



## Hungary: Update on Dublin Transfers

*Hungarian Helsinki Committee*

*Information update - 14 December 2016*

At least since November 2015, several representatives of the Hungarian government expressed the view that no Dublin transfers should take place from other Member States to Hungary as those who passed through Hungary must have entered the European Union for the first time in Greece. In line with this policy direction, the Office of Immigration and Nationality (OIN) attempted to resume Dublin transfers from Hungary to Greece in May 2016.<sup>1</sup>

In two cases of attempted Dublin returns to Greece, the Hungarian Helsinki Committee was successful in obtaining interim measures to halt the transfers. On 10 November, the European Court of Human Rights granted interim measures under its Rule 39 in the case of a torture-surviving Somali asylum-seeker and requested the Hungarian government to stop the transfer to Greece.<sup>2</sup> On 30 November, the European Court of Human Rights granted another Rule 39 request in the case of another Somali asylum-seeker, also a victim of torture, and indicated to the Hungarian government to halt the transfer to Greece.<sup>3</sup>

On 9 December, the United Nations Human Rights Committee granted a Rule 92 request in the case of a vulnerable Pakistani asylum-seeker, also represented by the HHC, and requested the Hungarian government to suspend the transfer to Bulgaria.<sup>4</sup>

Meanwhile, administrative authorities and courts at various levels in 15 EU Member States ruled against Dublin transfers to Hungary.<sup>5</sup> Although the reasons for such suspensions of Dublin returns to Hungary vary, the most often cited reasons include:

- the blanket application of the safe third country concept with regards to Serbia,
- consequently the risk of chain *refoulement*,
- systemic deficiencies in the asylum system.

From 1 January till 27 November 2016, **25 552** transfer requests had been communicated to Hungary from other Member States and in **474** cases asylum-seekers had been successfully transferred to Hungary.

Requesting MS	Number of Incoming Requests	Successful Transfers
Germany	11279	269
Switzerland	351	64
Slovakia	199	31
Austria	8734	23
Sweden	432	23

<sup>1</sup>ECRE Weekly Bulletin of 13 May 2016, available online here: <http://www.ecre.org/hungary-to-resume-transfers-of-asylum-seekers-under-dublin-regulation-to-greece-in-overall-climate-of-human-rights-repression/>

<sup>2</sup> M.S. v. Hungary, application no. 64194/16, 10.11.2016

<sup>3</sup> H.J. v. Hungary, application no. 70984/16, 30.11.2016

<sup>4</sup> UNHRC *B. v. Hungary*, Communication No. 2901/2016, 9.12.2016

<sup>5</sup> The detailed table is available online here: <http://www.helsinki.hu/wp-content/uploads/Summary-bans-Dublin-transfers.pdf>