



UNDER DESTRUCTION:

Dismantling Refugee Protection in Hungary in 2016

Information Note by the Hungarian Helsinki Committee

March 2017

The Hungarian government continued its harsh anti-refugee policies in 2016. The legislative and policy changes implemented during 2016 were all in line with the Hungarian government's aims and intentions to **dismantle the country's asylum system and deter people in need of international protection** from seeking refuge in Hungary. The most important developments in 2016 concerned four main areas:

- Curtailing access to the territory of Hungary and to the asylum procedure;
- Replacing permanent reception facilities with temporary shelters;
- The deterioration of procedural safeguards and
- The state's complete withdrawal from integration services provided to beneficiaries of international protection.

1. Summary of legislative changes

The Hungarian Asylum Act,¹ its implementing Asylum Government Decree,² as well as the State Border Act³ were amended in 2016. The most important changes are listed below in chronological order.

As of **1 April**:

- Termination of monthly cash allowance of free use to asylum-seekers (monthly HUF 7 125 / EUR 24);
- Termination of school-enrolment benefit previously provided to asylum-seekers.

As of **1 June**:

- Termination of the specific support scheme facilitating the integration of recognised refugees and beneficiaries of subsidiary protection;
- Introduction of a mandatory and automatic revision of refugee status at minimum 3-year intervals following recognition or if an extradition request was issued;
- Reduction from 5 to 3 years following recognition the mandatory interval for reviewing the status of beneficiaries of subsidiary protection;
- Reduction of the maximum period of stay in open reception centres following recognition as a beneficiary of international protection from 60 days to 30 days;
- Reduction of the automatic eligibility period for basic health care services following the recognition of an international protection status from 1 year to 6 months.

As a consequence, refugees and beneficiaries of subsidiary protection 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 receive international protection in Hungary to homelessness and destitution, thus fundamentally questioning the effectiveness of the protection status granted.

As of **1 July**:

- reduction of the period during which the family members of recognised refugees can apply for family reunification under preferential conditions from 6 to 3 months after the recognition of the sponsor's status.

As of **5 July**:

- The Hungarian police are obliged to automatically push back asylum-seekers who are apprehended within 8 km (5 miles) of either the Serbian-Hungarian or the Croatian-Hungarian border to the external side of the border fence. **Legalising push-backs from deep within Hungarian territory** denies asylum-seekers the right to seek international protection, in breach of relevant obligations emanating from international and EU law.

2. Limited access and abuse at the border

In 2016, a total of **29 432 asylum applications** were submitted in Hungary.⁴ The chart shows the growing trend of applications during the first half of the year and the sudden decrease in July brought by the legal amendments aiming to "legalise" the massive extrajudicial push-back of asylum-seekers, in force since 5 July.

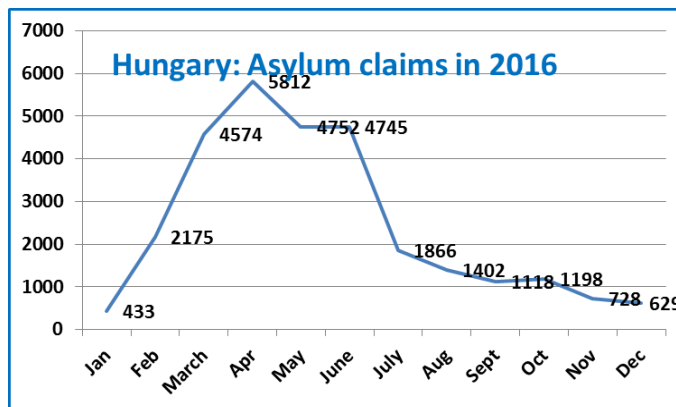
¹ [Act LXXX of 2007 on asylum](#)

² [Government Decree 301/2007 \(XI. 9.\) on the implementation of Act LXXX of 2007 on asylum](#)

³ [Act LXXXIX of 2007 on the state border](#)

In parallel with the newly introduced push-back regime, the **criminalisation of illegal entry** targeting asylum-seekers since the 15 September 2015 **ceased to be of relevance**. Between the 15 September 2015 and 10 July 2016 2 888 criminal procedures started at the Szeged Criminal Court under the amended Penal Code for illegally crossing the border fence. In 2 836 cases the decisions became final and **2 792 (over 98%) were found guilty** and received an expulsion order. **Between the 10 July and 31 December 2016 only 7 cases were tried** for “illegally crossing the border fence”.

Between March and the end of 2016, an ever-growing number of migrants continued to gather in the “**pre-transit areas**”.

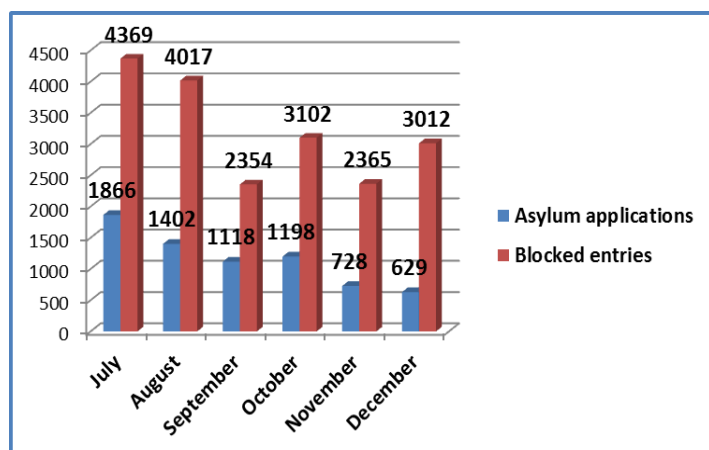


These are areas on Hungarian territory that are sealed off from the actual transit zones by fences in the direction of Serbia. Here, people waited in the hope of entering Hungary and accessing the asylum procedure in a lawful manner. Although the pre-transit areas are physically partly located on Hungarian soil, the **Hungarian authorities provided little to nothing to meet basic human needs or human rights**. People in the pre-transit areas waited in makeshift tents made of the blankets distributed by the UNHCR, which could provide some shade from the sun in the summer but did not protect them from the rain and cold. Since the winter of 2016, Serbian authorities try to provide shelter in Serbia for those waiting and asylum-seekers only travel to the pre-transit area when they are about to enter the transit zone.

The main source of frustration for those waiting in the pre-transit areas was **the unpredictable length of waiting and the arbitrary nature of the admission system**, based on a highly non-transparent waiting list managed by selected “community leaders”. The Hungarian asylum authority limited the number of asylum-seekers allowed to enter the transit zones to 10-10 in

November 2016, and then to 5-5 persons per zone per day on 23 January 2017. In consequence, **only 10 asylum-seekers are admitted to the transit zones (and thus to the asylum procedure) on each working day**, meaning 50 per week.

As a consequence of the legalisation extrajudicial push-backs (“8-km-rule”), between 5 July 2016 and 7 March 2017, **11 092 irregular migrants were pushed back from deep within Hungarian territory to external side of the border fence**, while in 14 957 cases irregular migrants were denied access while attempting to cross the border fence. These people were not only **denied the right to apply for international protection, despite most of them coming from war and terror-torn countries** such as Syria, Iraq or Afghanistan, but many of them were also **severely ill-treated by persons in uniforms**. The below chart illustrates the number of asylum applications submitted and the number of cases in which migrants were blocked from entering at the border



since 5 July thus prevented from applying for asylum.

Since the 5 July 2016, the HHC and other organisations working with migrants and refugees, including the UNHCR and Médecins Sans Frontières (MSF), received reports and documented **hundreds of individual cases of violence perpetrated against would-be asylum-seekers** on and around the Hungarian-Serbian border. Common to these accounts is the indiscriminate nature of the violence and the claim that the perpetrators wore uniforms consistent with the Hungarian police and military.

The HHC’s report **Pushed Back at the Door**⁵ summarizes these experiences of violent push-backs. The increasing and systematic pattern of violence

⁴ Source: official statistics of the Immigration and Asylum Office

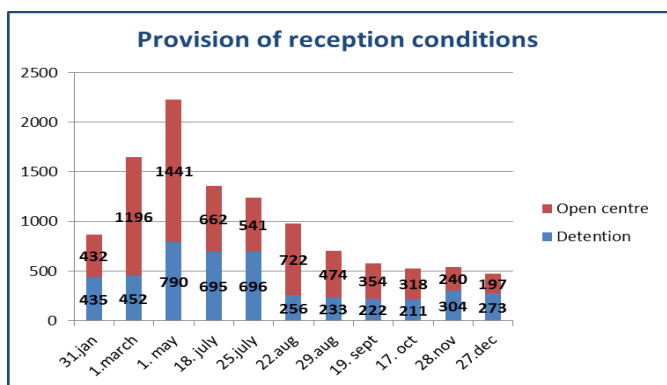
⁵ http://www.helsinki.hu/wp-content/uploads/pushed_back.pdf

against would-be asylum-seekers is further evidenced by reports released by Human Rights Watch and Amnesty International⁶. The doctors of MSF in Serbia treat injuries caused by Hungarian authorities on a daily basis. This shocking reality is evidenced by a set of video testimonies recorded by a Hungarian news portal on 24 August 2016 in English.⁷ A Frontex spokesperson has described the situation in an article of the French newspaper *Libération* on 18 September 2016 as “well-documented abuses on the Hungary-Serbia border”.⁸



3. Poor reception conditions

Following the trend set in 2015, when the asylum authority closed the Debrecen Reception Centre having the largest capacity, at the end of 2016 the Bicske Reception Centre was also closed. This facility was the best equipped reception centre and because of its proximity to the Budapest it provided more opportunities for asylum-seekers and refugees to start a new life; build new relationships and start their integration.



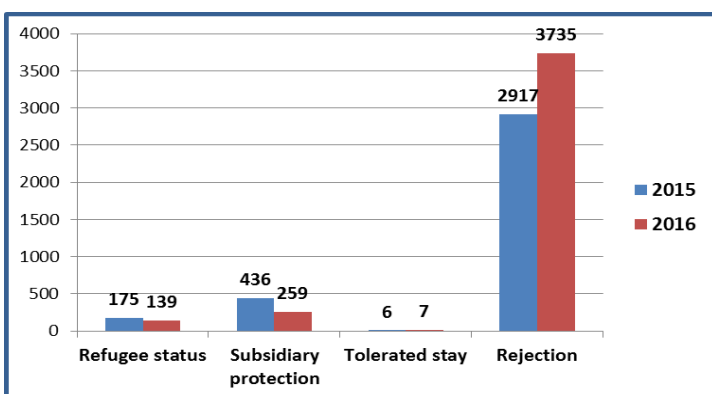
In parallel with the **closure of permanent asylum reception facilities**, a temporary container camp in Kiskunhalas opened, which used to be an asylum detention centre before. A **tent camp** opened in Körmend in May 2016. Both facilities exemplify **poorer reception conditions and fewer opportunities for integration**. In addition to that, the tent camp in Körmend proved to be inadequate during the cold the winter of 2016, since the tents were cold and dark. The asylum authority declined to move asylum-seekers from these inhuman conditions to other facilities with ample free capacity, despite repeated requests.

In 2016, **asylum-seekers were frequently detained**, meaning that the legal regime of **asylum detention was used far more frequently than as a “last resort”**. Asylum-seekers in detention frequently outnumbered by far those in an open facility.



3. Deteriorating safeguards

Already in 2015 Hungary was among the EU member states with the lowest recognition rate with only 14.6% of its decisions granting international protection. **The recognition rate in 2016 became even lower at 9%** - the lowest in the entire EU – granting only 405 asylum-seekers international protection. In 2016, Hungary **rejected 91% of Syrian, 87% of Iraqi and 94% of Afghan asylum claims**.



4. No contribution to integration

Since June 2016, the Hungarian state **has completely withdrawn from integration services** provided to beneficiaries of international protection, thus leaving recognised refugees and beneficiaries of subsidiary protection to **destitution and homelessness**. It is only non-governmental and religious charity organisations that provide the much needed services aimed at integration such as housing, assistance with finding an employment, learning Hungarian language or family reunification.

⁶ HRW’s reports are available here: <https://www.hrw.org/news/2016/07/13/hungary-migrants-abused-border> and <https://www.hrw.org/news/2016/09/20/hungary-failing-protect-vulnerable-refugees>

⁷ http://hvg.hu/itthon/20160824_roszke_horgos_tompa_szerbia_hatar_menekultek_sor_embercsempesz_video_eroszak

⁸ http://www.liberation.fr/planete/2016/09/18/a-la-frontiere-serbe-frontex-s-embourbe-dans-la-galere-hongroise_1501920