in Paris and Brussels were interpreted by Fidesz representatives as sheer evidence of connections among mass immigration, illegal border crossing and terrorism. While they demanded a proper response to the crisis from the European Union, they also expressed their opposition to the transfer of further competences to Brussels. Fidesz deputies emphasized that migration policy was in the competences of member states. The standing European and international regulations on asylum were seen inadequate to tackle the migration crisis. The Geneva Convention was the product of the cold war and did not reckon with large-scale migration. Nor did the Dublin Regulation, which was properly fit for normal times, but put extreme burdens on the border countries from the moment when the number of immigrants started rocketing. Despite the acknowledgement of the serious challenges irregular migration presented for the Schengen border countries, the Fidesz MPs regularly blamed Greece for failing to meet its European legal obligations and – by doing so – catalyzing the systemic abuse of asylum regulations by immigrants. Some deputies even suggested that the country deliberately stopped to comply with the Schengen rules to avoid the return of trespassing migrants. Indeed, the European Court of Human Rights declared that – by not fulfilling its international duties and allocating not enough resources for asylum assessment procedures – Greece should not be regarded as a safe country, consequently no asylum-seeker shall be transported to Greece for Dublin take back. According to the MPs of the governing party, migrants in great numbers abuse this situation and they are assisted by human smugglers in their attempts to get to the territory of the European Union.

The deputies of Fidesz stressed that – under the Geneva Convention – asylum seekers would be obliged to cooperate with the authorities. Subsequently, they should have submitted their claim for protection upon their arrival at an official border crossing point, accepted their place in a reception center and waited there till the decision on their case would have been made. As opposed

to that, most of the immigrants did not arrive to the crossing points, but rather tried to sneak in at the green border; they had no legal documents; they submitted their asylum claim only when caught by the authorities; and they did not wait for the assessment, but left the country within days and headed to the West – although requesting international protection do not entitle the claimants to cross the internal borders of the European Union.

The representatives of Fidesz reminded that Hungary had altogether spent HUF 1.1 bn in 2012, 1.8 bn in 2013 and 2.6 bn in 2014 on immigrants. In 2014 – when out of 42,700 asylum claims only 280 requests were approved and the average stay of an immigrant in Hungary before leaving for the Western member states was not longer than 3 days – the direct costs of immigration benefits¹²⁰ reached HUF 1.5 bn since each illegal immigrant was entitled for a daily allowance of HUF 4,300. While expressing their sympathy and solidarity, the Fidesz MPs stated that such expenditures could not be increased beyond a certain level and illegal migrants should not undermine the financial security of the country. In light of such concerns it is not surprising that the governing deputies later supported the curtailing of refugee benefits. They argued that the immigrants arriving to Hungary and those under international protection should not receive more subsidies than a Hungarian citizen could get. They agreed to the termination of the integration contracts and to the elimination of subsidies unavailable to Hungarian citizens (per diem, accommodation and schooling subsidies). At the same time they also voted for the reduction of the time – from 2 to 1 month – a refugee might spend in a reception center, while – due to the early departure of most claimants to the West – they did not undertake any proposals to expand the capacities of the reception centers. On the other hand, they supported legal changes that aimed at speeding up the investigating procedure of the rightfulness of international protection claims.

The Fidesz MPs emphasized that immigrants should only cross the borders at official entry points. They stressed that it was an obligation of the Hungary authorities to prevent illegal border crossing and take actions against those who violated the respective regulations. They talked about the conflicting expectations of the European Union, which wanted Hungary to prevent the free flow of migrants to Western member states, while also refrain from the detention of immigrants even though the bulk of them wish to go further to richer countries. The Fidesz deputies referred to a “dual pressure”. On the one hand, the Southern (Schengen) borders were under a strong pressure from masses of immigrants who demanded free entry to Hungary and unrestricted transit to their most favored destination. On the other hand, the temporary reintroduction

¹²⁰ I.e. policing, registration and other bureaucratic expenditures excluded.

of (internal) border control by Germany and Austria also presented a serious risk to Hungary with the possibility of the Schengen return of all those immigrants, who had been registered at the Hungarian borders.

The Fidesz MPs claimed that under such pressure the country had no other option but to establish physical and legal border barriers. They argued that the fence was erected to meet a legal obligation since effective border control was stipulated by the Schengen agreement as well. They added that – by guarding the external Schengen borders effectively – Hungary also defended one of the fundamental rights of EU citizens. The lack of control at the internal borders was essential for the free movement of people. Therefore that Fidesz deputies stated that failing to guard the boards properly would entail the re-introduction of internal border control and would thus go against the interests of all member states. They reminded the opponents of physical border barriers that building a fence was not without precedent in the EU since similar solutions had been in place in Spain and Bulgaria, where the erected barriers reduced the number of illegal border-crossings to 1/7th of the original. The MP's of the governing side also agreed to the deployment of more personnel to the borders, to the imposition of stricter punishments against human smugglers as well as to the criminalization of illegal border crossing, the hindering of the construction of border barriers and their damaging. They stressed even more the need to differentiate the refugees from economic migrants and to seal the borders from the latter.

For legally arriving asylum-seekers the government created transit zones, which was a decision yet again welcomed by the Fidesz MPs. In their view the fences were not meant to hinder legally arriving people to cross the borders, but to divert them towards the transit zones. They argued that the fences were also meant to be erected to demonstrate what was allowed and what was not. Cutting and crossing the fences was possible, but illegal. For the sake of enforcing that legislation, the governing deputies approved to expand both the budget and the personnel of the Border Guard. However, they turned down all proposals aiming at the separation of the Border Guard from the police.

The terrorist attacks carried out in Western Europe during the migration crisis made the security dimension of immigration ever more relevant. With the securitization of the migration issue the physical barriers at the border were portrayed as tools both to protect European families, life and culture, and to avoid the “import of terrorism”. The border barriers were generally assessed by the Fidesz MPs as part of a successful (albeit national-level) solution which had effectively reduced the number of illegal border-crossings. At the same time, the deputies also demanded to increase the capabilities of the security agencies since the true identity and residence of hundreds of thousand immigrants

staying in the EU remained unknown to the authorities. Referring to the lack of an effective European filtering of potential terrorist from among the immigrants, the representatives of the governing party advocated national responses. As part of the national answers to the challenges they voted for the codification of a special legal order (“state of emergency”) for crisis situations caused by mass immigration. It was pictured as the only solution for situations when peacetime measures would no longer be sufficient, and whereas the limitations of human rights applied under already existing special legal orders would be unreasonably harsh. The MPs presented this solution as the only way to enable the government to respond to direct and immanent terror threats adequately, while also holding it back from the possibility of abusing powers available in special legal orders. They did not fail to mention that Salah Abdeslam, the organizer of the terrorist attacks in Paris, had picked up immigrant panders at the Eastern Railway Station of Budapest.¹²¹ In the light of such an obvious connection between illegal immigration and terror threat, the Fidesz deputies expressed their conviction that in some situations human rights had to give priority to security. Nevertheless, they claimed that the newly introduced measures, including the limits on human rights, had all existed in the West European legal systems and were neither exceptional, nor disproportionate.

The MPs of the ruling side also agreed to allow the government to issue a decree on the list of safe third countries. The Fidesz representatives supported the categorization of Bulgaria, Greece and Serbia as safe countries since each of the respective government had signed up to participate in all important international regimes and treaties protecting and assisting asylum seekers. The governing politicians argued that those who arrived from safe countries should be denied of the right to seek international protection in Hungary as upon their return international they would not be threatened by direct or indirect refoulement. The MPs warned that with such a government decree in effect, illegal border crossing from a safe country – even under provision 33 of the Geneva Convention – would be penalized.

In defense of national sovereignty, the MPs of the ruling Fidesz decided to back a law that aimed at demonstrating the support of parliament for the government to take legal action against the Council Decision on relocation

¹²¹ This happened when the news of closing the borders pushed a large wave of immigrants to enter Hungary, but – on their way to Austria and Germany – they got stuck in Budapest and waited for days at the Eastern Railway Station (which got nicknamed as Middle-Eastern Railway Station, e.g. <http://spartacuska.blogspot.hu/2015/08/a-kozel-keleti-palyaudvar-es-magyar.html> [accessed: 25.08.2015] or http://alfahir.hu/kozel_keleti_palyaudvar_lett_a_keletibol [accessed: 25.08.2015]). The situation deteriorated further when German Chancellor Merkel announced to welcome all Syrian asylum-seekers without imposing an upper cap on their number (<http://www.express.co.uk/news/world/710247/Angela-Merkel-refuses-cap-migrants-number-demand-coalition-partners> [accessed: 13.09.2015]).

(no. 2015/1523) at the European Court. They regarded neither the content of the Decision, nor the way it had been adopted acceptable. In their view the national parliaments should have been consulted as the Council Decision modified an existing legislation, the Dublin III Regulation (604/2013), while the referred Article (78/3) could only have been used for non-legislating decisions. Being excluded from the legislative procedure, the national parliaments had had no chance to exercise their monitoring right provided by the Lisbon Treaty, so they could not challenge compliance with the principle of subsidiarity. Moreover, the Fidesz deputies also complained about the Decision as it went against the will of the European Council, which was expressed in June 2015 and stated that a relocation proposal should enjoy the support of all member states in the Council of Ministers. A further complaint against the Decision was established on the Council's failure to resend the proposal to the European Parliament, since in case of a considerably redrafted text it should have been a normal expectation. The MPs of the governing party had one more principal critique of the Decision: they shared the view that modern states had three attributes (territory, population and public power), and they believed that – as part of national sovereignty – a state should be free to decide on its inhabitants. Regardless the outcome of the court case, they also warned about the impossibility of the implementation of such quota-based relocation and resettlement schemes, since most migrants did not wish to stay in Eastern member states, but wanted to reach Germany, Denmark or Sweden.

The Council Decision on relocation was also viewed by the governing deputies as the starting point for the establishment of a similar mechanism for future allocation of immigrants among the EU member states. The Fidesz MPs strongly rejected the imposition of mandatory quotas on member state governments, they were only willing to support quota regimes based on the voluntary participation of receiving countries. Nevertheless, a quota scheme without a cap was also against their opinion since it would generate flows of migrants leaving for Europe. In their opinion reception camps should be established outside the territory of the European Union, where the migrants shall wait till the end of the assessment of their claim. Then those eligible for asylum should be allowed to enter the EU along the lines and numbers of voluntary quotas, while the fate of economic migrants should be decided by individual member states who shall enjoy full freedom in their decision on openness.

The Fidesz deputies rejected all criticism of being xenophobic, and reminded their opposition to the refugees from the Balkans – Serbs, Croats and Bosniaks who escaped to and were assisted by Hungary at the time. The MPs also underlined the fundamental differences between the two situations: while at

that time the refugees were known to come for a temporary shelter and they fully cooperated with the local authorities, the migrants of the recent crisis were usually determined to stay in Europe, often refused to cooperate, and violated national and/or European regulations. The very same arguments were used by the Fidesz MPs when they dismissed any comparison between the current refugees and the emigrants of the Hungarian revolution of 1956. They underlined that the Hungarian refugees had not faked their identity, accepted and followed the rules of their host country, and cooperated with the authorities. They also added that while the EU expects half a billion European citizens to respect the standing laws, the very same Union proved to be unable to get hundreds of thousand immigrants registered.

In response to opposition criticism of residence bonds, the MPs of the governing Fidesz repeatedly stressed that such bonds were sold to foreign investors and businessmen who would not live on social subsidies and who should not be viewed as potential terrorists, since more than 90% of the buyers were Chinese and they were all subject to a screening process by the respective security services which could also rely on advice from their European counterparts.

2.4.2.2. Jobbik

The deputies of Jobbik named the USA and the EU as the main causes of the migration crisis as the formerly colonizing practices, the collection of colonial taxes, the recent US-led military actions in Asia and Africa as well as the European mismanagement of the challenges had all contributed to the eruption and the aggravation of the crisis. Due to the extremely high number of migrants, Jobbik talked about the “occupation of Europe”. While acknowledging the moral obligation to assist refugees, the party emphasized that assistance to them should only be temporary and that it should mean neither settlement, nor integration. At the same time, Jobbik also stressed the country’s right to decide on economic migrants independent of EU expectations. The party did not reckon with an effective European migration policy due to the diverging interests of the member states. The representatives of the party recalled Hungary’s historical fight against the former Ottoman empire, and blamed the West – defended by “Hungarian blood” and “taxpayers’ money” – for not giving anything in return but the Trianon treaty, the “betrayal of the 1956 revolution”, “the default interests” on the government debt, and the stigma of “being racist and anti-Semitic”.

Although Jobbik saw the Hungarian demographic trends troublesome, but it rejected migration as a possible solution since it could end up with a situation in which Hungary would be “unable to preserve its identity” and one would

have “to fight for keeping Hungary in the hands of Hungarians”. The party repeatedly warned about the number of migrants arriving to Hungary surpassing the number of children born in the country.

Jobbik persistently demanded the adoption and the implementation of three measures to tackle the migration crisis at national level. Firstly, the party wanted to transform all existing reception centers into closed and guarded facilities to prevent the free movement of “people of unknown origin and identity”. It often referred to the reservations of local inhabitants and their protests against the behavior of refugees and the opening of further capacities. Therefore, the party also called on the government to relocate the operating reception centers to outside the territory of towns and villages. Secondly, Jobbik also insisted on the re-establishment of the Border Guard as an organization independent of the police. The party brought up the example of the other member states with Schengen external borders, where the Border Guard existed as separate organization. Thirdly, Jobbik argued for returning all illegally arriving economic migrants and expressed no willingness to subsidize those, “who arrived to Hungary without an invitation” as Hungary spent HUF 4,300 per day on each migrant, when the daily cost of supporting a Hungarian unemployed was HUF 2,000, and a migrant was fed for HUF 1,300 per day, when daily meals in inpatient care had to be covered from hardly more than HUF 500 per person per day. The party concluded that despite humanitarian considerations, the Hungarian state could not afford to give assistance to migrants, therefore it came to no surprise that Jobbik supported the curtailing of subsidies to refugees. Jobbik also warned about the risk of an epidemic catastrophe because migrants arriving from crisis zones should undergo very serious health screening, but that would be impossible due to the extremely expensive processes. In their view the same stands for security screening, which – in the lack of enough resources – cannot be carried out for each single immigrant.

As to border control, the party reminded that the USA, “the cradle of human rights”, had erected a 310 km long fence at the Mexican border and authorized the guards to use guns when necessary. In line with that Jobbik welcomed both the building of physical border barriers and the expansion of the human capacities. It also agreed to the use of military assistance for the protection of the borders, but proposed the modification of the Fundamental Law to clarify the division of competences between the police and the army. The party opposed that Hungarian soldiers served in Afghanistan, Iraq and elsewhere abroad. Instead, the Jobbik MPs wanted to see them back to detain illegal immigrants at the Hungarian borders bearing in mind not only the difficulty to stop masses of unarmed migrants, but also the risks that the ongoing war in the

neighborhood might present. The deputies also worried about the composition of the arriving migrants as 80% of them were “young male of fighting age”. The MPs wanted to see a policy of zero tolerance based on the enabling of the police and the army to protect the borders “by all means” and resulting in no person allowed to cross the Hungarian borders illegally. In the lack of enough personnel, Jobbik would also accept the idea of a voluntary guard operating under state control at the borders. As the party proposed to expel all those migrants from the country who were danger to public safety, it agreed to a corresponding legislation submitted by the government.

The EU responses to the migration crisis were all rejected by the party. Jobbik opposed the idea of mandatory quotas. Their interpretation of the proposal was a critique addressed to the German government and the institutions: in their view, Berlin and Brussels pursued a mistaken immigration policy, which did not work, and the mandatory quotas were meant to spread the damages among the other EU states. The Jobbik MPs regarded the quota regime as equal to sending a letter of invitation to Asia and Africa with the promise of granting a new home to every immigrant who arrive to the EU. They believed that a quota system could not work because – due to the principle of the free movement of people – it would be impossible to detain the allocated migrants who would wish to leave their designated place for their country of choice. Moreover, the quota would also mean a major security risk: they argued that – although not all immigrants were terrorists, but – the terrorists were all migrants, therefore if a country wanted to protect itself from terrorism, it also had to protect itself from immigration, hence it had to protect itself from the quotas as well. While Jobbik agreed to back the government to take legal actions against the mandatory relocation of migrants from Greece and Italy, it also advocated the formulation of a plan B for the situation where the court case would not stand. The party proposed to modify the Fundamental Law and hold a binding referendum on the quotas. Although its respective motion was turned down, a few month later, when the governing parties returned with a corresponding initiative, Jobbik welcomed the proposal.

The party was also very critical of the Schengen return and labelled the Dublin Regulation inadequate for such crisis situations and particularly harmful for entry countries like Hungary. Under the current regulations the destination countries, such as Germany, will be in the position to do cherry picking: they can select the best qualified and most valuable immigrants and send back all those migrants whom they do not need. This leaves Hungary vulnerable against the Schengen return of potentially 170 thousand migrants who arrived to the Western member states in 2015 via Hungary. As the Dublin Regulation may

not be suspended and its modification is either impossible or rather time consuming, Jobbik called on the government to either stop the registration of migrants heading to Germany and other more attractive EU member states or seal the borders and keep all immigrants out of the Hungarian territories. The party saw no other solution in a situation where Greece and Bulgaria violated EU laws by allowing refugees and other migrants to pass their territory, and Serbia, a country on the road to join the EU, provided the migrants with government assistance to reach the Hungarian border. As there were no sanctions against those who did not apply the Schengen rules, Italy and Greece refrained from the registration of immigrants. Jobbik argued for the same: as they expected the German policy of welcome to end up in the return of masses to the country of entry, they believed that registration was “a synonym for treason”. In their words: breaching regulations is bad, but registering the immigrants would be even worse; it will be a catastrophe when Germany starts to send back migrants in large numbers. The party insisted that the return of illegal migrants arriving to Hungary should be institutionalized and properly regulated. Instead of registering them, they should be returned to the country they had come from. Since the agreement between Hungary and Serbia only allowed the take-back of a limited number of migrants (maximum 30 people per day), Jobbik wanted to modify it and increase the cap to secure Hungary from the possible return of many registered asylum-seekers from Germany and Austria.

Jobbik deputies also wanted to close the other channel of migration to Hungary, hence they demanded the government to stop “the residence bond business” immediately. On the one hand, due to contracting out the sale of bonds to private companies, the scheme was not regarded as financially beneficial for Hungary. On the other hand, Jobbik expressed its doubts concerning the background and the credibility of the purchasers of residence bonds, and it concluded that neither the poor, nor the rich migrants should be allowed to come to Hungary. Jobbik also criticized the leftist and the liberal parties for supporting migration; refreshing the memory of a referendum held in December 2004, Jobbik labelled them as hypocrites for pressing the government for the integration of immigrants, while in 2004 they had campaigned “against their own brothers” when calling on the Hungarian electorate to vote against the citizenship of Hungarians living in the neighboring countries.

2.4.2.3. Hungarian Socialist Party (MSZP)

The Socialists were strong supporters of finding EU-level solutions to the migration crisis and they wanted to see a joint asylum policy. The refugee crisis was not caused by Hungary, hence the government could not solve it at national level. The Socialist deputies blamed the government for its pretended

respect for and actual violation of EU laws and values. In their opinion the term economic migrant was invented by Fidesz for the purpose of rabble-rousing. They viewed the government not so eager to solve the problems of migration, but rather acting deliberately for the escalation of the European crisis. According to the Socialists, the chaos at the Hungarian borders and at the Eastern Railway Station of Budapest was caused by neither Germany, nor the EU; it was the responsibility of Fidesz and Viktor Orbán personally. They called on the prime minister to give up his militant style and engage into negotiations seeking possible European and international solutions to the crisis. While acknowledging large-scale immigration as a challenge for policy-makers, they regarded the emigration of hundreds of thousands Hungarians to Western countries as an equally serious problem.

The Socialists criticized the government for not responding the danger of mass migration in time. Although aware of the expected wave of migration, for half a year the government did not pass any laws, did not take any actions to prevent or tackle the crisis; it neither guaranteed the fundamental rights of immigrants, nor protected the security of Hungarian citizens. Instead, the government carried out an intensive negative campaign against migrants. The Socialist MPs stressed that as the expensive giant billboards were in Hungarian, the messages obviously did not address the immigrants; they were rather meant to stir racist and xenophobic sentiments in the Hungarian electorate. The Socialists also rejected the national survey on migration and condemned the government for spending HUF 1.3 bn of the taxpayers' money on "a hatred campaign against the immigrants."

The MSZP criticized the governing parties for rejecting all proposals coming from the opposition. The Socialists proposed to increase the budget of the Immigration Office considerably to make it better prepared for tackle a rapidly growing number of asylum claims. They also proposed to punish the human smugglers more severely. On the other hand, the Socialists opposed the introduction of a new special legal order as they considered the standing regulations adequate and effective enough. Their deputies reminded the government that the illegal immigrants who arrived to Hungary without valid documents could be detained up until the end of their asylum procedure; moreover, those who leave the open reception centers without permission could be taken into custody. Therefore, the MSZP saw no need for an additional special legal order, but rather invited the police to do its duty. For that they supported the police get more funds for both the purchase of new technical equipment and the hiring of more personnel.

The Socialist party did not support the deployment of physical border barriers. It criticized the government for creating “a new iron curtain”. According to the Socialists, such national solutions could only result in further fences within Europe and a fence at the Austrian-Hungarian border would be particularly devastating given the daily border crossing by tens of thousands of Hungarians who work in Austria. The MSZP emphasized the benefits of the principle of the free movement of people within the European Union and insisted on the implementation of policies that would not undermine this achievement of the integration. The Socialists saw the decision on the border barrier not only as a sign of the government’s preference for national responses, but also as an evidence for its incompetence. They reminded that in the summer of 2015 the government announced its decision to erect a fence and close the border by fall, but the sluggish implementation offered quite a lot of time for masses of migrants to reach the Hungarian border and cross it before the actual deployment of the physical barrier. The MSZP, in principle, agreed to the creation of transit zones and to the idea of conducting assessment procedures at the border, but it did not support the government initiative as it saw no guarantees for fair procedures and humanitarian treatment.

The Socialists also opposed the introduction of a new special legal order. In their view a special legal order for crisis situations caused by mass immigration would not solve the migration crisis, but rather allow the government to use the military against civilian refugees or the Hungarian population and to curtail human rights.

The Socialist Party also expressed its doubts concerning the proposal that aimed at enabling the government to issue a list of safe third countries. The MSZP deputies believed that such a general list would not necessarily make the return of asylum seekers possible. The Socialist MPs pointed out that if a refugee could prove that he had come from a war zone or that he had not received the required protection in his way to Hungary, then the authorities would not have the right to send him back.

The MSZP had no reservation to the application of a quota in EU migration policy. Just like at the distribution of EU funds, applying a quota for sharing the burdens of mass migration would be generally acceptable for the party. However, it did not agree with the actual quota regime proposed by the Juncker-led European Commission, since the proposal did not include a cap on the number of asylum-seekers to be reallocated along those principles. Nevertheless, the party accepted – in the name of solidarity – the Council’s decision on the one-time relocation of asylum-seekers from Italy and Greece. The representative of the party expressed their preference for a complex solution

formulated at EU level, which should also include the revision of the Dublin Regulation for it could not be implemented if countries were allowed to ignore without facing any sanctions. The Socialist deputies supported the one-time relocation, but did not find that mechanism suitable for long-term solutions. They argued that it was better to accept the already adopted Council decision on relocation and carry out the 1,294 asylum procedures than to take back more than 170 thousand migrants who had been first registered by Hungary.

For the very same reasons the Socialists were not willing to back the government's intention to take legal actions against the already agreed compulsory relocation decision. They also criticized the government for challenging a decision on the relocation of fewer than 1,300 people to Hungary, while treating the 2,700 (of whom 2,500 were Chinese) purchasers of residence bonds from the previous three years and their 4,700 (4,000 Chinese) family members much more generously by offering them a bureaucratic fast track of shorter deadlines and less administration. The Socialist MPs were critical of the privileged status of those immigrants who had enough money to pay for their admission. They blamed the government for operating "the cheapest way to come to Europe" since there was "no need to bring investments, hire Hungarian employees, produce added value, nor to stay in Hungary" – it was enough to lend money to the Hungarian government for a few years which would then be paid back with interest on it. The Socialists claimed that it only benefited the rich foreigners and the private enterprises that were licensed to sell the government-issued residence bonds. The real refugees, on the other hand, were not supported properly; according to the Socialists, those who were in need and heavily dependent on assistance, could not rely on the Hungarian government, which curtailed their subsidies and eliminated the institutions of social inclusion originally available for those under international protection.

The Socialist Party wanted to see parliament compel the government to seek EU-level solutions to the migration crisis. The Socialists criticized the prime minister and his cabinet for "doing everything to destroy the European Union" and saying no to everything at European level. In the vision of the Socialists, the EU will not fall apart, on the contrary, it will be stronger, and the government will only get Hungary become excluded from the cooperation of the core countries.

2.4.2.4. Other Parliamentary Parties

In the area of migration policy, the Democratic Coalition (DK), a splinter of the Hungarian Socialist Party, opposed every move of the government. It did not accept to put any blame on the Western powers or the European Union for the eruption of the migration crisis. Instead of giving national responses, the

DK only supported European policies for crisis management and called on the government to fulfil its international obligations. The party advised the MPs of the governing side to act like true Christians and follow the words of Pope Francis and accept the refugees. The DK found no legitimate reason for the adoption of a new special legal order. The deputies of the party did not agree with the physical border barriers and they also pointed out that the army was not trained for the task the government intended to use it at the borders.

The Politics Can Be Different (LMP), a party with a characteristic green and human rights advocacy profile, had initially taken a pro-European, humanitarian policy line on migration. The representatives of the party emphasized Hungary's peripheral location in the Schengen area and regarded the adoption of a joint European policy platform on migration as Hungary's vital interest. They blamed the Hungarian foreign policy makers for the rushed recognition of Kosovo, the inviable country of the first wave of migrants reaching Hungary, and for not reckoning with the foreseeable consequences of the state collapse in Syria and Libya. The LMP also criticized the government for not responding the migration crisis in time: the initially given responses were rhetorical and propaganda-type; the giant poster campaign and the national consultation survey were wasting of time. While regarding the Commission's quota proposal inadequate and insane, the party condemned the Hungarian governmental reactions for not seeking a joint European response and for adding nothing to the solution of the crisis. The green deputies did not agree with the government to reject the one-time relocation since it could be interpreted as if Hungary would not be willing to support and participate in joint policies. In the lack of jointly formulated European policies Hungary, a transit country, would be in serious trouble if Germany wanted to send back those masses of migrants who had been registered at the Hungarian borders. The LMP representatives found the recognition rate of international protection claims in Hungary very low compared to the EU average. They supported the faster proceeding of asylum claims, but insisted that the simplification of procedures should not result in inhuman or unfair treatment. They could accept the establishment of transit zones as well, but only on condition that the facilities for the refugees and their treatment were in line with Hungary's international obligations. The party agreed the more severe punishment of human smugglers, but did not see any legitimate reason for the introduction of a new special legal order. Public work for refugees was in principle also acceptable for the party, though it regarded the actual situation as a considerable risk to immigrants because of the possibility of abusing their vulnerability. The LMP rejected any proposals depriving the refugees of their rights or subsidies. Their allowances should not be

compared to the subsidies of Hungarians, because the refugees were forced to leave their homeland. Moreover, seeing the government to argue against economic migrants, the greens called the government hypocritical for the facilitation of the settlement of residence bond buyers. Due to the involvement of offshore companies, the LMP calculated the total losses accounting for HUF 100 bn. In that light, the party was very critical of the steady cuts in the expenditures on integration policies and the decimation of funds allocated for international aid.

The green party expected the great powers to take responsibility for the consequences of the wars they had started, but – in its view – both the EU and the USA needed to change the way they approached the crisis and the chaos at the borders. According to the LMP, the EU should strengthen its foreign policy institutions and contribute to the stabilization and consolidation of the crisis regions. More EU funds should be allocated to Europol, Frontex and Eurosur, while the Dublin regulation should be reassessed, the joint European foreign and security policy reconsidered. Immigration policy should be formulated at European level in cooperation with associated members like Serbia, Macedonia and Turkey, which are also needed for the successful implementation of joint policies. The LMP deputies wanted to see peacemaking and prevention measures in the focus of European migration policy since the Euro-Atlantic powers were only successful in the elimination of dictatorships in the Middle-East and in North Africa, and they failed to lay down the foundation of new and stable state organizations. The USA should provide more resources for the acceptance of refugees, but priority should be given to the addressing of the reasons of migration. The latter also demands the involvement of NATO as neither the internal power relations of the failed states, nor global economic interests facilitated peacemaking. Global economic imbalances and Western corporations' interest in hiring cheap labor from African and Asian countries go against the successful management of migration. According to the LMP, first the political power should be restored in the failed states, then more international aid should be given to those countries. The party also warned that climate change would generate new waves of migration; the increasingly hostile weather conditions would force nearly 200 million people to leave their homeland in the not so distant future.

Interestingly, the LMP was the only party to make a U-turn in its approach to migration. Not long after the Paris attacks the green party revised its earlier position:¹²² it admitted that this modern wave of migration was different from the earlier ones, therefore it required new policies since the classical response

¹²² http://mandiner.hu/cikk/20160222_felreertettuk_a_helyzetet_schiffer_andras_lmp_mandiner_interju [accessed: 22.02.2016].

– with the protection of human rights in its focus – was not applicable for such large-scale immigration. The Geneva Convention proved to be inappropriate for large crowds of immigrants, who were not all refugees, but also included a considerable share of economic migrants (as pursuers of better life) and an unknown number of fanatic members of terrorist organizations. In order to differentiate among them, the LMP wanted to see a new European mechanism that would filter effectively those entitled to international protection.

The Dialogue for Hungary (PM), a splinter from the LMP, expressed its support for the refugees and called on the government to meet the respective international obligations. In their MP's view it was a mistake to label the immigrants as economic migrants as 90% of the asylum-seekers arrived from war zones. The party did not support the deployment of physical border barriers: it was skeptical about its usefulness and wanted to avoid spending HUF millions on the barriers. The representatives of the PM also opposed the idea of offering the refugees the possibility of public work as they were convinced that such a proposal would be followed by making this option mandatory. They demanded the opening of new reception centers (to be created by the conversion of already existing barracks) and the hiring of more officers for the processing of asylum claims. Although the party agreed to the need of modifying the Dublin Regulation, it also warned the government not to blame the EU as the integration was not only about benefits but also about jointly shared burdens. According to the PM, the management of the migration crisis requires the formulation of European level policies in which Hungary should participate actively.

The Hungarian Liberal Party (MLP) adopted a consistent, classic liberal position on migration. The MLP found the root of the crisis in radical Islamist fundamentalism and the ISIS. The party played down the responsibility of both the EU and the USA, nevertheless it insisted that the tackling of the refugees crisis was a joint responsibility of the international community and that Hungary should seek and support international solutions instead of introducing policies unilaterally. The deputies of the MLP found the government unprepared for accepting a large number of asylum seekers and advocated to increase the capacities of the reception centers. In their view, since Hungary is a transit country, the government should only need to provide temporary care and shelters as well as increase the administrative capacities for asylum procedures. Moreover, the government should also better inform and communicate with the refugees; that responsibility and job should not be left to volunteering NGOs. The liberals confronted the government with its own Migration Strategy of 2013, which had advocated controlled economic migration to offset the decreasing population and the shortages of labor in certain sectors as well as

to contribute to both economic growth and the sustainability of the pension system, and criticized the governing Fidesz for talking and doing the complete opposite. They condemned the government for the anti-immigrant campaign which threatened the Hungarians by losing their jobs for the migrants. According to the MLP that was an unrealistic vision as the number of accepted refugees was only a few hundreds. The party acknowledged the failure of EU migration policy, but warned the government about the deterioration of Hungary's image by ignoring fundamental European values and not meeting international obligations. The liberals were not willing to give their consent to the allocation of further power to the government, since it had already abused its position and violated the principle of rule of law.

The MLP supported the introduction of a European quota system and reminded the government that of the HUF 4.1 bn spent on immigrants in 2015 3.5 bn was covered from the EU budget. The representatives of the party demanded the lifting of rigid regulations (e.g. on family reunion) and wanted to see them more in line with "general humanitarian values". The party rejected the building of physical border barriers and paraphrased the Pope by calling those who built fences to ask God for forgiveness.¹²³ The MLP was also critical of the government's decision on the list of the safe third countries. The liberal MPs emphasized that in the lack of institutionalized protection the refugees were in danger in Serbia. They quoted both the UNHCR and the Helsinki Committee on their negative conclusion on Serbia and claimed that the country would not become safe by merely a declaration of the Hungarian government. The liberals worried about the security risks the residence bond scheme presented; given the low effectiveness of the Hungarian security services, they expressed their doubts concerning the reliability of the screening of every single foreign citizen who had purchased such residence bonds. They demanded that the Hungarian government should support and contribute to the establishment of a European security union. However, they also warned about the Hungarian foreign policy being too friendly towards Russia as it could hinder the smooth cooperation with Western security agencies.

2.4.3. The Quota Referendum

In 2015 Jobbik initiated a referendum on the rejection of the resettling and the return of foreign citizens to Hungary. However, the governing Fidesz regarded the proposed question as in conflict with standing international treaties,

¹²³ Cf. <https://news.vice.com/article/pope-francis-says-those-who-deny-migrants-should-ask-god-for-forgiveness> [accessed: 18.06.2015].

and did not support the initiative. Jobbik wanted to push for the modification of the constitution, but it failed to gain parliamentary backing for its intention. Moreover, their plan was soon overshadowed by the prime minister's announcement on holding a referendum on the possibility of the mandatory resettling of non-Hungarian citizens to Hungary without the consent of the Hungarian National Assembly. The referendum question was formulated in a way not to violate the already existing international treaties of Hungary¹²⁴ and it was meant to prevent the adoption of a quota-based mechanism for the mandatory resettlement of immigrants arriving to the EU. The governing parties rejected the Commission-sponsored proposal on the quota system and they were particularly critical of the lack of an upper cap on the possible number of immigrants incorporated into the resettlement scheme. They regarded the proposed mechanism as an invitation to further immigrants and portrayed the referendum as the best means to protest against the inappropriate migration policy of the European Union. They also blamed the EU for its attempt to acquire new competences from the member states and punish heavily those unwilling to cooperate.¹²⁵ In addition, the governing parties underlined the security and cultural risks of accepting illegal migrants.

Jobbik also took a position on the 'no' side. It rejected the mandatory quota, but did not see the need for a referendum any longer. Instead it wanted to modify the Fundamental Law and condition the resettlement of immigrants in Hungary to the consent of parliament. The representatives of the party claimed that it would be easier and faster to modify the constitution than the hold a referendum. Taking this view on the referendum was followed by a rather restrained campaign of the party. As a few days before the end of the campaign the party leader, Gábor Vona had called on the prime minister to resign in case of an invalid referendum, circles within and close to the government suggested that Jobbik remained deliberately passive¹²⁶ to reduce voter participation and thus decrease the probability of reaching a turnout that would fell short of the threshold for validity.

The parties on the left were divided in their responses and campaign strategy. While the Hungarian Liberal Party called on its sympathizers to turn against the Fidesz, be pro-European and vote yes to reject the anti-EU attitude and

¹²⁴ Although the compliance of the referendum question with international treaties was challenged at the Constitution Court, the judges upheld the corresponding position of the National Election Committee and gave green light to the referendum.

¹²⁵ The European Commission proposed to impose a solidarity contribution to be paid by each government that was unwilling to receive the migrants allocated by the quota to the corresponding country. The contribution was meant to be set at EUR 250,000 per untaken migrant.

¹²⁶ See e.g. <https://888.hu/article-a-jobbik-bojkottra-szolitotta-valasztait> [accessed: 30.10.2017].

policies of the government, the Democratic Coalition urged its supporters to boycott the referendum and thus reduce the turnout and the chance of valid vote. The Socialists were ready to take actions against a mandatory resettlement scheme, but they did not see a ground for the referendum as they did not expect such a quota mechanism to be put on the agenda of the European Union. The Socialist Party also criticized the referendum for being anti-European and xenophobic. The party did not have an explicit position on voting yes or no; instead it told its sympathizers to “stay at home that we could stay in Europe. The Dialogue for Hungary – along with two small liberal parties – stressed that the subjects of the proposed resettlement scheme were not immigrants, but refugees. They campaigned with the message that those who did not vote, voted for the EU. The Politics Can Be Different party, on the other hand, refused to engage into the referendum campaign and announced that it would not take side in the referendum. The leaders of the party declared their intention not to vote, but they also encouraged the LMP supporters to shape their own position freely.

The referendum was held on October 2, 2016. The proportion of the “no” answers in percentage of the valid votes was 1.64%, thus the share of the valid “yes” votes was 98.36%, while 6.17% of the participants cast an invalid vote.¹²⁷ However, since the turnout (44.08%) was not high enough to exceed the 50% validity threshold, the referendum was declared to be invalid.¹²⁸ Nevertheless, the governing parties not only underlined the overwhelmingly proportion of the “no” votes, but also pointed out that more people (3.362 million) voted for the government-sponsored position this time than they did in the EU accession referendum (3.056 m)¹²⁹. Jobbik, on the other hand, considered the referendum a failure and pressed all those responsible for drawing the consequences. Blaming the prime minister on the first place, the party demanded his resignation. At the same time Jobbik repeated its proposal to modify the constitution. The Socialist Party condemned the government for its “misleading” and “hateful” campaign. The party leadership denied the “political validity” of the referendum, which they only regarded as an extremely expensive public opinion poll. In their view the abstention of the majority was not about apathy, it was a protest against the government: its hunger for power and its referendum which was full of “anger and lies”. Given the invalidity of the referendum,

¹²⁷ The relatively high proportion of invalid votes can – at least to some extent – be explained by the campaign message of the Hungarian joke party (the “Two-tailed Dog Party”), which called its sympathizers to give the silly question a silly answer and vote invalidly. Having seen the high number of invalid votes, the leader of the party announced that they would run for seats in the 2018 parliamentary election.

¹²⁸ See http://www.valasztas.hu/hu/ref2016/1154/1154_0_index.html [accessed: 20.11.2016].

¹²⁹ http://www.valasztas.hu/nepszav03/outroot/hu/10_0.html [accessed: 20.11.2016].

the Socialists announced that they would not support any government moves built around the “no” votes as they were unconstitutional. The Democratic Coalition viewed the low turnout its own success and called the invalidity of the referendum a long-awaited victory of the left and a major blow to the government and the prime minister. The party leader emphasized that in a normal democratic environment the prime minister would step down after such a political failure. The LMP expected the government’s position in EU-level bargaining to weaken after the invalidity of the referendum. To use the referendum as a campaign tool, to overheat the debate and to turn the referendum question into an emotional issue was a major mistake of the government, which was harmful to the whole country. The Dialogue for Hungary and its small liberal partners assessed the low turnout as the outcome of a success boycott strategy and the defeat of the “politics of hatred” forecasting the electoral failure of the “inhuman and heartless government” in the next elections. In their understanding the referendum was also a vote of no-confidence against the government, therefore the prime minister would better resign. They protested against the “most expensive and deceitful propaganda campaign” of post-communist Hungary and expressed their satisfaction with the government unable to turn the country into the land of fear and hatred.¹³⁰

After the referendum, the prime minister announced that – in order to meet the political expectations of those who voted “no” in the referendum – the government would initiate the modification of the Fundamental Law. The corresponding bill intended to add to the preamble that was a fundamental duty of the state to protect our national self-identity. The body text was meant to be modified to underline that the EU might not curtail the discretionary rights of the Hungarian government for making decisions on such fundamental elements of national sovereignty as its territory, population and the structure of government; in other words: these competences should be reserved from EU influence. The government also wanted to codify that the protection of Hungary’s constitutional identity is mandatory for every single state organs. Finally, the proposal included a ban on the compulsory settlement of aliens to Hungary as well as the requirement of a case-to-case approval of the residence permit of all foreign citizen from outside the European Economic Area.

Passing the modification of the constitution would have required the support of 2/3rd of all MPs. As the governing parties were short of the constitutional majority,¹³¹ they sought the support of the other parliamentary groups. The

¹³⁰ <http://www.szeretlekmagyarorszag.hu/az-elso-reakciok-az-ervenytelen-nepszavazasra/> [accessed: 20.11.2016].

¹³¹ In the election of 2014 Fidesz-KDNP obtained 133 seats, which is the threshold for the constitutional majority. However, after losing a by-election in February 2015 (<https://veol.hu/hirek/vesz>

parties of the left did not agree with the modification and decided not to provide the governing coalition the missing votes. Jobbik, on the other hand, declared its support for the proposal but only on condition that the government would put an end to the residence bond scheme. Since this demand remained unmet, the modification to the Fundamental Law did not obtain enough votes in parliament (November 8, 2016).

After the invalid referendum the failure to push the changes to the constitution through parliament was interpreted by the opposition as a second major defeat of the government. However, voting alone for the proposal on the modification of the Fundamental Law offered Fidesz the opportunity to portray itself as the only party committed to the protection of Hungary from mass migration, which could generate additional support for Fidesz from those anti-immigration voters, who originally voted for different parties.¹³²

2.4.4. The Dynamics of Party Contest in the Area of Migration

The evolution of party responses to the migration crisis showed various patterns and dynamics. On the government side, one could first witness a wait-and-see period followed by an intensive rhetoric campaign, later by actual actions and a referendum. Fidesz was loyal to the government and its position on migration evolved accordingly from threat perception and simple rejection to the support of stricter and stricter anti-immigration measures and the promise of national solutions to the crisis. What the party originally described as an economic challenge and danger to Hungarians was later discussed as a complex issue that had cultural, epidemic and security dimensions as well, and mass migration was soon presented as a major threat to the entire European civilization. Benefitting from its governing position, Fidesz MPs and cabinet members could dominate the political discourse and formulate policies free from domestic constraints. In line with the values of the bulk of the society, Fidesz adopted a fiercely anti-immigration profile and was not afraid to absorb proposals from other parties if they fitted into its policy line. The governing party took over, but presented and implemented as its own policies some of the proposals that had originally been put forward by Jobbik. Those included the deployment of more human forces to the borders, the use of the military to assist with border control, the detention of asylum-seekers, the expulsion of those dangero-

premi-idokozi-valasztas-1680827 [accessed: 23.02.2016]), they needed external support to have enough votes for a change to the constitution.

¹³² The “no” in the referendum was actually supported by 1.1 million more people than the Fidesz-KDNP party list in the 2014 parliamentary elections (http://www.valasztas.hu/hu/ogvy2014/861/861_0_index.html [accessed 20.11.2016]).

us to public safety, the referendum on mandatory resettlement, and initiating a corresponding modification to the Fundamental Law. The view of “not all migrants are terrorists, but all terrorists are migrants” was also first expressed by Jobbik and then paraphrased by Fidesz. Once the governing party also borrowed from the left: the modification of the penal code to impose more severe penalties on human smugglers had originally been initiated by the Socialists, but at that time it had been rejected by Fidesz; later the governing majority passed a reformulated and expanded bill that – among other provisions – also included the stricter punishment of human smugglers.

In West European countries the anti-immigration position has usually been occupied by right-wing radical parties, which tend to be xenophobic and anti-Muslim in their platform.¹³³ Although Jobbik also emerged as a radical right-wing party, in lack of any significant immigration from non-European countries to Hungary, its racist views targeted not the immigrants, but the local Roma and the Jewish communities.¹³⁴ Jobbik was also atypical in the camp of radical right-wing parties for the openly pro-Arab and pro-Islamist statements of its president.¹³⁵ Therefore, turning against migration and rejecting immigrants arriving in great numbers from Arabic countries required a change in the course of the party’s rhetoric. While this reorientation went relatively smoothly, the implementation of some Jobbik proposals by the government was not taken so easily and the party could not respond it consistently: once it took with criticism (e.g. strict border control), to support it later; at another occasion it was just the other way around (e.g. quota referendum and constitutional changes); yet another time it welcomed (e.g. the military involvement in border control), while demanding more (competences for the army). Jobbik was initially more radical with its proposal than the governing Fidesz, but when the government started to make its own actions, Fidesz was able to overtake the radicals, and seized not only the momentum, but also the long-term political control over the agenda of migration.

The parties on the left mostly responded to the migration crisis by the conventional humanitarian arguments, and they all awaited for EU-level responses and solutions to the crisis. However, as the European institutions were too sluggish in the formulation of joint responses and the crisis management by the EU proved to be ineffective, the parties on the left could not increase their popular support during the migration crisis; in fact, their popularity either

¹³³ *Nemzet és radikalizmus. Egy új pártcsalád felemelkedése*, ed. A. Láncki, Budapest 2011, p. 18.

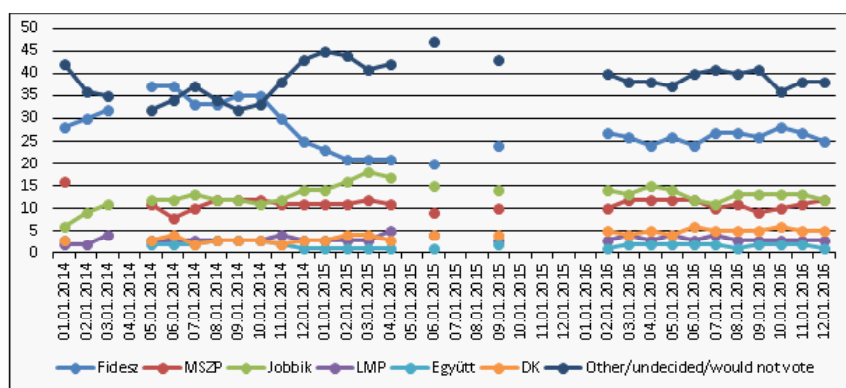
¹³⁴ *Ibidem*, pp. 254–255.

¹³⁵ E.g. <http://www.moroccoworldnews.com/2013/11/111456/hungary-far-right-party-leader-says-is-lam-is-the-last-hope-of-humanity/> [accessed: 22.02.2017]; http://www.jobbik.com/vona_g%C3%A1bor_about_islam [accessed: 22.02.2017].

decreased or did not change. The only party which decided to modify its purely humanitarian platform was the Politics Can Be Different. The LMP adjusted its course in response to the terrorist attacks in Paris, and acknowledged the securitization of the migration issue, while also insisting on the rights of asylum-seekers to humanitarian treatment and fair assessment procedures. However, the change of course made no considerably impact on the level of public support for the party (Figure 2.5).

Figure 2.5

Changes in Party Preferences between 2014–2016

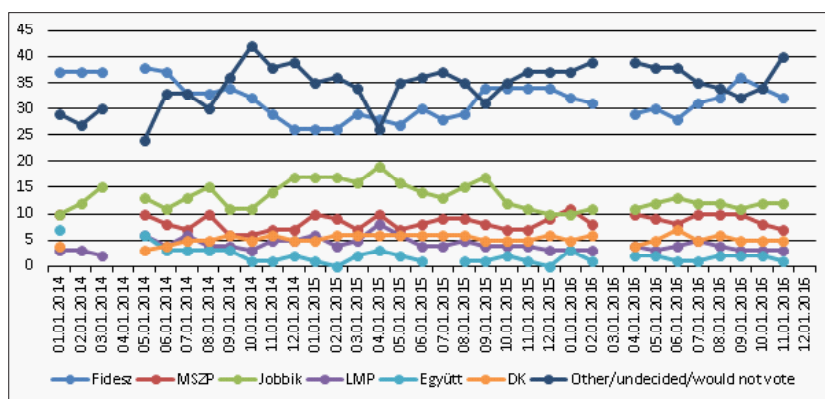


Source: <http://kozvelemenynkutatok.hu/partpreferencia/> [accessed: 8.02.2017].

Of all polling agencies Ipsos (from 2016: Závecz Research Institute) and Nézőpont Institute were the ones that carried out most regularly their surveys during the period of 2014–2016. The party preferences recorded by both pollsters showed similar trends. The popularity of Fidesz, the winner of the 2014 parliamentary election, decreased slowly until the middle/end of the summer of 2015. At the same time, Jobbik, the right wing opposition of the government, was able to capitalize from the realignment of the electorate and stabilized its popularity at a higher level. However, with the number of irregular immigrants peaking, the closing gap between Fidesz and Jobbik started to grow again. Fidesz was able to regain some of its previously lost support, while Jobbik fell back in popularity. Public support for Fidesz reached a local maximum at the time of the quota referendum, but the subsequent decrease was not coupled by a considerable change in the popularity of its main challenger, Jobbik. The parties on the left witnessed smaller changes in their public support, therefore the overall characteristics of the party system remained the same as they were in 2014.

Figure 2.6

Changes in Party Preferences between 2014–2016 (Nézőpont Institute)

Source: <http://kozvelemenykutatok.hu/partpreferencia/> [accessed: 8.02.2017].

2.5. Conclusions

(*Sándor Gallai*)

The large influx of irregular immigrants to the European Union via the Western Balkan route put a very severe burden on the Hungarian authorities. The country was generally regarded as a transit country for immigrants – typically seeking a better life in Austria, Germany, the Nordic or the Benelux countries. Very few arrived at the official border crossing points; the bulk of the migrants chose the green border instead. When caught at border crossing, the irregular migrants submitted their request for international protection, but usually did not wait for a decision to be made on their claim, but left for Western Europe instead. Partly in fear of a potentially high number of Schengen returns and also in recognition of the security risks presented by irregular migration, the government diverted the flow of migration and restricted the number of those who could enter the territory of Hungary. The primary means for that was the installation of physical border barriers, the criminalization of both illegal border crossing and the damaging of the barriers, and the establishment of transit zones in which a daily cap on the number newcomers was introduced. The capacities in the reception centers were reduced, while human resources at the borders were expanded. The policy of artificial bottlenecks was accompanied by the curtailing of the entitlements of those under international protection.

The main policies of the government provoked fierce criticism from EU and the Council of Europe institutions, Western governments and international

organizations. Nevertheless, they contributed to a more effective border control and a major drop in the number of arriving immigrants. As those measures also enjoy broad public support in Hungary, they helped the governing Fidesz party increase its popularity. The leftist parties tended to stuck into the conventional humanist position and proved to be unable to change their platform and rhetoric after the terrorist attacks in Western Europe. The strongest challenge could have been presented by Jobbik, the party of extreme right. However, benefitting from both the governmental position and the wider media reach out, Fidesz could keep the agenda under control, absorbed some of the policy ideas of Jobbik and presented them as own proposals fitting well into its consistently rigid anti-immigration and pro-sovereignty policy line.

In addition, the migration crisis brought the Visegrad countries closer to each other and made them capable to formulate joint platforms and re-establish a closer cooperation than in the previous years. Nevertheless, the government will continue to face legal and political disputes both at international and EU level, but it is important to stress that those conflicts seem to make Fidesz supporters more committed and determined, which can serve the party as a valuable political asset ahead of next year's elections.

Compared to the other Visegrad countries, Hungary was definitely the most affected by mass migration, which resulted in a relatively significant proportion of people gaining personal experience of immigrants. As opposed to general expectations, this did not translate into higher support for immigrants and refugees; on the contrary, the overwhelming majority of those with personal experience had rather negative views on the migrants. Therefore, the government-driven anti-migration campaigns only reinforced already existing reservations and hostility towards immigrants of markedly distinct cultural background. While both the government and the general public assess EU responses to the migration crisis rather negatively, they would like to see a more active role of the EU in finding an effective solution to the crisis. The majority view of Hungarians is in line with the policies of the government: they would prefer to take actions outside the territory of the European Union and invest heavily into international cooperation and aid targeting the crisis zones in hope of giving them peace and stability.