

## Migration in Hungary

Hungary's immigration policy focuses on the fight against illegal migration, but an explicit overall migration strategy is blatantly lacking.

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Hungary is a country of about 10 million inhabitants. It has been open to international migration since the systemic change in 1989. Hungary's immigration policy has been largely shaped by European integration, i.e., the harmonisation process and the transposition of European Union directives, the Schengen Acquis, the Hague Programme, and other EU policies and legal provisions. Policies on entry, exit and stay of third country citizens, on border management, labour regulations for foreigners, asylum, family reunion and respect for the human rights of migrants are fully harmonised with the respective international conventions and with the Acquis Communautaire of the EU. On 21 December 2007, Hungary joined the Schengen Area and Hungarian legal rules now include the Schengen legal provisions. As regards the expulsion of irregular migrants, alien policing authorities are governed by multilateral agreements between the EU and third countries and by bilateral readmission agreements.

While there have been some positive developments in the areas of detention and access to labour markets, the Reception Directive has not yet been fully transposed into national legislation. As a result, many current provisions of the Asylum Act still do not meet the required minimum standards of the EU Directive.

In addition, due to the broad formulation of this and other EU directives, the few amendments that have been made by the Hungarian Parliament so far have not significantly improved the lives of asylum seekers and refugees residing in Hungary.

### Features of international migration in Hungary

The proportion of legal immigrants living in Hungary is relatively low compared to other European countries. At the end of 2007, there were 166,693 foreign citizens (1.6% of the total population) living in Hungary with either a residence or immigration permit for a period exceeding three months. Two-thirds of foreign citizens living legally in Hungary are from neighbouring countries and are mostly ethnic Hungarians (i.e., people of Hungarian origin, who are considered part of the broader Hungarian nation); approximately 12 per cent arrived from Asian countries (of which 8% are from China and Vietnam); and 12 per cent have citizenship of the

EU-15 countries. Since 2000, the annual number of people obtaining Hungarian citizenship has varied from 3,000 to 10,000, a group still dominated by ethnic Hungarians.

The number of foreign citizens immigrating to Hungary has varied from 20,000 to 23,000 since 2000. The majority of these migrants come from Romania, Serbia, Montenegro and the Ukraine. The number of asylum seekers arriving in Hungary has been changing year by year; the peak was in 2001 (9,554 persons), the lowest number of applicants was in 2004 (1,600 persons). In 2007, the number of asylum seekers went up to 3,419, and the top 5 countries of origin for asylum applicants were Vietnam, Serbia, China, Montenegro and Iraq. Last year, Serbians and Montenegrins represented more than half of the asylum applicants.

Immigration to Hungary from countries in Central and Eastern Europe, and from China and Vietnam is primarily labour migration, often based on seasonal or temporary employment or on business. On the other hand, immigration to Hungary from poverty stricken or war torn developing countries is mainly transit migration.

Irregular migration basically involves either transiting through Hungary without proper documents, illegal residing in Hungary, or the engagement by non-EU citizens in unlawful employment, typically of the seasonal or temporary kind. Of these, the main form of irregular migration is for transit purposes, but certain groups of irregular migrants do settle in Hungary.

Hungary's policy on irregular migration is shaped by the country's EU membership and by the fact that Hungary is in the Schengen Zone. In 2007, besides 166,600 legal migrants residing in the country, the estimated number of irregular migrants was between 30,000 and 50,000. According to expert estimates, about half of these irregular migrants are citizens of China, and the rest are distributed (in decreasing order of magnitude) between Vietnamese, Ukrainian,

Serbian (including Kosovo Albanians), African and other Asian immigrants. It is assumed that among the migrants with resident permits, the proportion of men is very high (it may even reach up to 80%) and that 90 to 95 per cent of the total are aged 20 to 59. Between 2000 and 2006, altogether 31,450 asylum seekers submitted applications for recognition of their status. The overwhelming majority of asylum applicants had arrived illegally into Hungarian territory.

### From illegal to legal status

The largest flow of irregular migrants to Hungary is constituted by people who arrive legally, but extend their stay beyond the permitted time limits (i.e., 'overstayers'). No reliable estimate exists for the number of overstayers.

The number of 'border violations' peaked in the mid-1990s, with 27,000 to 30,000 border apprehensions of migrants. Since then, a significant and constantly decreasing tendency has been observed, resulting in an annual figure of around 8,000 to 10,000 people detected crossing the border illegally. Nowadays, compared to other neighbouring EU member countries, irregular border crossings into Hungary are insignificant. In 2007, migrants entering Hungary illegally and being apprehended at the borders arrived from the following countries (in decreasing order of number of apprehensions): Ukraine, Serbia (Kosovo region), Moldova, Romania, Turkey, China, Georgia, Bosnia Herzegovina and Vietnam. In the same year, the overwhelming majority of migrants entering Hungary illegally and being apprehended at the border were caught at official border crossing points located on roads. Somewhat less frequent were arrivals through the green borders (i.e., unguarded borders, in German *grüne Grenze*). A very small number of apprehended illegal migrants arrived by air.

Most irregular migrants attempt to legalise their residence with the help of various strategies. For most illegal migrants apprehended by the authori-

**Table 1: Balance of asylum seekers arriving in Hungary by year of entry and according to mode of entry**

Asylum seekers	2001	2002	2003	2004	2005	2006	2007	2008*
Total number	9,554	6,412	2,401	1,600	1,609	2,117	3,419	3,118
Entered legally	1,435	684	558	454	569	586	595	239
Entered illegally	8,119	5,728	1,843	1,146	1,040	1,531	2,824	2,879
Refugee status granted	174	104	178	149	97	99	169	n.a.

NOTE: \*complete data not available for 2008

Source: Hungarian Central Statistical Office, Budapest (2008) and Office of Immigration and Nationality, Budapest (2009)

ties, entering the asylum process is the main way of legalising their stay in Hungary. In 1999, there were 11,500 asylum applications, with 5,100 submitted by citizens of the countries of former Yugoslavia and 6,000 by non-European citizens. Since then, there have been hardly any European applicants. In 2002, European asylum applicants amounted to only 7 per cent of all applicants. In recent years, the majority of asylum seekers have arrived from Asian countries such as Iraq and Afghanistan.

Marriage with a Hungarian citizen or with a citizen of another European Economic Area (EEA) country may lead to the legalisation of the status of an illegal migrant. Alternatively, since 2007, migrants are entitled to residence if a child is born of whom the migrant is the parent and the child is a Hungarian citizen or the citizen of another EEA country.

Hungarian authorities have initiated only one regularisation campaign. Law No. 29 of 2004 has introduced various modifications to existing Hungarian regulations. As a result of disseminating the regularisation offer among the relevant communities, altogether 1,406 people presented themselves to the alien police, of whom more than 60 per cent were Chinese or Vietnamese citizens.

In 2007, 3,419 people arrived in Hungary and submitted applications for refugee status. Out of these, 82 per cent arrived illegally, i.e., by crossing the border without documents or by overstaying. However, during the administrative process of determining their eligibility for refugee status, these people count as legal migrants. The majority of migrants who enter the country illegally only transit through Hungary on their way to other West European countries.

### Conditions in reception facilities

According to the old Alien Act of 2001 on the Entry and Stay of Foreigners, persons who entered Hungary illegally and did not apply for asylum, or who were 'returned' from neighbouring countries within the framework of readmission agreements, could be detained in Border Guard Community Shelters. If such persons applied for asylum while in the shelters, they were given access to the refugee status determination procedure, but remained in confinement. Only the most vulnerable cases had access to open Refugee Reception Centres. The new Aliens Act of 2007 no longer provides for the deportation of illegal border-crossers on the basis of readmission agreements, which was ordered without a written administrative decision under the previous Aliens Act. According to the new Act, deportation may be ordered only by the decision of the immigration authority or of the court, and the period of detention has been decreased from one year to six months, including the period of detention prior to expulsion. Under the new Act, the third-country national now has the opportunity to lodge an appeal against the decision, but asylum-seekers may be detained during the period of their administrative procedure.

During a monitoring mission of the Hungarian Helsinki Committee and United Nations High Commission for Refugees (UNHCR) to several reception and detention facilities in October 2006, many asylum seekers complained about both the quantity and the quality of the meals provided, as well as about cultural and religious sensitivity, and the lack of information available about both the asylum procedure and reception conditions, including health care, access to the labour market and education. One area of concern is health care provided to mentally ill persons and victims of torture, both in detention and reception facilities. Another problem is with the individualised assessment of the asylum seeker's personal circumstances when ordering or maintaining detention, and the lack of documentation and information on the legal process provided in such facilities. Detention conditions, as well as the high security prison regime in some detention facilities, also pose a grave problem.

Although detention conditions have improved in the past few years, they vary among facilities. The detention centre of Nyírbátor at the Ukrainian border, for example, has a regime stricter than that of a high security prison. In other facilities such as in Győr, the building accommodating asylum seekers and other foreigners is unsuitable for housing people. Material conditions also vary according to the facility. While the Bicske reception centre used to be a housing complex for road workers and is considered an adequate reception facility, the Debrecen reception centre served as military barracks for the Soviet Army and the conditions have not changed much since their departure.

### Immigration policy and debates in Hungary

The battle against illegal migration is an important pillar of Hungary's migration policy, based on EU policies and directives. Political discourse about illegal migration is strongly influenced by the official communications of the Office of Immigration and Nationality (OIN) and the Border Guard, which has recently been merged with the Police. Discourses about illegal migration arise mainly in connection with criminal policy (e.g., the fight against human smuggling and trafficking), security policy (e.g., measures taken against document falsification) and the protection of human rights (e.g., the right to family reunion). There is a lack of public debate about an overall migration strategy that considers the full scope of the social, economic and political interdependencies of the migration phenomenon. In addition, there is a rising xenophobic and nationalistic tendency among Hungarians, which is clearly seen if we look at the results of the latest EU parliamentary elections (the far-Right party, Jobbik, received almost 15% of the votes). The Right-wing media is against non-Hungarian migrants and sympathises only with ethnic Hungarians. Despite its shrinking population, which creates shortages in the national labour market, Hungary's migration policy is mainly

characterised by solidarity with Hungarian communities in neighbouring countries (diaspora politics).

Critics of the official migration policy often point out that the implementation of Hungarian migration policy is characterised by short-term, security-oriented treatment of the issue through defensive measures against non-Hungarian migrants, border control and residency rules, without a proper explicit overall migration strategy. ■

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