



Hungary: Migration and the policy of closed borders

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Hungary's year of migration

Hungary had its first experience with substantial international migration in the 1990s after the fall of the Iron Curtain, especially during and after the Bosnian War and NATO's intervention in Serbia in 1999. At least 100,000 ethnic Hungarians from northern Serbia fled these conflicts and settled in Hungary, mostly in Szeged and Budapest. Hungary's first migrants in the new millennium were mainly Kosovars on their way to Germany in the winter of 2014/2015, when a total of some 40,000–50,000 people crossed the border from Serbia to Hungary. Despite the fact that this border is a Schengen external border, there were no physical obstacles at this time to prevent their entry into Hungary. Police and so-called “civic guards” (local neighbourhood watch organisations) attempted to capture the irregular entrants; those apprehended were usually issued a fine of EUR 100–200 and released.

Hungary's largest “refugee crisis” to date occurred in 2015.¹ Starting in May of that year, hundreds of mostly Syrian, Afghani and Iraqi citizens crossed the border from Serbia every day without valid entry documents. By June 2015, the number of entries per day had reached 1,000, peaking at around 8,000 per day in mid-September when the border fence was completed. During these roughly three months, the Hungarian government repeatedly failed to fulfil its legal and humanitarian duties vis-à-vis the refugees and migrants. In response to this neglect, dozens of local grassroots organisations were established to provide basic services to the people passing through Hungary.

On 15 September, the government decided to set up a fence and close the border. Following the closure, thousands of people en route to Germany were stranded in Serbia. In a rapidly changing situation and without any information, an altercation occurred at the Horgoš-Röszke border crossing station, which escalated into a riot. The Hungarian government dubbed it “the battle of Röszke”. Eleven people were arrested and charged.² Their cases have been deemed “show trials” by several human rights organisations, including Amnesty International Hungary.³ A second layer of fencing, parallel to the first, was erected in 2016, and the law on immigration and illegal border crossings was amended several times, establishing one of the toughest border regimes in Europe. Recently, an unknown number of people have tried to enter Hungary across its border with Romania, which is not yet fortified by a fence.⁴

The policy of closed borders

The fence is officially called an ideiglenes műszaki határzár or “temporary physical border barrier”. The idea to construct a border fence was first announced in June 2015 by Prime Minister Viktor Orbán, who noted the growing numbers of irregular migrants entering the Schengen zone and cited Hungary's responsibilities and duties under the Dublin Regulation and the Schengen Agreement. Construction began on 13 July with a 175-metre “specimen” consisting of four different fence variants. At the same time, a “fast-track wire barrier” along the entire

¹ The Hungarian organisation Migszol has published a report on the events of 2015: “Hungary's long summer of migration - irresponsible governance fails people seeking international protection”. It is available here: http://www.migszol.com/files/theme/Report/migszol_report_eng.pdf.

² “Show trial in Hungary: solidarity with the accused in Röszke”, Migszol blog entry, 28 June 2016, available online: <http://www.migszol.com/blog/show-trial-in-hungary-solidarity-with-the-accused-in-roszke>.

³ “Hungary gives 10-year sentence to Syrian man for border riot”, *EU Observer*, 30 November 2016, available online: <https://euobserver.com/migration/136102>.

⁴ “Orbán offers help to Romania to seal its border for migrants”, *Europost*, 7 October 2017, available online: <http://www.europost.eu/article?id=20769>.



length of the Serbian-Hungarian border was erected, although this proved ineffective since it was very easy to cut or to lift up. Finally, a 4-metre chain-link fence with steel support poles and coils of razor wire at the top and bottom was selected, and the Hungarian Army deployed 900 soldiers to begin the construction. Materials for the fence were supplied by the Hungarian Prison Service, as the chain-link fencing and razor wire coils had been manufactured by prison inmates. The quick construction of the fence seemed to be of great importance: nearly EUR 30 million was allocated immediately to start the project.⁵ Defence Minister Csaba Hende resigned on 7 September over the “slow pace” of the construction, and his successor, István Simicskó, identified the fence’s completion as his top priority. 3,800 soldiers were deployed to the border to build the barrier, assisted by hundreds of public workers and prison inmates. The 175-kilometre fence was completed on 15 September.

In August 2016, Orbán announced that Hungary would build another layer of fencing on its southern border due to ever-growing “migration pressure”. The second high-tech fence, equipped with motion sensors, loudspeakers and electric wires, was completed in the spring of 2017.⁶ The double-layer border fence is difficult to cross, but still dozens of people attempt to do so regularly, according to figures published on the website of the Hungarian Police.⁷

The current admission system

In 2015, Hungary set up two “Transit Zones” close to the border crossing stations at Horgoš/Röszke and Kelebija/Tompa through which a set number of asylum-seekers may enter Hungary and apply for protection. All asylum cases are decided in these so-called Transit Zones, which are two container towns on the Hungarian side of the border along the fence, with entry gates opening towards Serbia.

The number of individuals admitted to these zones (the two combined) has been lowered in several steps from the initial figure of 100 per day to 50, 30, 20 and now to 10 per day, currently only on weekdays, with zero admissions on weekends and public holidays. The Immigration and Asylum Office (formerly and colloquially known as Office of Immigration and Nationality (BÁH)) of the Ministry of Interior cited a “government request” as the reason for the decrease in the numbers.

One needs no documents to enter the Transit Zones; with the help of an interpreter, an interrogation is carried out in which the applicants (usually all family members) must present a credible story of the reasons for leaving their homeland. The interview and the decision-making process are not transparent; no independent organisations are allowed to monitor these activities. In most cases, asylum-seekers claim to be citizens of Afghanistan, Syria or Iraq. Families, and in some cases unaccompanied minors, typically choose this method of entering the European Union, whereas single men are more likely to try illegal methods and use the services of smugglers.⁸

The method for selecting the five people who are admitted to each Transit Zone every weekday is unclear. Contradictory information has been provided

⁵ “Hungary Plans to Soon Complete Fence to Limit Migrants”, *The Wall Street Journal*, 5 August 2015.

⁶ “Hungary builds new high-tech border fence - with few migrants in sight”, *Reuters*, 2 March 2017, available online: <https://www.reuters.com/article/us-europe-migrants-hungary-fence/hungary-builds-new-high-tech-border-fence-with-few-migrants-in-sight-idUSKBN1692MH>.

⁷ “Hungarian border guards ‘taking selfies with beaten migrants’ as crackdown against refugees intensifies”, *The Independent*, 4 March 2017, available online: <http://www.independent.co.uk/news/world/europe/refugee-crisis-hungary-border-police-guard-fence-beating-asylum-seekers-migrants-serbia-push-back-a7610411.html>.

⁸ “Schuldsprüche im Akkord”. *Neue Zürcher Zeitung*, 15 March 2016, available online: <https://www.nzz.ch/international/deutschland-und-oesterreich/ungarns-schnelljustiz-gegen-migranten-schuldsprueche-im-akkord-ld.7629>.



by the various parties (Hungarian and Serbian authorities, NGOs, and the refugees themselves).⁹ This often leads to speculation and accusations of rampant corruption such as bribing police officers to place names on waiting lists.

The new asylum system

Initially, only a preliminary screening and questioning of asylum-seekers took place in the Transit Zones at the border. Following a positive decision, refugees were transferred to open camps in Hungary. Most of these camps were located just a few kilometres from the Austrian border, however, providing the refugees with an easy and convenient way to circumvent the several months' wait until the end of the asylum process in Hungary. Very few asylum-seekers ultimately remained in Hungary until their applications were decided.

A new law has been in force since April 2017, however, and the whole asylum process is now carried out on-site, within the confines of the two Transit Zones. During their asylum process, asylum-seekers are detained in the Transit Zones. These facilities resemble prisons; no one is allowed to leave the premises for several months, except to return to Serbia. In this case, however, the asylum application is forfeited and it is only possible to re-enter Hungary after once again waiting several months in Serbia. Between 1 January and 1 November 2017, more than 700 people were granted refugee or subsidiary protection status in Hungary, which provides them with the right of freedom of movement and the right to apply for jobs in the country. However, refugee accommodation services, so-called integration contracts, related social care and other integration support have been lowered to nearly zero in accordance with the populist agenda of the Budapest government.¹⁰ In practice, the result is that most people who pass through the Transit Zones immediately leave Hungary towards Western Europe. This is a risky step; since their fingerprints have been recorded in Hungary, these migrants can be deported at any time under the Dublin Regulation. A few of them have ended up in the Budapest homeless shelter system, where NGOs try to help them start new lives.

The treatment of migrants

Currently, only two Transit Zones are operational, with a maximum capacity of 250 persons each. The asylum process usually takes 2–3 months, with no upper limit on the duration. A few dozen people are still in the open camps of Vámoszabadi and Bicske in western Hungary; they are waiting for decisions on their asylum applications, which were submitted before the new system took effect in April 2017. Around one hundred migrants are in detention in various prisons in Hungary; these individuals were apprehended for illegally crossing the border before July 2016, and are waiting for their eventual expulsion from Hungary.

The physical conditions in the Transit Zones are generally satisfactory. A few complaints are heard from time to time about the attitudes of the staff and inadequate medical care: doctors, most typically general practitioners, are available in the Transit Zones, but if an asylum-seeker's condition requires a more

⁹ "Hungary's transit zones are prisons where pregnant women are handcuffed and children go hungry", translated article on the conditions in the Transit Zones on Index.hu dated 12 June 2017, available online: <https://budapestbeacon.com/hungarys-transit-zones-are-prisons-where-pregnant-women-are-handcuffed-and-children-go-hungry/>.

¹⁰ See for instance: "Serious human rights violations in the Hungarian asylum system", Heinrich-Boell-Stiftung, May 2017, available online: <https://www.boell.de/en/2017/05/10/serious-human-rights-violations-hungarian-asylum-system>.



complex examination and/or treatment, he/she is taken to a hospital in Hungary, outside the Transit Zone, which is time-consuming.

A more serious and grounded criticism is that by detaining legal applicants, Hungary is imposing an unnecessary hardship on migrants who are basically willing to comply with the regulations and undergo all necessary checks. Another frequent criticism is the limited access by NGOs and the media to the Transit Zones.¹¹ Only hand-selected charity organisations, members of the so-called “Charity Council”, are allowed to provide for the asylum-seekers inside the Transit Zones. Most of these groups are church-based and maintain a favourable relationship with the government. Human rights organisations such as the Hungarian Helsinki Committee are no longer authorised to enter the Transit Zones unless a particular Committee lawyer has been named and requested by one or more applicants. With the exception of one guided tour in an empty facility, journalists – including the pro-government media – have never been allowed to enter the Transit Zones.

Border control

Since 7 July 2016, people apprehended anywhere in Hungary without documents who are suspected of having entered the country illegally are “escorted” back to the other side of the border fence. According to Hungarian authorities, this is not considered a pushback, as the fence is built so that on its other side there is 5–10 metre strip of land which is still Hungarian territory. The border fence is patrolled 24/7 by the Hungarian army and police. As regular police officers were not sufficiently trained to perform this rather simple duty, in August 2016 the police force began to recruit and train so-called “Border Hunters”, a name that provoked a public controversy. The origin of the term is almost certainly the German Grenzjäger, which is equivalent to the Hungarian Határvadász. In German-speaking countries, however, the term Grenzjäger refers to border patrol units within the army; it is odd to use this term to refer to police units. Regardless of the name, the originally planned 3,500-strong force was never fully constituted due to a lack of qualified applicants, roughly half of whom were deemed unfit for physical and/or psychological reasons.

The frequent abuse of power and rampant violence perpetrated by Hungarian police officers against undocumented entrants can be considered a fact. Several human rights organisations have recorded testimony by refugees and migrants who became victims of humiliation, robbery and brutal and unjustified physical violence when entering Hungary illegally. The authorities initially denied these allegations, but later Interior Minister Sándor Pintér admitted that two police officers had been fired with immediate effect over illegitimate violence against illegal border crossers. Nevertheless, violence is still present in the border region. The total cost of the southern border fence and its protection in the past two years exceeds EUR 1 billion, according to official government figures.

The legality of Hungary’s migration policy

Hungary has been heavily criticised internationally for establishing and maintaining a refugee and asylum policy that is on the edge of legality. Most of the relevant measures implemented by the Orbán government over the past two-and-a-half years can be summarised as populist moves with two objectives: to discourage

¹¹ “Hungary: Migrants Abused at the Border”, Human Rights Watch, 13 July 2016, available online: <https://www.hrw.org/news/2016/07/13/hungary-migrants-abused-border>.



refugees and migrants from entering Hungary, and to send and continuously reinforce a message to voters (discussed below). Generally speaking, Hungary barely fulfils its legal obligations vis-à-vis persons seeking international protection. A further weakening of its standards for refugee protection, integration and the rights of protected persons would amount to a violation of Hungary's international obligations.¹²

In a judgment on 14 March 2017, the European Court of Human Rights ruled that Hungary had unlawfully detained two Pakistani nationals.¹³ Orbán's cabinet stated that they would comply with the judgment. The government also used the decision to further undermine Hungarian citizens' trust in European institutions, alleging that most if not all of these were under the influence of Hungarian-born philanthropist and investor George Soros, who has often been depicted as Orbán's archenemy in previous Hungarian political campaigns. An increasing number of EU member states are effectively replicating Orbán's policies, even while still denouncing them.¹⁴

The political use of migration policies

The Orbán cabinet's popularity dropped significantly in November 2014, largely due to a planned and later abandoned concept of levying a special tax on internet use. Following a few months of precipitance, the government launched a very explicit campaign against immigration – an issue which had not previously been part of mainstream government communication. Ahead of the first major wave of mostly Syrian refugees, thousands of blue “government information” billboards were erected throughout the country bearing messages such as: “If you come to Hungary, you have to obey our laws.” These messages were written only in Hungarian, and thus were clearly intended to target Hungarian voters rather than migrants, creating and fuelling xenophobic sentiment. This marked the beginning of an unprecedented and seemingly never-ending campaign. Three “national consultations” were held, in which the government sent out questionnaires with highly manipulative questions to all voters with return envelopes. There was also a referendum on 2 October 2016 with a single question: “Do you want to allow the European Union to mandate the resettlement of non-Hungarian citizens to Hungary without the approval of the National Assembly?” The latter turned out to be invalid, as less than 50 per cent of voters cast a valid ballot – this despite a government mobilisation campaign which ultimately cost more than the Brexit campaign in the United Kingdom.¹⁵ Viktor Orbán nevertheless characterised the referendum as “valid in the political sense”, and the government used and continues to use the (invalid) results – more than 98 per cent of those who cast a valid ballot voted “no” – as grounds for implementing further measures, including an unsuccessful amendment to Hungary's constitution.¹⁶

¹² “Commission follows up on infringement procedure against Hungary concerning its asylum law”, EC, Press Release, 17 May 2017, available online: http://europa.eu/rapid/press-release_IP-17-1285_en.htm.

¹³ “ECHR stops the deportation of eight children and one pregnant woman into the transit zone”, Hungarian Helsinki Committee, available online: <http://www.helsinki.hu/a-strasbourg-birosag-leallitotta-nyolc-gyerek-es>.

¹⁴ See for instance: “Orbán wins the migration argument”, *Politico*, 15 September 2017, available online: <https://www.politico.eu/article/viktor-orban-migration-eu-has-won-the-argument/>.

¹⁵ “Kvótamenekültenként több mint 7 évnvi ellátás árát költöttük gyűlöletkampányra”, available online: <https://atlatszo.hu/2016/09/30/kvotamenekulthenkent-tobb-mint-7-evnyi-ellatas-arat-koltottuk-gyuloletkampanyra/>.

¹⁶ The far-right opposition party Jobbik would have supported the amendment if it had also forbidden the sale of residency bonds to third-country nationals, but the governing Fidesz party did not include this clause in the planned legislation.



The 2015 crisis has been and continues to be instrumentalised in all spheres of the Hungarian political arena to achieve government goals. A disproportionately large amount of time and space is devoted to the issue in the public and pro-government private media: watching state television, one can easily get the impression that Hungary has no local problems, as a large portion of news broadcasts focus on coverage of migration-related issues in Western Europe, many of which are completely irrelevant to Hungary.

According to all opinion polls carried out in Hungary, xenophobia has been on the rise in recent years. Several small-scale local incidents have taken place, which are at least partly a result of the government's fearmongering. Individuals and organisations harbouring a pro-refugee attitude are derisively characterised as "foreign agents", "traitors", and "supporters of terrorism". The long-term social consequences of this unprecedented, large-scale mass manipulation are not yet visible, but unfortunately more and more Hungarians are becoming convinced that isolation is a desirable future for the country.



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