



Hungarian Helsinki Committee

## **Hungary: Recent legal amendments further destroy access to protection, April-June 2016**

**Brief information update by the Hungarian Helsinki Committee**

**15 June 2016**

Between April and June 2016, Hungary enacted legal amendments with a crucial detrimental impact on asylum-seekers and refugees, as the continuation of the politically motivated dismantling of the Hungarian asylum system started in 2015, aiming to deter people in need of international protection from seeking refuge in Hungary.

### ***Amendment of the Asylum Government Decree (in effect from 1 April 2016)***

- Termination of monthly cash allowance of free use for asylum-seekers (monthly HUF 7 125 / EUR 24);<sup>1</sup>
- Termination of school-enrolment benefit previously provided to child asylum-seekers.<sup>2</sup>

### ***Amendment of the Asylum Act (in effect from 1 June 2016)***

- Terminating the integration support scheme for recognised refugees and beneficiaries of subsidiary protection introduced in 2013, without replacing it with any alternative measure;<sup>3</sup>
- Introducing the mandatory and automatic revision of refugee status at minimum 3-year intervals following recognition or if an extradition request was issued (previously refugee status was not limited in time, yet it could be withdrawn any time);<sup>4</sup>
- Reducing the mandatory periodic review of the subsidiary protection status from 5 to 3-year intervals following recognition;<sup>5</sup>
- Reducing the maximum period of stay in open reception centres following the recognition of refugee status or subsidiary protection from 60 days to 30 days;<sup>6</sup>
- Decreasing the automatic eligibility period for basic health care services from 1 year to 6 months following the recognition of refugee status or subsidiary protection.<sup>7</sup>

As a consequence, refugees and beneficiaries of a subsidiary protection status are now obliged to move out from the reception centre where they are accommodated, already a month after the grant of their status, and will not receive any targeted support for their integration (financial benefits, housing allowance, language course, etc.). These provisions may immediately force the few who actually get international protection in Hungary to homelessness and destitution, thus fundamentally questioning the effectiveness of the protection status granted.

### ***Amended Asylum Act and Amended Act on State Border (adopted on 13 June 2016, pending signature by the President of the Parliament)***

Irregular migrants (regardless of whether or not they claim asylum) who are arrested within 8 km (5 miles) of either the Serbian-Hungarian or the Croatian-Hungarian border will be "escorted" by the police to the external side of the border fence, without assessing their protection needs or even registering them.<sup>8</sup> Thus Hungary has authorised the automatic push-back of persons potentially in need of international protection from the territory of Hungary to the border area of Hungary and Serbia, where they will have to queue for several days or even weeks in order to be admitted to one of the few "transit zones" established as part of the border fence. During this period, asylum-seekers have no access to support or basic services (not even to toilet facilities or shelter from rain and sun). Click [here](#) to see the Hungarian Helsinki Committee's recent report on the situation in these pre-transit zone areas.

<sup>1</sup> Former Section 22 of Government Decree 301/2007 (XI. 9.) on the implementation of Act LXXX of 2007 on Asylum, repelled by Section 8 (ab) of Government Decree 62/2016 (III. 31.)

<sup>2</sup> Former Section 30 of Government Decree 301/2007 (XI. 9.) on the implementation of Act LXXX of 2007 on Asylum, repelled by Section 8 (e) of Government Decree 62/2016 (III. 31.)

<sup>3</sup> Former Chapter VI/A of Act LXXX of 2007 on Asylum, repelled by Section 90 (c) of Act XXXIX of 2016 on the Amendment of Certain Acts on Migration and Related Acts

<sup>4</sup> Section 7/A of the amended Act LXXX of 2007 on Asylum

<sup>5</sup> Section 14 of the amended Act LXXX of 2007 on Asylum

<sup>6</sup> Section 32 (1) of the amended Act LXXX of 2007 on Asylum

<sup>7</sup> Section 32 (1a) of the amended Act LXXX of 2007 on Asylum

<sup>8</sup> Amended Section 71/A (1) of Act LXXX of 2007 on Asylum and newly added Section 5 (1a) of Act LXXXIX of 2016 on State Borders