



Borders and the mobility of migrants in Hungary

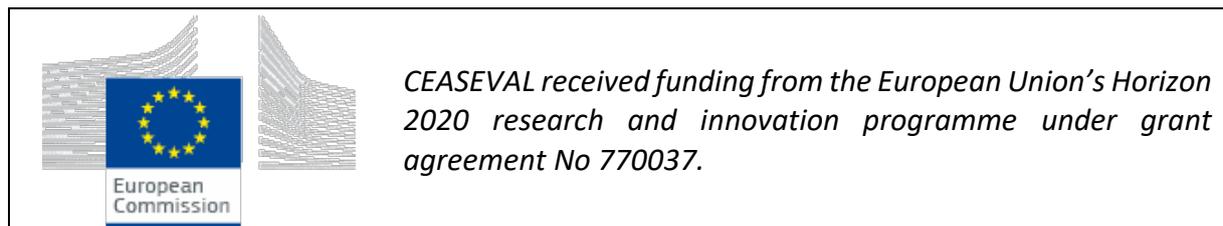
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Abstract

The aim of the Hungarian case study was to analyze the functioning of EU borders in the governance of migrants' mobility. The fieldwork was carried out between May and December 2018.

Legislation, public administration and support system for refugees has changed significantly in Hungary since autumn 2015. Access to international protection has become more and more restrictive, and the amendments adopted in the past three years make sure that refugees have almost no chance of gaining access to protection. According to the government, solidarity is limited to the construction of the fence that would protect the borders, sovereignty and wellbeing of Hungary.

Border agents agree with the fence, they consider it both an effective physical defender and a symbolic measure of Hungary's effort to defend Europe.

The experiences on reception and bordering practices depend on the year of the arrival. The milestone year is 2015: those arrived a few years before usually crossed the green border illegally to Hungary and have been sent to closed and later to open camps. Those arrived during the times of open borders in 2015 recall a rather smooth border crossing, and have also rather positive experiences with border officials and police. Those arrived after the tightening of the Hungarian-Serbian/Croatian border in late 2015 experienced much harsher treatment and have worse memories on the reception upon arrival. Migrants who arrived in the past year, talk about bad conditions of the bordering practices, especially those which take place in the completely sealed transit zones.

Only a few migrants in our sample arrived intentionally to Hungary, and quite many interviewees have left Hungary after they received refugee status (but returned later mainly due to legal reasons). Their aims were either to visit friends (also migrants) or to work and live (illegally) in other Western or Northern European countries.

Keywords: refugee crisis, Hungary

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1. Introduction

1.1. How does this report relate to the broader WP and CEASEVAL project?

The aim of the Hungarian case study is to analyze the functioning of EU borders in the governance of migrants' mobility. It will focus on how bordering processes are implemented when confronted with the mobility of migrants at such different stages as the „Hot Autumn of 2015“ when the refugee crisis culminated in Hungary and since then when practically all refugee movements ceased to exist but an (over)politicized form of (im)migration/relocation discourse is still very active.

1.2. Context and research questions

Our aim is limited in the sense that we do not claim to give a concise overview of the intertwined legal, economic, social and political processes. In the following paragraphs we only outline the main features of the context (based on Bognár et al, 2019, Juhász et al, 2017, Juhász-Molnár, 2016), and in the subsequent chapters describe (but do not interpret in detail) the results of the qualitative research.

Since 2010, a right-wing/nationalist coalition of Fidesz and the KDNP (a tiny Christian Democratic party) has been in power, and since April 2018 it has had a two-thirds majority in parliament. The Hungarian government, led by Viktor Orbán, has been restructuring the country's democratic institutions (including the media, the electoral system, the Constitutional Court, the system of ombudspersons), in order to turn Hungary into what Prime Minister Viktor Orbán calls an 'illiberal democracy'. Increasing government control over more and more segments of society has been complemented by strong government narratives to reinterpret Hungary's past and present, and to reset Hungary's geopolitical (and foreign trade) relationships shifted from the West towards the East in general. The most significant feature of the official discourse is the combination of strong anti-EU rhetoric, indirect xenophobic and ethnocentric statements.

As a result of these propaganda actions xenophobia has increased in Hungary since the early 2010s, and a rapidly growing new trend emerged in 2015 and it is still rising. The level of intolerance in Hungary has always been comparatively high in international terms as well and in 2015 unlike in other EU countries a rapid and steadily increasing trend has emerged.

True that Hungary has never experienced a refugee flow on the scale as in 2015. But Hungary has not become a host country during the refugee crisis, it has functioned as an interim station along an already established migration route leading to Western Europe. By now, the building of the fence at the Serbian and Croatian border, the hindering of the civil society, the closing of the refugee reception centers, the destruction of the welfare and legal basis of any pro-migration institution that provides

almost no integration support for asylum-seekers made Hungary practically a closed country for asylum seekers.

1.3. Methodological considerations

The fieldwork was carried out between May and December 2018. Since we expected difficulties with both the interviewing and the non-participant observation based anthropological exercise, we tried to do the interviews with the experts in combination with the task for WP2 and WP6 of CEASEVAL.

It turned out that we underestimated the difficulties in both cases. As to the interviews, we approached all the relevant organizations directly (i.e. using an official enquiry letter asking for permission to interview their employees) or indirectly (i.e. we approached our acquaintances working in these offices to ask permission to meet and talk with us), but either rejection or (more often) lack of any reaction have occurred. Border agents, the precious few who were ready to meet us, although most of them were interviewed anonymously, provided an overview on the bordering practices with opinion and arguments that was very carefully adjusted to the “official opinion”. Finally, we managed to make eleven interviews with migrants and nine interviews with experts (see the details in the Annex).

As to the anthropological exercise, since in Hungary there is a martial law (see later in section 2.3.5) which rules out any visit along the borders, we did not have a chance to do non-participatory fieldwork at all. We used the results of previous anthropological analyzes as well as fieldwork reports written by journalists who disguised themselves as refugees, and incorporated these information wherever seemed to have a value added to the interviews.

2. The legal national framework for the bordering of asylum-seekers and refugees

2.1. Introduction of the chapter

This chapter is divided into five parts. The first one presents the relevant regulations on national border and asylum / refugee issues, including the legal and administrative frameworks for border law on fence, illegal entry and martial law. In the second major unit, we focus on the reception and the general procedure of asylum seekers, including the relationship between the Dublin system and the Schengen regime, and support for applicants and refugees. In a separate section, the role of NGOs and the Ombudsman playing in legal protection and monitoring is described. Finally, we draw some general conclusions from the changes in the Hungarian asylum legislation, facts and asylum policy.

2.2. General context

In order to understand what changes the mass refugee influx caused in Hungary, it should be briefly outlined what the asylum administration and statistics were before the summer and autumn of 2015. Moreover, between 2015 and 2018 there have been many changes in asylum regulation, administration and politics in Hungary as well.

2.3. National border and asylum law in the administrative frames

2.3.1. General features of regulation

The national regulation on asylum and refugee issues contains dozens of laws and government decrees, and the multi-layered nature of regulation includes a multitude of sectoral and even local (municipal) decrees. From these we outline only the most important legal sources:

- The Fundamental Law (the equivalent of the former Constitution) had already strictly regulated asylum before 2015, but with passing the Seventh Amendment, from the summer of 2018, it has made almost impossible to recognize refugees. Although the non-refoulement principle and the ban on group expulsion are now included, the Fundamental Law excludes recognition as a refugee if the applicant has arrived in Hungary through a safe country or there is another country where the applicant would be protected. Furthermore, the Seventh Amendment has reintroduced the requirement that asylum act can only be passed by a qualified (two-thirds) majority, as is the act on third-country nationals' entry and residence in the country, while it prohibits the group/mass admission (relocation/resettlement) of migrants.¹

- Act on Asylum was amended fifteen times between 2014 and 2019, and its implementing rules on the asylum procedure and the main rights of applicants² were modified fourteen times during the same period. From 2015, the tightening of the law aimed at narrowing procedural guarantees and reception conditions. The other direction of the change was the introduction of extraordinary measures for the terrorists' threat attributed to refugees, which was inserted into the Act in the summer of 2015 due to a single incident, bounded by the closure of the border for refugees. The third aim of the amendments was to reduce the support for the integration of recognized refugees.

1
(28 June 2018)

Art. XIV of the Fundamental Law (25 April 2011) and its Seventh Amendment

2

Act LXXX of 2007 and Government Decree No.301 of 2007, Nov 9

- The State Border Act was amended at least seven times between 2015 and 2019, referring to the refugee wave and the migration crisis, which created a new regime that includes border surveillance, control and the placement of equipment for these purposes using private properties, the fence that hinders the entry of migrants, and transit zones with transitory camps. It constitutes a serious restriction on the right to property of real estate in the border area, the right to freedom of movement and access to the protection/territory of the country. Police and military units performing their control, monitoring and authorization tasks are subject to the Schengen Border Code (Regulation 2016/399/EU) and the Police Act, as well as the laws and Government Decree deciding the third-country national's entry and stay in the country, including refusal of entry, capturing irregular migrants and escorting them to the gate of the fence.³

- Hungary is a party to all the rules contained in the EU acquis, including the most relevant international duties and the entire Schengen system (no opt-out) from 2007 onwards. Some of the most important international conventions on asylum and police activities (border control, interception, identity, expulsion) are specifically mentioned in the national law implemented by public servants/officials.⁴ These references are important because the Hungarian legal system is dualistic, so the international treaties must be published as law and the necessary implementing rules must be drawn up, which are often formal and incomplete. In this way the law enforcement officials apply them less than detailed national rules.

Further relevant components of the Hungarian asylum policy and regulation are as follows:

- Change in legal regulation and administrative reorganization is almost perpetual. The overall aim of this instability is to strengthen migration control, to maximize securitization and tighten refugee rules preventing Hungary to become a destination/immigration country. All these changes were meant to make the legal basis of the refugee and migration movement more and more restrictive irrespective of the fact that such changes are not justified by asylum statistics.

- The reluctant transposition of the Directives on asylum/refugees into the Hungarian law provides only the obligatory minimum in the procedural and support conditions for applicants/refugees.

3 Act LXXXIX of 2007 together with Act XXXIV of 1994, Act II of 2007 and Government Decree No.114 of 2007, May 24.

4 These are as follows: (a) The 1951 Geneva Convention and the 1967 Protocol; (b) CAT and Optional Protocol on Prevention of Torture; the Ombudsman is responsible for national prevention authority tasks of the OPCAT; (c) Convention on Prevention of Torture together with comments made by the CPT; the Independent Committee of the Council of Europe on the Prevention of Torture at least three times visited the institutions dealing with refugees and border entrants in Hungary; (d) the 1950 ECHR and Protocols (with the exception of the ratification of Protocol No 12, which generally prohibits discrimination in state measures); the ECtHR for many individual complaints has stated that Hungary has violated the ECHR among asylum seekers (Art.3, Art. 5, Art.8, Art.13); (e) Charter of Fundamental Rights of the EU (2000); (f) the 1953 UN Convention on the Status of Stateless Persons; there is a specific national procedure of the recognition of the status of stateless persons (in the Act II of 2007 and the Government Decree No.114 of 2007, May 24); (g) The 1989 UN Convention on the Rights of the Child, and its Protocols; its national implementation rules in the Child Protection Act (Act XXXI of 2007 and Government Decree No 149 of 2007, Sept. 10) and the rules on asylum are interrelated, in particular in the protection of unaccompanied minors. Furthermore, there are some other relevant but rarely used references: (h) the 1959 Convention on the Abolition of the Visa Requirements for Refugees; (i) the 1996 Revised European Social Charter; (j) the 2005 Prüm Agreement on counter-terrorism and reciprocal access to DNA data; (k) the 2005 Convention on Action against Trafficking in Human Beings and comments made by the Group of Experts (GRETA); (l) the 2000 UN Convention against Transnational Organized Crime.

- Equal treatment (in restrictions of admission/international protection) for migrants has not been implemented because the regulation contains specific preferences. For decades, *ethnic-based* inclusion has appeared in regulation and in practice, so there have been a high number of ethnic Hungarians mainly deriving from the adjacent states among the recognized/protected persons, long-term migrants and naturalized people without proper security check (Tóth, 2017)⁵. In 2018, the resettlement of a few hundred refugees(returnees?) of Hungarian descent started from Venezuela⁶. *Business-driven* admission from China and Russia was introduced through the purchase of treasury bonds that provided the long-term residence/settlement permit and free movement in the Schengen area for about 20 000 persons⁷. *Religious-based* admission for persecuted Christians means unspecified state managed relief programs for an unknown number of people.⁸

- The rules on asylum and border law, including those contained in the EU acquis and international conventions, are not fully applied by the proceeding authority⁹. This is sometimes explained by a lack of capacity, and sometimes by the political intentions of the government. For example, non-regular arrivals are not identified and registered by the police, they are transported by buses to the Austrian border (Debreczeni, 2017), police do not provide redress against refusal at the border, do not provide food to some of the applicants in the transit zone, or do not apply the international protocol for determining the unaccompanied minor's age. At the same time, official communications deny that police or other authorities/Hungary do not comply with all the laws and the principle of solidarity (Vit-Tóth, 2018).

2.3.2. Borders and fence

Hungary is bordered by seven states, three of which are part of the Schengen regime (AT, SK, SL), two are not yet (CR, RO), and two border areas are considered to be the EU's external borders (Ukraine

5 Among the recognized refugees in 1989-1991 there was a high rate of ethnic Hungarians. In particular, since 2011 due to the modified Act on Hungarian Citizenship (Act LV of 1993) some 1 million ethnic Hungarians have been newly naturalized persons acquired Hungarian/Union citizenship while retaining their first nationality (Serbian, Ukrainian, Russian, etc.)

6 300 people received air tickets, accommodation and support in Hungary for one year through the Maltese Charity Service, which is financed from the state budget

https://hvg.hu/itthon/20190221_Venezuelai_menekultek_szazait_fogadta_be_titokban_a_magyar_kormany

7 Favorable conditions for the purchase of a long-term residence bond for business entrepreneurs were applicable between 2013 and 2017: permanent residence permits were granted (and then its holder can be naturalized) due to the amendment of the Act II of 2007. Mainly Chinese and Russian citizens with family members bought 250,000 EUR and then 300,000 EUR treasury-bond that will be repaid in 5 years with commission.

8 A state secretariat for the Persecuted Christians inside the PM's Office was established in 2015 providing a safe haven in Hungary (e.g. for refugees from Ethiopia, Egypt or Syria) or to support in their home countries (eg the renovation of churches in Mexico for EUR 6250,000). The management of this relief is provided by a GonGo (Hungary Helps Program, in 2018 it means 21.2 million EUR with budget support). <https://444.hu/2018/10/16/47-milliarddal-tamogatta-a-kormany-az-uldozott-keresztenyeket-szerte-a-vilagban>

9 For example, on September 4, 2015, the mass of refugees started off the Austrian border on the M1 motorway. Due to traffic barriers, the police finally sent buses for them and transported them to the Austrian crossing without any registration (Hegyeshalom). Since the Serbian-Hungarian border was closed on September 15, restrictive measures were introduced in the southern counties, referring to the crisis of mass immigration, and the Croatian authorities moved from the Serbian border to Croatia by buses to the Hungarian border and the Hungarian authorities registered and checked. They were taken to the Austrian border without any further.

and Serbia). Consequently, at the state border, entry, check-in and asylum applications vary from sector to sector.

Compared to the millions of border crossings, the border police measures ordered against the irregular third-country nationals is marginal. (Table 1) In 2018 about 23% of police measures at the state border was preventing entry of migrants, with about 62% of the apprehended migrant were escorted to the fence gate, while the rest includes arresting and starting (criminal or alien policing) procedure against migrants¹⁰. From this we can conclude that the fence is in fact a deterrent, i.e. to make sure that potential migrants would choose another route and/or smugglers.

1. Table: The number of illegal border crossing¹¹

	2016	2017
Budapest and airport	108	98
Ukrainian border	4 132	4 369
Serbian border	21 231	7 829
Romanian border	6 122	6 165
Inside the country	4 391	1 113
Total	36 517	20 009

On June 2015, the Government decided to close the green border on the Hungarian-Serbian section, so that immigrants would use the legal entry points¹², on a length of about 175 km. On January 19, 2016, the Hungarian Foreign Minister declared that Hungary is ready to build the southern technical border on the Romanian-Hungarian border, should the route of migrants change to Romania instead of Croatia¹³.

From March 28, 2017, on the basis of the amendments to the law passed by the Parliament, the further tightened legal border regime entered into force: asylum seekers staying around the Hungarian border shall remain in the designated place otherwise they commit a minor offense. Its aim is that no one can enter and stay illegally in Hungary. In a decision on June 29, 2017, the government ordered the deployment of the intelligent signaling system at the Hungarian-Serbian border with a nominal voltage of 900.

The opposing attitudes of the EU and the Hungarian authorities are demonstrated by the following debate lucidly. “We support border protection measures at the EU's external borders. This can be the development of the monitoring system, it may be the development of the border control system. ... but we do not finance fences” said the Deputy Spokesperson for the European Commission when the Hungarian Prime Minister asked the President of the EU Commission in a letter, referring to European solidarity, to pay half of the costs of the border fence, pointing out that Italy and Greece were receiving support in return for protecting their borders. “Solidarity is a two-way street, and every Member State

10 Source: http://www.police.hu/hu/hirek-es-informaciok/hatarinfo/illegalis-migracio-alakulasa?weekly_migration_created%5Bmin%5D=2018-01-01+00%3A00%3A00&weekly_migration_created%5Bmax%5D=2019-01-01+00%3A00%3A00

11 Source: <http://www.police.hu>

12 Government Resolution No. 1401 of 2015, June 17

13 Than, Krisztina and Pawlak, Justyna (January 19, 2016 , Reuters): Hungary ready to erect anti-migrant fence on Romanian border

must take part in the burden. It's not like an a la carte menu that we ask for what we want" – the Deputy Spokesperson argued¹⁴.

2.3.3. The structure of asylum and migration administration

The Office of Immigration and Asylum Office started its operation as a central authority on January 1, 2000, within the framework of the Ministry of the Interior. The organization of the Office has been expanded since 2002 with seven regional units. These directorates and 24 branch offices receive a significant number of foreign clients (1.2 million applicants per year). The Office is responsible for authorizing, registering for aliens, EU citizens and third-country nationals entering the country, as well as for deciding on asylum applications¹⁵. The Office is also responsible for expulsion, deportation or repatriation for foreigners who are illegally staying or violating the legal rules in Hungary, and for providing humanitarian assistance for returning home.

The Office operates open refugee reception centers in two settlements (Kiskunhalas, Vámosszabadi), closed and guarded refugee reception centers in two towns (Békéscsaba, Nyírbátor) and it maintains one community guarded shelter (Balassagyarmat) for accommodating foreigners in need of alien policing procedure up to their removal. These are basically closed, prison-type and strictly controlled institutions, along with border police barracks/transitory camps at Budapest airport, and at the Serbian border in Röszke and Tompa. They provide lodging, meals and minimal health care. The Office provides benefits and support to recognized refugees living in Hungary for a limited period (30 days).

The Office carries out the controlling of migration to Hungary in close cooperation with the police (which includes the border guards as well) and with civil and military national security services. It cooperates in visa administration with the Ministry of Foreign Affairs, in students' migration issues with educational institutions, in labor migration issues with labor centers, and with professional representation bodies in investor affairs, as well as with the UNHCR Regional Representation and the International Organization for Migration (its national unit).

Over the past six years, the Office has spent around EUR 10 million on EU funding for reception, integration and combating illegal migration¹⁶ while the Office received about 26-30 million EUR annually for its operation. Within these annual funds the amount of aid paid directly to applicants and recognized refugees was a few percent, most of the expenditure is linked to the operation and control of the Office.

2.3.4. Penal Code in the context of entry and residence

To fight mass and irregular migration the legislation was used by developing various punitive legal instruments. Modification of the Penal Code¹⁷ aims to secure the state border by draconian legal means valid only alongside the fence since October 2015.

14 Source of the debate: Reuters, 1 Sept 2017

15 An application for asylum may be challenged on grounds of inadmissibility or a refusal under an accelerated procedure or a refusal of recognition on the merits. The court only monitors compliance with the law and cannot change the decision of the Office, but it can only order the repetition of the administrative procedure.

16 Source: http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=390&Itemid=459&lang=hu

17 Act CXL of 2015 modified the Act C of 2012

In the event of unlawful crossing the border/fence (Art.352/A), damage to the fence (Art. 352/B), and the obstruction the building work of the boundary fence (Art. 352/C) became new offences with imprisonment (for 3-20 years) together with mandatory expulsion from Hungary. Furthermore, helping illegal/irregular migrants is also punishable because it is a form of assisting and supporting illegal immigration (Art. 353/A). If an individual or an NGO provide information for asylum seekers with unfunded claims or observe the border zone, it may be sentenced to imprisonment for one year¹⁸. These new rules extend the already existing penal provisions on human trafficking (Art. 353), the facilitation of the illegal stay of foreigners (Art.354), the abusive establishment of family relationships aimed at legalizing the stay (Art. 355) and the unlawful employment of foreigners (Art. 356).

To sum up, it has a different legal consequence if someone crosses the Serbian border irregularly or any other border section of Hungary. In the former case the offender commits a criminal offense, while in the latter only commits an administrative offense.

2.3.5. Martial law due to the mass influx

The martial law as a reaction on the crisis of mass migration was introduced in 2015 by an amendment to the Asylum Act. According to the reasoning of the law, “it leads to a deviation from the general rules of the legal system.” For the first time, the Government ordered it for six months from September 2015, only in some southern counties of Hungary. In March 2016, it was ordered for the entire country, for a period of six months, which was extended for another six months, most recently on February 22, 2019, so that the martial law of mass migration will be maintained until September 2019. However, there was no statutory condition for maintaining the crisis¹⁹ but migration martial law can be ordered if the public security of a settlement is directly at risk due to migration-related circumstances.

During martial law various measures may be taken, for example (a) the property/real estate may be used for six months by the police for its border surveillance and control tasks; (b) the administrative authorization procedure for the construction, installation and operation of facilities for the accommodation and detention places of migrants may be omitted; (c) the police may block the public routes, the public area from traffic, restrict traffic and operation of institutions, close buildings and enter a private home with written warrant in order to check, observe and secure the site²⁰; (d) the army has the right to use arms in the surveillance of the state border and to participate in the implementation of measures ensuring the state border²¹.

2.4. Asylum seekers’ admission, proceedings and assistance

2.4.1. Applicants and their chances

The decision on the foreigner at the external border would be: admission (if all conditions are met), refusal of the entry, waiting (family member of an EU citizen as long as he receives the missing document electronically) or staying in transit/transitory camp as international protection seeker and

18 Act VI of 2018 modified the Act C of 2012

19 Mass influx is considered to be a crisis situation if the number of asylum seekers arriving in Hungary is 500 persons per day on average or 750 persons per day on average over two consecutive weeks, or 800 persons per day on average per week, or in the transit zone of Hungary (along the borders) the number of migrants staying exceeds the average of 1,000 persons per month, or 1,500 persons per day on average over two consecutive weeks, or 2,000 per week on average.

20 Act CXLII of 2015 modified the Act XXXIV of 1994

21 Act CXLII of 2015 modified the Act CXIII of 2011

later official entry may be provided the internal part of the country (including the accommodation in a reception center) or expulsion from the country (final decision on his/her removal)

Table 2 contains the nationality of applicants, the rate of recognition of applications and the nationality of migrants in international protection in 2014-2018 (up to 3rd quarter of the year).

2. Table: The number and the nationality of asylum seekers, protected persons and the recognition rate (2014-2018)²²

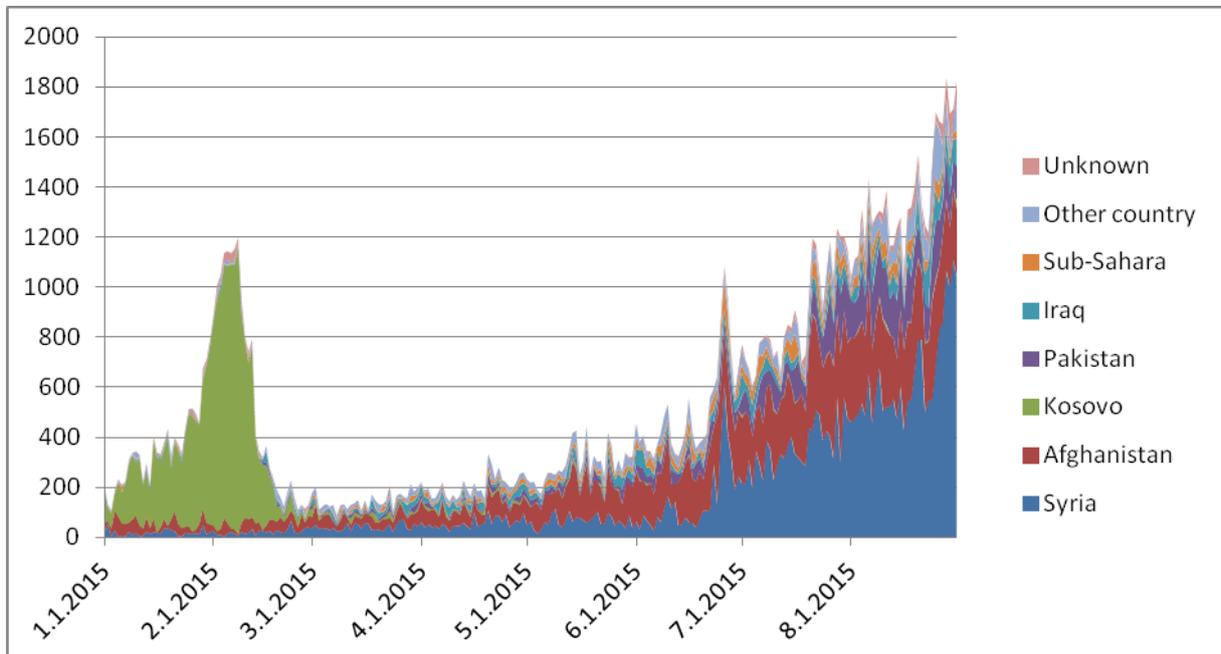
Nationality of asylum seekers (%)	2014	2015	2016	2017	2018 Jan-Sept
Afghan	20	26	38	42	40
Iraq	1	5	12	24	36
Syrian	16	37	17	17	8
Iranian	1		4	3	5
Pakistan		9	13	5	4
Kosovo	50				
Others	12	23	16	9	7
Total	42 777	177 135	29 432	3 397	560
Recognition rate (%)	1.13	0.28	1.46	38	63.2
Nationality of protected persons (%)	2014	2015	2016	2017	2018 Jan-Sept
Afghan	15	18	23	45	n.d.
Iraq	4	9	18	15	
Syrian	35	32	27	30	
Iranian	1	3	4	2	
Somalia	14	13	8		
Others	31	25	20	8	
Total	483	508	432	1 291	354

Data indicate that the number of asylum seekers was quite high between 2014 and 2016, which has been reduced to a fraction from 2017 onwards. At the same time, the rate of recognition was just the opposite: between 2014 and 2016 it was below two percent, while in 2017 it rose to over 38 percent and in 2018 it was over 63 percent. It may be explained that the fewer the applicants, the greater the chance that the application for recognition will be successful because the authorities will be scrutinized more thoroughly. Another explanation could be that the applicants who are without the factual foundations do not apply for protection in Hungary, they turn back and/or move to other direction.

Compared to 2014, the proportion of refugees and protected persons increased only by ten percent by 2017, reaching 3 300. So, the mass influx of applicants only meant a transit because there are no

proper conditions for their integration here. Figure 1 gives a more detailed view of the composition of refugees by the country of origin during the main era of the refugee crisis in 2015.

1. Figure: The daily number of illegal border crossings by the country of origin (1 January 2015 – 31 August 2015)²³



The Figure shows the short-lived wave of illegal border crossing trend from Kosovo and later the fast increasing wave dominated by Syrians.

Unfortunately, the Office does not provide regular statistics on substantive refusals, the closure of the proceedings without any substantive investigation, the withdrawal of applications and the number of pending procedures. Partial data shows that most of the applications are not being examined by the Office because most of the applicants disappear before the end of the procedure, that is, the state border is porous.²⁴

2.4.2. Dublin and Schengen connection

Since 2007, Hungary has fully applied all the Schengen regime rules, and it must strictly control the entry of third-country nationals at the external border. Table 3 shows that, compared to other EU Member States, a relatively small proportion of police/law enforcement actions due to irregular entry are attributable to the Hungarian authorities, while the number of illegal border crossing across the external Schengen borders are over the number of refused entry.

23

Source: Az Európába ... 2015) Figure 11, page 19.

24

The potential applicants (e.g. people apprehended in the border zone and accompanied by the police to the gate of the fence leaving for Serbia or persons that are pushed back to Serbia without formal decision/identification) are not accounted to the asylum seekers.

3. Table: Hungary's participation in EU28 border protection concerning third-country-nationals (TCN)²⁵

Year	Expulsion		TCN's refused entry at the Hungarian borders (EUROSTAT)	Illegal border crossing across the external Schengen borders
	by the law enforcement order (Immigration and Asylum Office)	by the court in final decision		
2013	966	386	11 055 (3.5% of EU28)	20 161
2014	1 454	508	13 325 (4.6% of the EU28)	43 387
2015	1 550	1 053	11 505 (3.9% of the EU28)	391 363
2016	753	2 521	9 905 (2.6% of the EU28)	18 207
2017	678	379	14 010 (3.2% of the EU28)	1 514

The significantly larger numbers in column three compared to column one indicates that most of TCNs are pushed back without formal procedure to Serbia. While between 2012 and 2016 (and especially in 2015) there were more irregular than refused TCNs in 2017 the opposite was the case which is likely to be the result of the fence.

As to the relation between Dublin and Schengen systems, there are much more applicants leaving Hungary than migrants who repeatedly submitted an application to be transferred to the country of the first application. At the same time, the Hungarian authorities generally do not find the incoming requests to be well established (e.g. because the police have not properly registered the data of TCN or the reference to the place of entry into the Schengen area is not considered applicable), so the acceptance rate is so low.

Due to the difficulty of access to asylum protection and procedure, EU Member States do not surrender the applicants registered in Hungary to the Office. Although it concluded administrative agreements with some EU Member States under Article 23 of the Dublin Regulation and a Dublin Coordination Department was set up in the Office. Very few people were handed over from Hungary and received

much more. The Dublin regulations are also relevant to requests from members of families and unaccompanied minors, but statistics are not provided on the number of transfers and reception back, but are probably marginal today.

2.4.3. Processes for handling asylum seekers arriving at the border

Asylum applicants mostly arrive by land. Most applicants come from Serbia, but may arrive by plane from any non-EU country. A legally entering foreigner may go to the refugee reception center enjoying the provided accommodation and services there, if s/he is in need or s/he may submit his application to the regional unit of the Immigration and Asylum Office but in this case s/he has to provide own self-subsistence during the procedure.

Irregular TCN can only submit his application before entering the territory of Hungary or entering the fence gate in the transit zone. If TCNs are not admissible under the Schengen Border Code, they are escorted to the transit stations/transitory camps at the Serbian-Hungarian border or at the airport. In July 2016, the police were authorized to intercept an alien illegally staying on the territory of Hungary within the boundary of the external borders, as well as within 8 km stripe of the borderline unless you are suspected of having committed a criminal offense. In March 2017, the aliens staying illegally from across the country should be transported to the outside of the border fence, so this amendment extended the "8-kilometer rule" to the migration crisis²⁶. Police arrested 840 foreigners near the border in September-October 2018 and, they were escorted to the outside of the fence on the Hungarian-Serbian border²⁷.

Registration of migrants entering and requesting protection at the border is the task of the police, usually detention / guarding foreigners without documents or identification and forwarding their request to the asylum unit at the Office. However, only 5-10 people per week are allowed to enter from Serbia at the gate to Hungary to apply for asylum proving how the admission and accession to the international protection has become harder and harder from October 2015 as well as granted protection in Hungary.

2.4.4. Procedures for evaluating the applicants' status and their entitlement to refugee status

The first part of the procedure (about 15 days) focuses on the admissibility of the request. The application will not be acceptable if there is no (proper) basis for the fear of persecution, or if the applicant has come from a safe country, or applicant has a previously rejected claim on the basis of unchanged circumstances and evidence. Also, in the first phase, it is examined whether, under the Dublin Regulations, there is another EU State to which the applicant can be transferred, which is responsible for the procedure.

From these provisions in the Act on Asylum the most serious pitfall of the admissibility procedure is the concept and application of a safe transit country. Since 2010, the Office has classified Serbia as a safe transit country and has returned the applicants there. Although, according to a resolution issued by the Curia (Supreme Court) in 2012 Serbia did not comply with the definition of a safe country of transit but due to gradual amendments of the Act and the Government Decree that lists the safe (origin

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Act LXXXIX of 2007, Art. of 2016, Act XX of 2017 and Act CXCVII of 2017

27

FRA: Periodic data collection on the migration situation in the EU - November 2018 Highlights. This report addresses fundamental rights concerns between 1 September – 31 October 2018, p.2-3.

and transit) countries²⁸, many applicants have been excluded from the substantive part of the procedure. The authority decides on this in an accelerated/admissibility procedure without individualization. The applicant's individual reasons shall be examined only if they are specifically suited to overriding the presumption and to initiate the substantive proceedings. The FRA is also concerned that the automatic inadmissibility of asylum applications has become common in Hungary. In the vast majority of unacceptable applications, the asylum authority based its reasoning on the applicants' arrivals through Serbia. Compared to the past, when judges rejected the Authority's "safe third country decision" in individual cases, now the courts can hardly question the decision of the asylum authority. The Administrative and Labor Court therefore referred the matter to the Court of Justice of the European Union for a preliminary ruling on whether the recent amendment to the Asylum Law does not violate the EU asylum acquis.²⁹

After the admissibility of the claim steps to the second phase evaluating the substance of the application, the individual conditions and refugee story. It takes maximum two months and a judicial review is the only remedy: the Administrative Court (single judge) cannot alter the decision but a repetitive procedure of the Office may be decided giving certain instructions to the administrator in proceedings. The applicant is obliged to cooperate with the asylum authority, i.e. to disclose the circumstances of his / her escape, to communicate his / her personal data and to facilitate the clarification of his / her identity showing own documents accompanying him / her.

2.4.5. The accommodation and assistance of asylum seekers and refugees

To sum up briefly the main characteristics of accommodation and assistance of asylum seekers and refugees in Hungary, we start with their rights to work, followed by the conditions in the transit zone.

The applicant has the right to be employed in the open refugee center (e.g. in the kitchen or as a cleaner) for 9 months from the date of application, or to be employed in the community work for 9 months (e.g. job financed by the local municipal in a city park reconstruction), after which a work permit is required. Applicant has a right to enter into contact with the UNHCR, IOM and assisting NGOs.

Since 2015 applicants are placed in transit barracks at the Serbian border (Tompá, Röszke) or in the airport area. Applicants for protection are placed in a closed area until the end of the procedure. The applicant in the transitory camp/barracks in the border zone is not entitled to the right of entry and residence authorization in the country because s/he is in a pending position. Moreover, s/he is not entitled to be employed, and is required to stay in transit, the admissibility of the application is decided in turn, but no later than eight days from the date of the application, and after four weeks is finally admitted. Although s/he is physically present in the country, it is legally considered that the applicant has not yet entered, which, by referring to "fiction outside the area". In this condition it is hard to practice his/her human rights.

Their supplies, meals, and basic medical care are there, and children can easily provide some kind of exercise and play. They have the right to contact with some designated NGOs that are admitted to the transit area. Those provide legal or social assistance (e.g. Red Cross, Church charities and UNHCR

28 Government Decree No. 191 of 2015, July 21: Safe (origin or transit) Countries: EU Member States and Candidate Countries, EEA Member States and Member States of the United States without capital punishment, Switzerland, Bosnia-Herzegovina, Kosovo, Canada, Australia and New Zealand.

29 FRA: Periodic data collection on the migration situation in the EU - November 2018 Highlights. This report addresses fundamental rights concerns between 1 September – 31 October 2018

partners such as the Hungarian Helsinki Committee). The Regional government office and the Guardianship Authority can also appoint a lawyer, who is obligated to provide free legal representation, and a fixed tariff set by the state (16 EUR / hour) is available but without interpretation in fact (in theory interpretation would be financed from the government office).

If the applicant is under 14 years of age or severely ill, he / she can be transferred to an open reception center (in Kiskunhalas or in Vámoszabadi), where they can enjoy accommodation, meals and basic medical care with other applicants who are otherwise legally admitted and with recognized refugees. Here, for 9 months from the date of application applicants can be employed freely at the open reception center (e.g. in the kitchen or as a cleaner) or in community work in the settlement.

While staying at the reception center, applicants and status holders may receive travel support for public transport (e.g. travelling to an authority, to a doctor or school), for school attendance (e.g. purchase of school supplies and textbooks), for obtaining their official documents (e.g. payment of procedural fees), for funeral cost and for their final departure to the home country (purchase of a one-way ticket). These are modest and, with the abolition of the support system reformed in 2015-2016, they should become essentially self-sustaining migrants enjoying international protection.

A migrant who has acquired international protection status may be accommodated in the reception center station for up to 30 days after the recognition. Moreover, the recognized refugee and person with subsidiary protection status can be freely employed, so they no longer need permission to do so, and they have the same rights with Hungarian citizens in social and educational matters, while their health care is covered by the state for six months after recognition. Until 2018, already signed integration contracts, for 2 years, with the help of local governments, support was provided for housing, renting out, subsistence, finding a job, and schooling children. The integration contract system was liquidated in 2016 and the listed minimization benefits remained. There are no institutional conditions for exercising the same rights as Hungarian citizens (e.g. in absence of interpreters, social institutionalized discrimination).

2.5. The main other actors involved in the bordering of refugees and asylum seekers

During the peak period of the refugee crisis there was an unexpected blossoming of volunteer activity in Hungary.³⁰ Unexpected because volunteering civil activity and spontaneous organization in general has never been a major characteristic of the Hungarian society. The quotations from volunteers show the varied reasons behind participating in helping the refugees during the crisis, overall it can be concluded that main motivations were usually an individual drive to help others or to oppose the Hungarian government's principles.

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The following overview is based on analyses, fieldwork notes and reports (Bernát et al, 2016, Tóth and Kertész, 2016, Bernát, 2016, Ságvári et al, 2017, and Surányi 2017). The focus groups took place in three different Hungarian cities, two in each. The cities were Budapest, Szeged and Salgótarján. The reason these cities were chosen was to see the potentially different opinions of its habitants, due to the fact that Budapest was mostly in the center of the events, Szeged had first-hand experience and Salgótarján, because that city is located in a relatively poor area of the country that was only indirectly affected, mostly through the media. The focus groups were organized in the March of 2018, all six groups consisted of both female and male participants, between most of them 25-60 years old, mostly lower or middle level educational background (one group with high level education participants).

“I wanted to show that our culture is helpful and that it protects people. I was raised religiously, and it was taught in my family that we have to help. As for the billboard campaign, I was against it; I thought it was ‘not in my name’” (female, Budapest, individual volunteer).

“We only needed the organization to tell us when and where the tasks are; beyond that, everyone pretty much worked on their own, knew what to do, and even if they didn’t, someone explained it quickly and got it done, and probably the reason why everyone involved loved it is because of that fulfillment in solving the problem your own way, from handing out water to whatever else.” (male, 48, Szeged, individual volunteer)

“Quite a lot of my fellow countrymen arrived, and I felt it was my duty to help.” (male, 51, Szeged, Syrian)

“I found the things that happen in this country outrageous, and I was very happy that others thought so, too.” (female, 42, Debrecen)

The focus groups with less committed Hungarian citizens (who have not volunteered during the migration crisis) included negative reactions as well:

“These people came through the sea and six countries to get to Germany, this is crazy. Calling this a refugee is, excuse me, crazy. The one who goes to a camp in Turkey, because that is the nearest safe country and waits for the danger to be over to go back home, that is a refugee. The one here in Hungary at the Serbian border to me is no refugee. That is a migrant who wants to come here for a better living, because that is not available at home anymore. And there is no question, they can’t come and that’s it. Because if you let them in, then you can know what they are coming for. Not because they are seeking asylum, they don’t have to go through six countries for that, the previous four are peaceful too and they could be there, too...” (man, Salgótarján)

“I received some information when the migration wave started. I was shocked, those poor little children, I started thinking that I would select some of my kid’s old clothes, send diapers. I was thinking oh God, what to send them. My brother is a border agent and then he told me to stop, because they have Apple, iPhone, everything they need, and I shouldn’t feel sorry for them.” (woman, Szeged)

Another analysis of the role of volunteers with Jewish background (Surányi, 2017) found that there are Jewish values associated with helping. For example, philanthropy is considered a core value of Judaism, which can be understood through *tikkun olam*, or the reparation of the world. 11 interviewees from the 13 in total told that they followed this principle mixed with other very worldly ones:

„Jewishness played a role not only because of discrimination and persecution: there were many helping stories in my family. Many people were hiding us, we got food, there were many things like this during the war which saved my grandparents and aunties. And this is definitely part of this thing but—I hope I didn’t do it because of this. I have this hope that it would have been defined in me anyway: it’s summer time, I had a couple of days when I was free, I like people, I like to talk, human stories interest me, they are there, I can help, why not? I hope this is rather a human-human meeting and not that I come from here and to get into cultural things. I think.”

Beyond the previously illustrated civil activity, there are a few well-established NGO which has been active before, during and since the refugee crisis. One of the most important is the **Hungarian Helsinki**

Committee (HHC) which has operated a tripartite cooperation agreement on border monitoring with the border police and UNHCR for years. In 2015, the Ministry of the Interior terminated the cooperation, and the program has not been continued since. HHC stands for refugees' rights. For instance, in June 2018, the Seventh Amendment to the Fundamental Law and the modification of the Penal Code were adopted, which in practice make it impossible to apply for asylum and jeopardize the civilian assistants of asylum seekers (e.g. legal advice, dissemination of material on refugee rights). Already during the parliamentary debate, HHC criticized the stigmatization and criminalization of civilians and the arbitrary restriction of the freedom of association, the right of assembly and the fair procedure, which is also contrary to EU law. As a result of their activity on 19 July 2018, the European Commission officially informed the government of the infringement procedure³¹, and the European Commission also criticizes the new legislation on three points.³²

The **Amnesty International** as well as the **Migration Aid Foundation** has also criticized these rules and, in particular, the 25% extra tax for NGOs which give support for refugees. However, when the infringement procedure was launched, the European Commission also stated that it is incompatible with EU law to criminalize by law if anyone, on behalf of non-governmental organizations, provides assistance to people applying for asylum or a residence permit. Despite of legal uncertainties the **Hungarian Association for Migrants (Menedék)** was checked by the tax authority. The Venice Commission (CoE) and the OSCE also seriously criticized the specific tax on migration aid on the day entering into force (25 August 2018). The **Ombudsman** also frequently conducts investigations to protect asylum seekers, those who have been granted international protection and the human and fundamental rights of migrants. For example, in 2016, **UNICEF** Hungarian Committee's complaint was investigated³³: whether the amendments of the Act XIX of 1998 on Criminal procedure contain perfect guarantees for minors, whether the special rules of the Act carried out due to the border crossing across the fence would be in line with the requirements of constitutionality and human rights with regard to the legal position of juvenile offenders. The Ombudsman found that special safeguards for the protection of offenders under the age of 18 were largely excluded from the regulation in order to finish the criminal proceedings as soon as possible. Thus, the legal representation (*ad litem guardian*) of unaccompanied minors in the relevant proceedings is not guaranteed. The lack of different regulations with regard to age characteristics is in itself a matter of constitutional concern.³⁴ Therefore, these provisions cause a breach of the requirement of equal treatment, fair trial and the child's right to protection and care arising from the Fundamental Law and the international treaties.

31 Source: <https://www.helsinki.hu/sajtoszoba/kozlemenyek/> (25.02.2019)

32 They are as follows: 1. The crime of facilitating and supporting illegal immigration: Hungarian law unjustifiably restricts the right of asylum seekers to liaise with relevant national, international and civil organizations and to provide legal assistance to them. 2. Restriction of individual freedoms: By law prohibiting defendants in criminal proceedings from staying in the border area or crossing the border unjustifiably violates the Union's free movement directive and principle. 3. Restriction of the right to asylum: extension of the admissibility procedure is contrary to EU law. Although the new legislation has been incorporated into the Fundamental Law, it is still in breach of the Asylum Directive and the Charter of Fundamental Rights.

33 Case AJB-1235/2016

34 They are not in line with Articles 2, 3 and 40 of the UN Convention on the Rights of the Child (1989), Article 14 (4) of the UN Covenant of Civil and Political Rights (1966) and Article XVI of the Fundamental Law (2011), which requires the establishment of special rules for minors and prohibition of discrimination in this respect.

2.6 Conclusion of the chapter

Legislation, public administration and support system for refugees has changed significantly in Hungary since autumn 2015. Access to international protection has become more and more restrictive, and the amendments adopted in the past three years show that the security, admission, residence and integration measures introduced by migration martial law make sure that refugees have almost no chance of gaining access to protection. This is the real paradox: asylum regime without refugees, empty reception stations, starvation of not first-time applicants in barracks, anti-migrant public opinion and 175 km of fence at the border are simultaneously present in Hungary.

According to the government, solidarity is limited to the construction of the fence that would protect the borders, sovereignty and wellbeing of Hungary. This concept refuses the spirit of partnership in solidarity and the pushes the burden towards the surrounding area/other states.

Another character of asylum policy and regulation is the non-equal treatment for protection seekers: ethnicity-based, business-driven or religion-based benefits in admission, settlement, naturalization and refugee recognition has been proved, while legal obligations from the EU acquis and human rights for protection seekers have been neglected in law enforcement and public administration. Only judges and NGOs are fighting for equal treatment, legal principles of the EU law and human rights for all.

All changes in asylum and migration law together with administrative modifications have been connected to the domestic political purposes (using the referendum on relocation, poster campaigns against migrants, intimidation of NGOs, etc.) instead of operating European or global migration context.

3. Empirical research with institutional actors

3.1. Introduction of the chapter

In this chapter we introduce the reader with perceptions and opinions of various experts (border agents, social workers and researchers) on the conception of border and the bordering practices in contemporary Hungary.

3.2. Institutionalized bordering practices performed by border agents

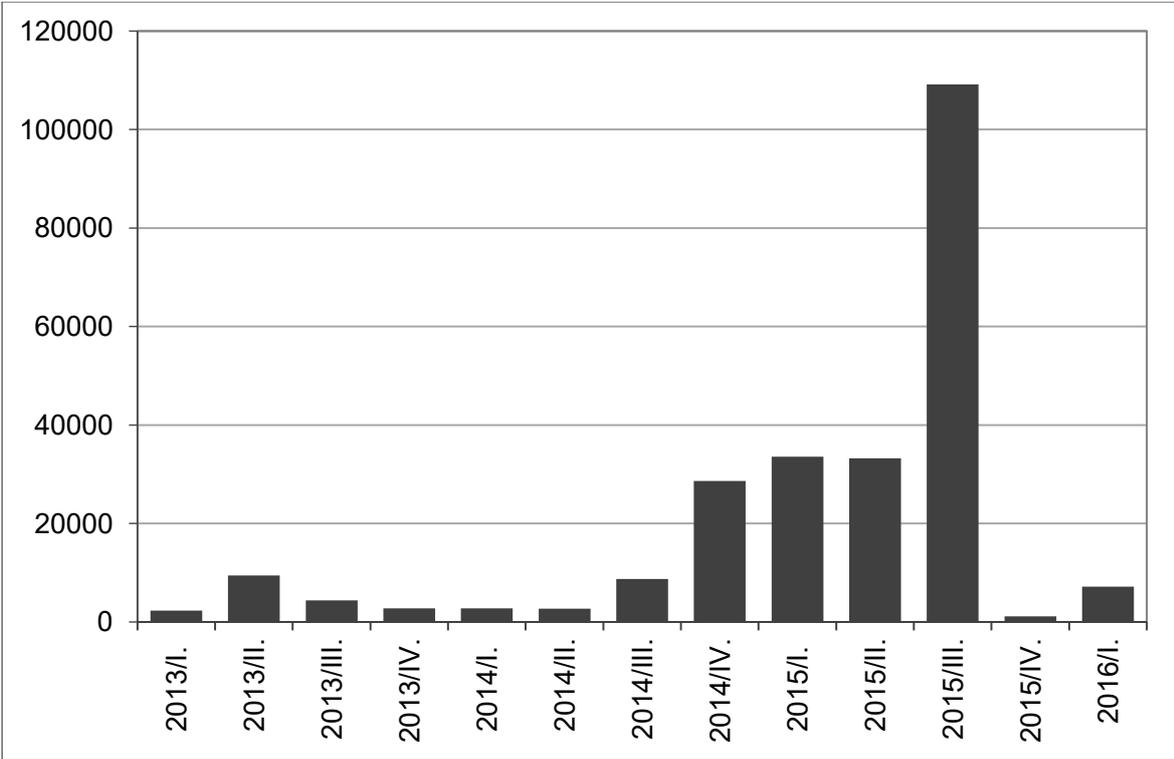
3.2.1. Bordering process migrants are subject to upon arrival in the country studied

Migrants have arrived Hungary via two main routes so far. One was on the mainland, from Afghanistan-Iran-Turkey-Bulgaria-Serbia (or, to a much lesser extent, but also via Romania and Ukraine) and the other is via the sea, from Turkey to Greece-Macedonia-Serbia. One border police interviewee called both routes explicitly as “East-Mediterranean illegal migration route”. (E003_P) Both routes have clear advantages and disadvantages:

“The problem with the one on mainland – well, problem for them -, that they come across Bulgaria and the Bulgarians capture everybody, everyone is photographed, at least 90% of them. Fingerprints are taken from everyone and everyone gets into the EURODAC system. [...] The sea route is dangerous especially on the surging sea and because of the greediness of the smugglers. The other route is perhaps simpler, but there the Dublin procedure lengthens because of the Bulgarian procedure.” (E001_P)

The number of illegal border crossings has significantly decreased since the physical and legal closure of the external (Schengen) border of Hungary has been ceased in October 2015 (Figure 2).

2. Figure: The number asylum seekers and refugees in Hungary (January/March 2013 – January/March 2016)



Source: Juhász-Molnár (2016)

The building of the fence was carried out in a big rush using the manpower of both soldiers and convicts. As the following example from a book-long analysis of the process told by a convict who worked at the construction indicates the building process showed the signs of an artificially geared up effort:

“They brought a hundred people from all around the country to our accommodation suited for 33 people. (...) They declared a state of emergency, which meant that there was no rest-time, no leave, we worked from Monday to Monday without rest. They woke us up at 2 a.m., by the time we got ready it was 4 a.m., then they packed us into buses and we got to the border at 6 a.m. (...) We finished around 6-8 p.m. and got back to Kecskemét (a city about 100 km from the Serbian border) around 10 p.m. We went to sleep at midnight and were waken up at 2 a.m. again. This was the routine for three or four weeks. It was tough. (...) Every morning when we got in line, they wanted to divide us into new brigades. It was total chaos. If we formed ourselves, the way we did it the previous day we could have been ready in 2 minutes. (...) It was a big mess. (...) We worked three-times faster than the soldiers. (...) The worst was when we were putting up the barbed wire. We did that from the tops of moving trucks, there were some who fell etc. They sent tons of food, pointlessly, because we didn’t have time to eat. (...) We received payment just like for any other job. Slowly they realized that this couldn’t go on for long with 2-3 hours of sleep a day, so we were arranged into two shifts. (...) The TV never showed the working convicts, only the soldiers. That felt like shit! Where were we? We didn’t think that we were protecting the country, we just accepted that this is the task, just wanted to get it over as quickly as possible.”
(Thorpe, 2018, p 123)

The fence at the border became both an effective physical defender and a symbolic measure where

“nowadays there are about ten to forty illegal migrants on a daily basis caught along our segment of the border which is about 60 km long.” (E004_P)

Irregular migrants try to cross the border either at the green border via the fence or at the official border crossing sites where they are

“for example, pretending that they only get out from a car and are looking for the washroom but lost their direction. The smugglers tell them how to play this game, what are the best strategies etc.”
(E004_P)

Certainly, there are various ways and legal frameworks for regular and irregular migrants. Asylum-seekers can enter Hungary once their eligibility to international protection is proved and their asylum application is approved by the authorities; however, it is possible to leave the transit zones towards Serbia (non-EU territory). The Serbian authorities always accept the returned migrants and let them leave the area. Those who want to stay in Hungary first encounter police. Then they are accommodated in one of the two transit zones right at the Serbian-Hungarian border, i.e. the external border of Hungary that is most exposed to migration. Asylum-seekers must stay at the transit zone until the entire asylum procedure is concluded.

The Hungarian transit zones at the external border are small, at the moment the one in Csongrád county has about 60 asylum seekers waiting to cross the border and process their asylum application. Every day only one person is allowed to enter to Hungary via the transit zone in order to minimize the number of asylum applicants, but one of the border police interviewees claims that the one person per day rule have been set *“because of the limited capacity of the authorities to deal with the applications.”* (E004_P) There is another transit zone at another crossing point at the Serbian border with identical capacity.

The transit zone plays a crucial role in the management of both regular and irregular migration, and according to a border police interviewee (E006_P), it is similar to the hotspot approach due to the various tasks it performs. Transit zones are the official crossing points at the border, the first place where asylum seekers can enter to the country and immediately can submit an asylum application. This also serves as a closed accommodation which can be left towards Hungary only once the asylum application has been approved.

The role of smugglers has been crucial in the bordering processes along the whole Balkan route and from the very beginning of the refugee crisis in 2015. The two (participant and non-participant observations based) case studies give a very lucid overview of these processes:

“The first step was a temporary collecting point with two mobile toilets and two rubbish bins, where the police gathered the people to note nationalities and take them to the camp.³⁵ The attitude of the police toward the migrants was rather friendly and humane, they offered them food and one policeman were holding hands with a boy from Ghana while gently caressing his head. Arriving at Röszke, people were put into lines, and later were allocated into huge, open military tents. While waiting, a conversation started between a Senegal man and a policeman, ending with the refugee asking whether it was worth it to stay in Hungary, the answer was the following: “Hungary, no money. Orbán Viktor.” Arriving to the awnings, functioning as tents, the author realized that there were no beds, only a few mattresses and cloths left in the dust, which only the fastest could get. Many of the refugees, including Nyilas, found the outside of the tent more appealing, however the fear of rain made him change his position onto the ground under the awning. Duplicity was a theme all along regarding the attitude of the police, their reactions to being asked to help was usually curse words in Hungarian as a sign of frustration, but then offering the help they could provide (on one occasion even their own food). The next morning was the only time when a situation came very close to turn violent (without any provocation), when police were waking up the refugees at dawn to transport them to Vámosszabadi (a camp close to the Austrian/Slovakian border), however apart from the aggressive shouting and violent gestures from the policeman nothing serious happened. Police were shouting at them and cursing to get in line, but at the time gave them no information regarding where they are going or what was happening. According to Nyilas, it felt more like they were a herd than human beings. Arriving to Vámosszabadi, after a 40 minute in wait in the hot bus, for the first time they had to tell their names and answer questions. There was one man they all had to talk to, an Algerian man living in Hungary, who (besides these Arabic and Hungarian) spoke French, English, a bit of German and Russian, too, which made him quite indispensable, and the first translator they met through the entire process. The questions he asked moved on a scale from “what is your name” to “what if you’re a KGB agent”. After the questioning they were put behind bars on mattresses on the ground for, as they were told, for 24-48 hours, without any explanation. After hours they were given a paper written in Hungarian (making it impossible for refugees to understand it) and were free to leave to Bicske (another camp close to

Budapest). This was the moment Nyilas exposed his identity, which was accepted by the policemen with stoical composure, leaving him to catch a train home.”

“The grey zone located, an approximately 50 meters wide zone on the Serbian-Hungarian border, prior to finishing the fence on the border used to be a zone of constant crime and terror. According to a Palestinian woman the zone is commonly referred to as “jungle” and it is a place where “anybody could get beaten up and robbed”. A Syrian couple also confirmed the latter, they along with others have been robbed there by men with sharpened gardening tools and knives. ... There are controversial stories about police officials regarding registration and fingerprinting. There are positive stories, for instance that of a wheel chaired Iraqi woman (80) whom the police helped to get into a car to get to Budapest to meet her daughter, a Dutch citizen. ... there were many negative ones, too, such as that of a Syrian man (30) from Ildib. “When the police found us they immediately used pepper spray and teasers. One man from Iraq tripped, and the police pulled him into the barbed wire which cut his leg. (...) As the police then ordered him to strip and he had to take off all his clothes, they took his passport and 350 euros. We were eventually taken to the police station (...), they wanted to fingerprint us, but, as our group refused, the police manhandled us before we were transported to Budapest. As we arrived there the police didn’t mistreat us and gave the man from Iraq his passport back. When he asked for the money they said they didn’t have it. ... Many people who stayed at Rösztke reported extremely low conditions regarding medical care, drinking water and space per capita. Three young Syrian women described that they were all detained in a 4x3 square meter room altogether with 27 people and five young afghans also talked about their experience with 40 other people in a 7x12 square meter cell.” (Gunesch, Kallius, Mahr & Rodgers, 2016)

3.2.2. The interplay between Schengen and Dublin in the mobility of asylum seekers and refugees

The experts interviewed in Hungary have expressed mixed views on how Schengen and Dublin functions and what kind of interplay can be identified between the two regulatory schemes. One interviewee (E001_P) claims that Schengen functions properly on the mainland (but less effective at the sea routes) as it is protecting the EU citizens and the rules are taken seriously by stakeholders, while many member states do not respect the Dublin rules.

Most interviewees doubt that Schengen and Dublin regulations connected well in the enforcement of border security:

“I can refer on solidarity and sharing responsibility: when a MS is guarding the external border of Schengen, it is not only guarding its own border but the border of all the other MS. Like this, it is a greater responsibility: Schengen is working well, as long as the external borders are working well. The main problem with Dublin is - why it is something really unfair, and also why it does not work -, that it puts a meaningless and also a huge pressure on the MSs which have an external border. And the negative side effect of it that it is punishing the migrants themselves, by not registering them, not letting them enter the country (where they intend to go). All this (i.e. the Dublin regulation is in force) by knowing that these (external border) countries are not the target of destination of the migrants, nonetheless they would be sent back. This was the Hungarian point of view, it was the Greek and now the Italian opinion also. So from this perspective being an external border of Schengen is an unfortunate fact. (...) The Dublin system is sharing responsibility without solidarity.” (E006_P)

Interviewees also agree that the effective mainland protection is the fence that Hungary applies effectively.

With regard the Schengen borders, it is protected not only by those member states that are part of the Schengen zone but also other EU member states that are not, for example Romania:

“Those who are in the Schengen system, they theoretically defend the Schengen external border. Regardless of whether this in an EU external border or not. Romanians are not in the Schengen area, but they are in the EU, so they take back everyone who come from us, every day a certain number, because otherwise they could never join Schengen, if they wouldn’t take those people back.”

However, not all Schengen area member states are effective in defending the external borders:

“Physical closure, this is the only method and Hungary completely meets these requirements. Now, at the external borders: Greece does not meet these requirements at all in my opinion. The Italians would be able to, but they don’t really want to, so they don’t.” (E001_P)

“Dublin is not very much respected. By Greece and Bulgaria, this is almost certain. The Greeks don’t for a long time now, the Bulgarians afresh not. Hungary maybe, those who are returned by the Austrians to Hungary because of Dublin – there are examples for that.” (E001_P)

According to a border police interviewee (E006_P), Schengen and Dublin are contradicting in the sense that, there are several regulations and legislations based on Schengen on external border security, regular forms of border crossing (e.g. visa, visa-free passport). On the other hand, asylum regulations do not require such documentations. These contradicting legislations should be handled. Moreover, according to the interviewee many asylum applicants have exploited the asylum system (e.g. Pakistanis claiming to be Syrians or heterosexual men claiming to be homosexual, therefore requiring protection).

Another opinion highlights, that the Dublin and Schengen regulations should not necessary be interdependent on each other. The revised CEAS should be in line with Schengen regulations and not the other way around.

“With a consistent and determined implementation and execution of Schengen regulations, the type of reforms for the Dublin system proposed by the Commission in 2016 are unnecessary. However, the Common European Asylum System (CEAS) should be aligned with the Schengen System. To achieve this, in our opinion, asylum-applications should be processed on external borders or outside EU territory, and we should turn away from the current system of open reception centers. If someone receives international protection status, from that point, the whole existence and meaning of the Dublin Regulation is questionable, as it primarily provides for the selection of the Member State responsible for evaluating asylum requests.” (E003_P)

One expert claims, that the Schengen/Dublin dilemma could be solved in one step: the

“asylum-seekers eligible to international protection should be identified at the very latest, at the external borders, in this case there is no further need for responsibility-sharing.” (E002_P)

3.2.3. How internal and external borders are connected

Hungary is a good example how external and internal borders of the EU are interconnected. On the one hand, Hungary was the first EU member state accommodating asylum-seekers in closed reception centers (transit zones), instead of open centers. According to the interviewee, this fact led to the “decrease of illegal migratory pressures” as well as the reduction of secondary movements within the EU. Although EU legislation allows for conducting the asylum procedure alongside the border, whether Hungary’s procedures correspond to existing regulations is currently being debated in the Commission.

“With respect to secondary migration within the EU, [...] the efficiency of the Hungarian procedure is clearly proved by Austrian statistics [...], as the illegal migration flow from Hungary towards Austria has never been as low as in the last two years. Less than 30 people are stopped per month by Austrian policemen.” (E003_P)

One of the experts perceives it as a kind of “double standard”, claiming that many EU member states have introduced border control within the Schengen zone, which is still in place in many countries without any legal base.

“Inner border control is prolonged without any explanation or legal base, and the Commission is turning a blind eye to this. (...) If we attempt to handle asylum cases efficiently but, in some cases, contrary to EU law, that immediately leads to an infringement procedure. If someone illegally maintains its inner border control within the Schengen zone, that doesn’t concern anyone in the Commission.” (E002_P)

The specific case of Greece and its impact on Hungary is also an example of the border dilemma. Greece is not part of the Dublin regulation and it leads to disadvantageous consequences for Hungary, as it is one of the second EU states asylum-seekers can reach from Greece and it puts more pressure on Hungary (and other second EU member states affected).

One border agent has mentioned that borders are still present on a political level as well. There is a lack of professionalism in approaching common asylum policies. She describes the Western member states attitudes towards other member states as: *“Making an example of Eastern countries. [...] If we are suffering, you should suffer too.” (E002_P)*

3.2.4. The definition of borders given by border agents

The only meaning of the notion “border” used by the Hungarian border agents interviewed is the physical border, none of them referred to symbolic borders, not even implicitly. In general, they find the Hungarian bordering practices, especially the fence at the Southern border of Hungary an effective measure to protect both the country and the EU from irregular migration. One border police agent is explicitly proud of it:

“Hungary is really the bastion of Europe and our Christian culture, and our border police is the main actor of this fight – defending our borders, settlements, the county and the country as well of course.” (E004_P)

Only a few experts interviewed perceived borders (also) at a meta-level. One of them highlighted that border concepts are mutually restrictive: *“The more open borders are exploited, the more they get closed down.” (E002_P)* Another interviewee pointed out that besides physical borders, virtual borders are more and more prominently present in the EU (e.g. ETIAS).

A representative of an NGO claims, that borders as such do not regulate, differentiate or prevent migrant's mobility.

“A common European asylum policy would not be effective without a common immigration policy, that includes rules on immigration (the conditions of entry and stay in the territory of the European Union), on return (for those who do not, or no longer meet the conditions for entry and stay). These rules and conditions need to be controlled at the external border of the European Union (or even before, in the visa procedure), thus, the rules on border control need to be part of the common immigration policy. The protection and surveillance of the external borders has to be implemented with respect to the international obligations. The Schengen Borders Code expressly provides that it shall apply to any person crossing the external borders of the European Union without prejudice to the rights of refugees

and persons requesting international protection, in particular as regards non-refoulement. Thus, border management and asylum should not be mutually exclusive but complementary to each other. EU acquis and international instruments differentiate among migrants on the basis of the motivation for migration: people fleeing persecution or serious harm have to be granted access to asylum procedures thus, even those who arrive irregularly to the external borders, have to be provided the possibility to apply for international protection.” (E_008P)

3.2.5. Changes and challenges since 2015

Several border agent experts highlighted explicitly or implicitly, that the official standpoint of Hungary on migration has not changed since 2015, and some elements of Hungarian migration policies (e.g. border fence, closed registration systems) have been recognized by other member states and the Commission to have a positive effect.

“The Commission made considerable efforts to monitor and inspect the Hungarian asylum and border management system [...] there was a clear political stance behind this on the Commission’s side, as Hungary has been criticized for erecting a border fence as well as for other means of stopping the migration inflow. Today, our fence is considered a best practice and is not criticized anymore”. (E003_P)

The most important change is the impact of the restrictive migration policy introduced by the Hungarian government since autumn 2015 via the physical and legal closure of the Hungarian external (Schengen) borders. It turned to be effective considering that almost 100% of the arriving asylum-seekers decided to avoid Hungary and travel through Croatia and Slovenia until those countries decided on a border fence too. After 2016, the number of arriving refugees and asylum-seekers on the Western Balkans route significantly shrunk.

“I am not aware of the exact numbers, but if we count all the countries on the Balkan route from Greece to Slovenia, there are only about a few 10.000 people in total.” (E006_P)

The main current challenge highlighted is that the EU-Turkey statement (that has highly contributed to the decrease in illegal migration flows towards Europe) might not be sustainable in the long term:

“In this term, there already were some warning signs. Although Turkish and Greek parties are pointing to each other, [...] several member states as well as the Commission have criticized Greece for not implementing the EU-Turkey statement appropriately and for not embracing the possibilities created by the EU. (...) In the current Greek procedures, during the past two years, only those who voluntarily left were sent back to Turkey, that led to the significantly intensified activity of human-trafficking networks on the Turkish side.” (E003_P)

Another risk mentioned by a border agent is the possible inflow of terrorist fighters from Syria and Iraq, considering that fights against the ISIS terrorist group have ended and their members might attempt to leave their countries towards Europe, which is a clear security risk.

At a general level the lack of professionalism and scapegoating against Hungary within the EU institutions involved in the legislation process have been mentioned as both a critique and challenge.

“This constant doublespeak, and hypocritically forcing artificial lines on the entire EU policy. Finger-pointing between member states that almost devolves into personal conflict. These are the biggest obstacles of daily work.” In order to achieve any results, “the EP should take its legislative work seriously instead of handing in unrealistic proposals.” (E002_P)

3.3. Institutionalized bordering practices performed by EU and national legislators

3.3.1. How Schengen affects Dublin

One interviewee highlighted, that in some cases borders are effective in the management of migration, as without any border control, physical borders do not play much role. On the other hand, a physical manifestation of a border (i.e. having a fence on a border) is not necessarily effective. And later added that Dublin was a “flanking measure” of Schengen. Schengen is partially linked to the strengthening of external borders in order to maintain a functional inner borderless area. Dublin regulation(s) are “protection sensitive” measures.

A state official working in the field claims that Dublin is not beneficial for Hungary at all, as it puts the responsibility on the country where they enter. However, most asylum-seekers enter to Greece first, but Hungary is still an external border, on the border of Schengen, where a massive number of asylum seekers could appear.

3.3.2. The ways in which (if any) CEAS could be reformed

The Hungarian experts do not think at all that the current reform of the CEAS goes into the right direction, nor expects the current reform of the CEAS to be long lasting or expect another reform in a short-term period. The expert claims that the current reform is in opposition to Hungary’s standpoint on how to efficiently solve the problem and adds that its lifespan depends on the efficiency and results of the new reforms:

“We are expecting meetings to take a new direction under the Austrian presidency after the Council of Europe meeting. ... The whole asylum package is opened, the Schengen acquis, the Blue Card directive, the Visa Code etc. ... My message to the Commission is to not even try opening any other options, because they would not go through.” (E002_P)

3.3.3. Positive incentives national states could put in place in order to prevent migrants from engaging in secondary movements

According to an interviewee, Hungary’s approach is the most efficient on preventing secondary movements, as free movement within the EU is not provided until the completion of the entire asylum process.

On the possible compromises that states can find between the responsibility for assessing asylum claims (Dublin) and migrants’ preferences, the Hungarian border agent declares that migrant preferences can only be taken into consideration during legal migration.

“[Asylum claims] should be focused on protection needs and not on preferences.” (E002_P)

The interviewee could not mention any positive incentives that states might put in place to prevent migrants from leaving. Hungary attempted various forms of integration programs, such as language courses, integration to the labor market, family care etc. Even an “integration contract” was in place in order to prevent migrants from leaving, but it was not efficient as the majority of asylum-seekers left the country.

According to a Hungarian expert, it is definitely more difficult to develop an efficient integration process in smaller member states that have a difficult and less known language as well as a small migrant population than in large Western European experienced destination countries. Personal

networks also play a role in this question, as many migrants already have family or friends in other member states (e.g. Germany, Sweden) who could help them find jobs, accommodation etc.

3.4. Institutionalized bordering practices performed by actors in the housing and/or labor sector

3.4.1. The legislation surrounding the housing and/or employment of refugees and asylum seekers

The state and non-state actors involved in the housing and/or labor sector provided a dark picture about the position of migrants on the housing market due to the extraordinary turbulence and high prices on the Hungarian housing and real estate market, while the situation is somewhat better in the labor market due to macro-economic trends that lead to labor shortage in general.

However, an expert on labor markets added, that employment of marginal groups (i.e. the Roma) in Hungary is in general bad. The refugees have protection after they get the refugee status. The labor market's possibilities for them are more favorable than for the third-country nationals, but the problem is that they could find job in marginal labor market sectors only. It is difficult for them to enforce their knowledge, and this takes them in a vulnerable position. The root of this situation is that no support for their employment or training, including language courses, are available currently in Hungary. It is a clear message for asylum-seekers and refugees, that the country does not want to support them. It is easier for Hungary to say them to go away from our country than to provide supports and take efforts on training.

3.4.2. The administrative and legislative processes in the housing and/or employment sectors with focus on refugees and asylum seekers

The current legislative framework provides almost no assistance by the state neither in employment, nor in housing and neither for refugees and asylum-seekers, nor other migrants. While at macro level the general conditions are advantageous in the labor market with labor shortage at many levels and in many professions, the contrary is true for the housing for vulnerable people in general, including the asylum seekers, refugees or other groups of migrants due to the very high rental and real estate prices compared to (low level job) income.

The housing situation of asylum seekers, refugees and migrants is very difficult. The starting point is that the person whose asylum application is accepted, has the opportunity to stay in a refugee camp for only one month, then has to leave. As the social housing system, it is barely working in Hungary, for an asylum seeker it is almost impossible to solve the household problem without the help of personal network. Currently there is no housing program supported by the state (either directly or via NGOs). Previously there were various housing programs (financed by the Refugee, Migration and Integration Fund of the Ministry of Interior Affairs) but these are not working anymore. The official solution would be to go to a homeless shelter which, however, is not an option for the migrants or asylum-seekers/refugees due to the lack of information and their knowledge of the language, and the lack of any experience of what a homeless shelter is.

Basically, the remaining solution is renting accommodation from the housing market, but obviously it is very difficult to pay market price for the for a (newly arrived) person who does not have any property, does not speak the local language, does not have a network, does not know the procedures or even unemployed or have low income and often have to face prejudices and xenophobia. A project used to operate in Hungary that offered housing in this crisis from a couple of days up to three months, until the beneficiaries were able to reach at least a starting position to build up a life in Hungary; it involved

ca. 200-300 clients. This kind of integration support does not exist anymore, nor other kinds of integration supports, for example for language learning. Newly arrived asylum seekers and refugees usually do not have any or insufficient income at this early stage, and there are no social housing opportunities either, which necessarily leads to homelessness. A relatively large number of refugees are accommodated in homeless shelter in Budapest District 21, while those who are working can afford to live in cheaper Budapest districts (District 7, 8, 21).

Another option is the housing programs of NGOs, but these also rare. In the recent years an NGO working with refugees (in cooperation with the Maltese Charity) was able to run a program in which the refugees (mainly males) were accommodating in rooms of four in workers' hostels. In addition, beneficiaries received food voucher for 20 000 HUF (about 60 EUR) and they were also helped to get their needed medicine. The clients had the opportunity to take part in consultation with social workers, but it was not obligatory. This program has been finished and no similar housing project is foreseen in the near future.

In terms of employment the situation is much better compared to housing and also in comparison to the previous years. The reason is the labor shortage in general as a consequence of macro-economic growth and growing emigration. Demand for labor force across professions, jobs and levels of the labor market is especially high in Budapest, where most asylum seekers and refugees try to set up a new life. It is also true for low level jobs, that are adequate for workers with low education, and with no or insufficient language proficiency and different cultural background. In the past years finding employment opportunities for asylum seekers and refugees was much harder for the intermediary NGOs that worked in this field, primarily due to discrimination, xenophobia and often the lack of proper jobs for low skill workers. The situation has completely changed due to the economic growth and nowadays the employers are contacting NGOs to help them hiring work force among asylum seekers and refugees. On the other hand, the income level in Hungary is much lower than the level of housing prices on the market, moreover social housing options are scarce and not available for migrants, and this mismatch leads to difficult housing situation, and in many cases they leave Hungary.

"A possible 'cure' for the problem, the combination of low salary and high rental prices is that they share their home with others. An extremely difficult situation is, when a woman is alone with children. It is almost impossible to exit from the level of poverty in this situation. In this case Mother Homes might offer temporary solution." (E007_P)

3.5. Conclusion of the chapter

In this chapter we introduced the reader with perceptions and opinions of various experts (border agents, social workers and researchers) on the conception of border and the bordering practices in contemporary Hungary.

Migrants have arrived Hungary via two main routes: on the mainland, from Afghanistan-Iran-Turkey-Bulgaria-Serbia or via the sea, from Turkey to Greece-Macedonia-Serbia.

Border agents agree with the fence, they consider it both an effective physical defender and a symbolic measure of Hungary's effort to defend Europe. They argue that the transit zone plays a crucial role in the management of both regular and irregular migration, it functions similar to a hotspot.

The role of smugglers has been crucial in the bordering processes along the whole Balkan route and from the very beginning of the refugee crisis in 2015.

The experts have expressed mixed views on how Schengen and Dublin functions. Most of them doubt that Schengen and Dublin regulations connected well in the enforcement of border security. They argue that Dublin and Schengen regulations should not necessary be interdependent on each other, and think that the revised CEAS should be in line with Schengen regulations and not the other way around.

They refer to Greece and its impact on Hungary as an example of the border dilemma. They argue that since Greece is not part of the Dublin regulation³⁶ it leads to disadvantageous consequences for Hungary, as it is one of the EU states asylum-seekers can easily reach from Greece and it puts more pressure on Hungary (and other second EU member states).

Several border agents highlighted explicitly or implicitly that the official standpoint of Hungary on migration has not changed since 2015, and some elements of the Hungarian migration policies have been recognized by other member states. The most important change is the impact of the restrictive migration policy introduced by the Hungarian government since autumn 2015 via the physical and legal closure of the Hungarian external (Schengen) borders. It turned to be effective considering that almost 100% of the arriving asylum-seekers decided to avoid Hungary and travel through Croatia and Slovenia until those countries decided on a border fence, too. After 2016, the number of arriving refugees and asylum-seekers on the Western Balkans route significantly shrunk.

They complain because of the lack of professionalism and scapegoating against Hungary within the EU.

The Hungarian experts do not think at all that the current reform of the CEAS goes into the right direction, nor expects the current reform of the CEAS to be long lasting or expect another reform in a short-term period.

According to a Hungarian expert, it is more difficult to develop an efficient integration regime in smaller member states that have a less known language as well as a small migrant population than other Western European destination countries.

Housing and/or labor sector experts provide a dark picture about the position of migrants on the housing market due to the constantly rising prices that are not in line with the income level that is available for asylum-seekers and refugees, while the situation is better on the labor market due to high labor shortage.

36 In fact „Dublin transfers were generally suspended in Greece since 2016, and Dublin continues to be highly inefficient in terms of actual transfers compared to the number of procedures initiated in Member States through Dublin requests. (ECRE’s Asylum Information Database (AIDA)<https://www.refugeecouncil.ch/ecre/ecre-news/no-change-in-deeply-dysfunctional-dublin-system.html>)

4. Empirical research with migrants

4.1. Introduction

In this chapter we focus on the experiences with and concept of border and the bordering practices of the refugees.

4.2. Lived experiences of borders and bordering practices upon arrival in Hungary

4.2.1. *Legal borders and bordering practices*

Most migrants interviewed in Hungary arrived via the East-Mediterranean or Balkan route, via Turkey-Greece-Macedonia and Serbia or in some cases via Romania or Ukraine (before 2015), even those who came from any Sub-Saharan African countries. Most of them fled partly with smugglers alone or with a group by foot, while some of them by public transport (flight, train, bus).

“I got here by airplane to Turkey, [...] by the time I came it was easy to get a train, so some parts on my way I travelled by train and some parts I travelled by car [...] and I walked some little distance.” (M005_P)

The experiences on reception and bordering practices depend on the year of the arrival. The harshest treatment by border police were in Greece and especially in Macedonia, not in Hungary. The milestone year is obviously 2015: those arrived a few years before usually crossed the green border illegally to Hungary and have been captured by border officials or police, then have been sent to closed and later to open camps. Their memories are often rather positive on how the border police treated them, verbally or physically aggressive treatment was reported rarely by them referring to prior to 2015. Those arrived during the times of open borders in 2015 recall a rather smooth border crossing, especially to Hungary and have also rather positive experiences with border officials and police.

“Actually, in 2015 when I was coming, the only border that I had some problems was the Macedonia border, [...] it was very hard to cross because they didn’t want anyone to cross the country, but apart from that the other borders were welcoming. We had to go to the police, they take our records, and they took us to a camp where I spent a few days, and then they released to go to the capital city. In the case of Macedonia, it wasn’t like that, I mean that was very much different. The border there seemed to be closed so the only way to enter was to sneak into at night. That time you had to deal with those people who can help you to get a car to get from Macedonia to Serbia. By the time we arrived the Hungarian border it was open, there was no barrier, there was no fence, and the police was welcoming.” (M005_P)

However, those arrived after the tightening of the Hungarian-Serbian/Croatian border in late 2015 experienced much harsher treatment and have worse memories on the reception upon arrival. Migrants who arrived in the past year, talk about bad conditions of the bordering practices, reception and provision (meals, health care, private space etc.) especially those which take place in the completely sealed transit zones among jail-like circumstances.

Two interviewees had the opportunity to arrive legally, however they are also not ordinary migrants or regular tourists. A young disabled Egyptian woman have spent longer periods for several times as a child in Hungary to receive healthcare treatment and her (successful) strategy to acquire legal status combines this background with university studies and family finance support. A couple with a child has

migrated from Russia for political reasons with tourist visa, which they could renew several times only by moving back to Russia temporarily before receiving temporary status in Hungary.

“Getting a visa (for a Russian citizen to Hungary) as a tourist is very easy. People at the embassy were very friendly and they were helpful, and it was very easy. As a tourist it is always easy to get visa, but we asked for 3 months, so we were not regular tourists. So, it was very easy. Next time it was much more nervous for us, but still very easy in Moscow. The second time when we came because of this touristic visa type C and we can buy it, and we bought it. But we could not buy the new id. So we had go back to get the new visa. So we had to stay until the first visa expired, then go back to get the new visa, and then come back again to Hungary. Now we have temporary status.” (006T)

The general impression of the migrants on the Hungarian reception practice is that the treatment, the services and the facilities in the closed camps (e.g. in Nyírbátor) have been terrible and resembled to a jail, while the circumstances were much better in the open camps, among them the most popular was the integration camp in Bicske (that have been already closed). Not only the freedom of movement affected the assessments of the camps but also the services provided (language course, food voucher, assistance of social workers etc.) made the difference between the lived experiences in the closed and open camps.

“I came by foot (through the Ukrainian-Hungarian border). It was a jungle. Very difficult, very hard for me. I have problem here (he showed an injury on his foot) the tree cut me. When I crossed the border of Hungary after 1 or 2 km the border security caught me. He caught me, and (...) checked me. He took me to Nyírbátor, to a closed camp. I have been there like 3 months. It was not camp; it was a prison. Exactly a prison.” (11_T)

The reception practices upon arrival are similar in the case of all irregular migrants, including the submission of an asylum application supported by documents from the home country, interviews and fingerprinting. The later phases of the administrative process to acquire various types of legal status and connecting legal procedures were described as highly complicated, lengthy and exhausting by all the migrants. Many of them mention that the officials involved in the legal process of migrants, asylum-seekers and refugees (e.g. in the Immigration Office) often do not speak any language other than Hungarian.

“After three months he (a border official) gives me a paper in Nyírbátor (closed camp). I don’t speak Hungarian. He said me take to this paper and go to Bicske (usually the next steps for refugees, an open camp, integration camp). I said: how? how I can go to Bicske? I don’t know where is this Bicske. He only said that you should take this paper. (...) I said okay I take the paper and I came here to Budapest, I asked some people to help me. I said where should I go. I went then to Bicske and I lived in Bicske for like 2 months. Open camp in Bicske.” (11_T)

At some points of the legal procedure (e.g. requesting a health insurance card) there were no official translators provided. Some of the interviewees mentioned that lawyers or legal professionals of an NGO (e.g. Hungarian Helsinki Committee) provided help but these were special instances and not the mainstream cases.

“The lawyer of the Helsinki Committee was experienced in international law cases. But the other social services were not very good because the usually don’t know how they have to handle the cases of the people who are in the same situation as me (i.e. a person with special needs, in this case due to physical disability).” (007_T)

Interviews done by anthropologists, sociologists and social workers in the early days of the refugee crisis in a city close to the Hungarian/Serbian border³⁷ mostly consists of negative examples:

“My name is on the list, theoretically I could enter Hungary, but because I’m a single man I’m constantly getting further behind in the line. I don’t know what to do. I don’t want to enter illegally, because if I climb over the Hungarian soldiers will beat me up. And then comes pepper spray, so this is dangerous. My dad died in Somalia. My mum and my two siblings still live there. There is too much trouble: with the al-Shabaab, the al-Qaida and the government. If you work for the government, the al-Shabaab kills you. If you join the al-Shabaab the government kills you.” (17-year-old Somali boy at the border)

“The policemen were humiliating us and laughing at us. They were beating us and joking while doing it. They were saying: “Fuck you! Fuck Muslims! Muslims are animals”. They put us all in a line and made us sit down.”(MIGSZOL, 2016, p.51)

“They were asking each of us where we were from. During this they were still hitting us. It didn't matter if you were in the beginning or in the middle of the line. Whenever they felt like hitting you they would hit you. If one of us was sitting in a different way or if the line wasn't straight they would drag them out of the line they would beat them and push them back saying: “Sit straight!”. In my whole life I've never been that scared. I've never been beaten this way and I've never seen anyone that was beaten this way.” (ibid, p.55)

“We walked approximately 5km into Hungary. We were sleeping in the jungle for approximately one hour to hide from the police, because we thought we were safe. Then, the police surrounded us and started beating everyone in the jungle. They called the dogs, German shepherds. They had this face covering (-muzzles). They continued beating, kicking, punching and hitting us with sticks. (...) They kicked us in the face and groin, and said, “Welcome to Hungary”. Then, they put dirt into our faces and said again, “Welcome to Hungary.” (...) There was a car playing loud Hungarian music. They poured beer and wine on the back of our necks. Then they told us to sit down in the line outside of the jungle. They had one dog named ‘Freki’ with a face cover and told him to attack people one by one. They kicked me in the face when I was sitting, and my nose started bleeding. (...) The police had pistol guns and the army had AK-47s. They took the pistols and held them to each of our heads. (...) We walked for one and a half hours, and they were still beating. We got to the main road, and they brought two vans. They brought us to the transit zone gate and interviewed us one by one. They asked a series of questions: Where are you from? How old are you? What is your name? What is your mother’s name? Where do you want to go? Then, they instructed us to unlock our phones and they checked everything. They checked our sim number and everything and checked our belongings and pockets. Then Serbian police came to the fence, and the Hungarian police took the dog away. I think the Hungarian police would have beaten us again, but they didn’t want to in front of Serbian police because then the police would have been witnesses. The Hungarians asked how much money we had, and then gave it back to us. (...) Around 5:30 or 6:00am they opened the gate back to Serbia.” (ibid, p. 67)

4.2.2. Spatial borders and bordering practices

Spatial borders are perceived only as physical borders between countries, no other interpretation have been mentioned. Most interviewees arrived Hungary via several countries and borders and often with some forced back and forth movements among countries (e.g. among Greece, Macedonia, Serbia or Hungary). The form of border crossing is often irregular and asylum application have been submitted in Hungary only because the person has been captured in the territory of Hungary, but the aim of most interviewees was to settle in Germany or in other Western European countries.

“First, I said, no I don’t want to apply for asylum in Hungary, I want to go to the other side (of the border, i.e. towards Western Europe). They didn’t accept my answer. After I made the asylum.” (O11_T)

Only a few interviewed migrants arrived intentionally to Hungary, mostly because other migrant friends in Greece told them that this is a safe country with relatively good chances to settle legally and they have joined groups of irregular migrants in Greece who came to Hungary.

‘When I was in Greece some people told me that Hungarian people are very good, very kind and they are not racist, and they were telling that story because I was 9 months in Greece. They said if you it is time go to, crossing the border of Hungary will be safe. Nobody can deport you and this ad that. But I was in risk in Greece anytime as they could catch and send me back.’ (M001_T)

Quite many interviewees have left Hungary but returned later, before or mainly after received refugee status. Their aims were either to visit friends (also migrants) or to work and live (illegally) in other Western or Northern European countries. They all returned when realized that the refugee status bound them to Hungary and cannot claim another refugee status in other EU countries. Some of these temporary stays outside Hungary even lasted several years, and some of the migrants interviewed have chosen not only Germany but Norway as the “land of dreams” due to the high level of income.

A core issue of the bordering process is to determine whether the person is an adult or not. According to an anthropological analysis:

“An Afghan boy talked about being held at Kiskunhalas with a group of boys, and they were examined by a doctor in order to determine their age, by observing their genitals. Only one of the was pronounced a minor, everyone else was given the same birth date: 1st January 1997, and by that they were all declared adults. A similar event occurred to a Syrian boy, who was born in 2001, but was scared to give his papers to the officials so he only told them his age, however he was given the same date birth as mentioned before”. (Gunesch, Kallius, Mahr & Rodgers, 2016)

4.2.3. Social borders and bordering practices

Solitude is the most important common social feature of the migrants interviewed.

“Only me. No family, no relatives, only me with friends.” (M005_P)

As a starting point, all the interviewees arrived alone or with some migrant (friends), and none of them with family or any family members (except for a Russian couple with a small child who arrived with tourist visa). Only one refugee was able to manage successfully family reunification, but only after 5 years and with the help of the legal experts of an NGO. The other interviewees often live alone, with temporary friends or sometimes partners, and a few were able to build up a network of friends (only with migrants) just later, but some of them remained socially marginalized and actually lonely even after several years. In fact, none of the interviewees were able to set up a decent network of locals. Only a few have a network of migrants exclusively, that might make them feeling not integrated, not

belonging neither to the host society nor to other stable groups of people, which might lead to a life of temporality and constant uncertainty, irrespectively the legal status that the person was able to acquire.

4.3. Everyday lived experiences of borders and bordering practices in the housing and/or employment sectors

4.3.1. Legal borders and bordering practices

Before 2015 housing has been provided by the state upon arrival and until the first positive decision on legal status either in closed or open camps. Currently these camps are eliminated, and accommodation is provided by the state only in the transit zones for the first 30 days upon arrival. In the past years some NGOs or other municipality organizations (Menedék or BMSZKI) provided accommodation co-financed by the state's integration fund, but this support has been abolished and currently only a few NGO initiatives support housing for migrants, but only for a small number of beneficiaries, which is much beyond the demand.

Employment possibilities for migrants are promoted neither by state funded or municipality managed programs, thus getting a job is entirely up to the migrant person, which still hard for migrants although Hungary faces labor shortage currently.

"It's difficult (to find a job as a migrant). So if you go to an agent, they help you to find a job, because they want to have their percentage. Of course: they are not for a Christmas (present), who looks for a job for you! The salaries are neither encouraging. But you have to work, you cannot stay without work."
(M002_P)

Some NGO programs, however, have also been available for migrants to find proper jobs that does not require language and other professional skills or degree, but it is limited. The typical way how to get a job is relying on the (migrant) network, thus many interviewees are working in typical "migrant" jobs such as a cook or assistant in a kebab, gyros or pizza (fast food) restaurant, with long working hours and very low salaries. The lack of information, coordination and language skills as well as the lack of recognition of degrees often leads higher educated migrants to low skill jobs that has nothing to do with their former profession and expertise.

4.3.2. Spatial borders and bordering practices

Spatial borders are perceived as barriers or difficulties (if any) among locations where migrants' life pursued. The switch among localities are often difficult but necessary, as housing and employment are usually unstable factors in the life of migrants that makes moving to new places or jobs are inevitable for most of our interviewees. After leaving the reception or integration camps in the past, or leaving the transit zones nowadays, asylum-seekers or refugees can move anywhere in Hungary, but the overwhelming majority of them are moving to Budapest or leaving the country.

However, Budapest is often a trap for most of them due to the mismatching levels of income and housing costs. Besides Budapest labor markets elsewhere in Hungary are very limited for non-natives and also the possibility to have any services not only in Hungarian language is scarce, therefore almost all migrants are heading to the capital city to increase their chances to survive. Although the labor market possibilities and the income level is much higher in Budapest than in other parts of Hungary, the living costs are even much higher, driven by the rapidly increasing housing costs. Most migrants interviewed highlighted the extremely high (and fast-growing) housing costs that are far not in line

with the income level that can be achieved by a migrant in Budapest, and thus they all are struggling with the low standard of living. In general, almost all interviewees are frustrated by the low income level that is typical for Hungary and to those jobs that available for them.

“When I was looking for a job, I went to an association, to look for a job. But you work 8 hours, and your (gross) salary is like 150 000 HUF (470 EUR), and you receive 90 000 HUF (280 EUR)! Because of tax etc... right? It’s too much! How can you pay tax, almost the half of your salary?! In our country we don’t really pay taxes. The life here is very expensive. You pay house rent for 120 000 HUF (375 EUR), without the bills. And your salary is 120 000 HUF... How can you do it? It is better to do black job. Because by black job you don’t pay tax. So, it is better.” (M002_P)

Those who find this life unsustainable and have any opportunity abroad via their migrant networks, often leave the country temporarily or forever. Leaving Budapest and moving somewhere else within Hungary have not been mentioned by any of the interviewees, as it is not an option for them.

4.3.3. Social borders and bordering practices.

Most interviewees describe Hungarians hospitable, welcoming, not racist or xenophobic in most cases. Many of them explicitly told that have not had any discriminatory or even unpleasant experiences in daily life, i.e. with neighbors, often with co-workers or students (if they are working or studying). The only exception mentioned by most interviewees is when they want to rent a flat or room, which is extremely difficult in most cases due to discrimination: private landlords or owners of properties do not trust foreigners, especially those with unstable legal and social status, which is accompanied by the usual prejudice migrants are subject to. *“People are afraid, when you say that you are a refugee. They say: Sorry, we only give it to Hungarians.” (009_T)* Housing thus is the most difficult aspect of a migrant’s life in Hungary not only because the bias between the level of rental prices and incomes but also due to widespread discrimination.

Social borders are strengthened between migrants and locals due to the fact that migrants often share a flat with one or more people, as this is the only possible solution due to the high rental fees. The flat mates are migrants in each and every case among the interviewees in the Hungarian research, except for one man who married a Hungarian woman.

Social borders between migrants and locals in the labor market are clear due to two reasons. On the one hand, migrants and locals are rarely meet in work, as migrants are often working in segregated jobs and work places, typically in restaurants and fast-food vendors of gyros and kebab, or might have their own shops with same profile, where no or just a few local works. It is usually the consequence of the factors mentioned above, i.e. the lack of information, coordination, language skills and the recognition of degrees. On the other hand, in those few cases when a migrant is working in an inclusive work environment, where most of the co-workers are natives, language barriers and cultural differences often hinders the inclusion of the migrant employee. Moreover, migrants interviewed are often working alone, at home or in businesses where only a few people work, thus their working network is limited.

4.4. Lived experiences of im/mobility

As mentioned above, solitude or very much limited social network is typical among the migrants interviewed in Hungary. Most of them arrived alone, and even though have family at home, family reunification is just a dream without any reality (or even it is not a dream, the person does not long for

it due to specific circumstances or the lack of reality). Establishing a family is also rather a dream than reality for most of them, although this is a clear aim for most of them.

Only a few interviewees have family: one couple arrived together with their young daughter; a man was able to make her wife and four children move legally to Hungary through family reunification but only after 5 years; while one young man has been married a Hungarian woman recently. All of them, however, described their social life very much limited, their private life is centered around family and have only a few friends, if any. Some interviewees mentioned that have been lived or currently living with a partner, but these seemed less stable relationships.

The typical migrant according to the Hungarian interviews is living alone or with one (perhaps more) migrant tenant called “friend” and have a few more migrant fellows also called “friend” without any specification in relation to the nature of their relationship. These relationships seem less solid, but it is difficult to understand as these relations are usually described vague, not specified. The migrants interviewed in Hungary have very limited contact with locals of any kind, including neighbors, co-workers or peer students (if any). They rather put effort is maintaining relationships in a distance (via internet), most of them predominantly talks either with the family at home or migrant “friends” in other European countries, but almost none of them mentioned any local friend or a migrant friend out of Budapest but in Hungary whom they maintain a friendship or any kind of relationship.

4.4.1. Previous migratory trajectories

Most migrants arrived Hungary as a part of a longer migration track that not necessarily lead directly to Hungary. Most interviewees ended up in Hungary unintentionally, just by chance, primarily because they have been captured in the territory of Hungary and were unable or unwilling to reject the possibility to submit asylum application in Hungary even though they targeted other EU countries.

“I did not decide to come to Hungary. Faith brought me here. (break, deep breath) Hungary was the easiest place to be, from where we came from. But I was not coming to Hungary. I was going to Germany. But on the way, we arrived to Hungary, and the way they have welcomed us, and how they treated us... I decided to stay, and I took asylum here.” (M002_P)

Others were directed to Hungary by migrant fellows they met on the road and due to the lack of any specific target they were open to go to Hungary as the survival and the flight from the home country was the only aim of their journey.

Previous migratory trajectories mentioned by the interviewees basically cover those territories and countries of the East-Mediterranean mainland or Balkan route that might directly lead to Hungary, but most of the migrants interviewed have not planned to stay in Hungary but rather in Germany or elsewhere in Western or Northern Europe. Many of them still plans to move forward once they have a chance or save enough money.

Most migrants interviewed thus arrived Hungary after a long journey with several stops for longer periods mostly in Turkey or Greece, but in some outlier cases in Russia, Ukraine or Romania.

Interviews with three Syrian refugees (now living in Austria) give a lucid example of these processes:

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“There is no other way (apart from human traffickers), Syrians don’t get visas, I’ve tried many times... We got a phone number through an acquaintance to a Serbian human trafficker gang. Our only contact with them was through Viber, only he called us, never the other way around. We had to pay in advance. We got the address where we had to give the money to a member of the gang in a massage parlor. Three hours later another message came with a date and a place. That was the place and time of the beginning of our journey. Someone picked us up and we made it to the Hungarian border in 4-5 hours, where they throw us off the car. The man said we should walk along the road and someone is going to wait for us and guide us through the border. Later we heard a shout “Just follow me!” from between the trees. We walked with him for 3-4 hours. Then came yet another man, with a truck. He took us to Austria. (...) The journey took 5 hours. We didn’t know where we were, the driver didn’t tell us, just drove off.” (Tareq) “Throughout the entire journey when I needed the help of human traffickers, they were always there, somehow always finding me. Even when I didn’t need anything, many of them offered their “help”. They always ask you where you want to go and how much you can pay. ... A 12-year-old-looking boy came up to me, he spoke English, asking if he can help and what I needed. I thought he was joking when he said he would help getting forward. The 12-year-old got us a car, a driver in exchange for money (...) and we made it to the capital without the essential papers.” (Halim)

The following excerpt is from a report written by a Hungarian journalist who visited the Turkish city, Izmir, also known as the capital of human traffickers, full of Syrian refugees waiting to board inflatable rubber boats to cross the sea. The interviewee was his dragoman whose sister was also one of the refugees waiting for a boat. (Földes, September 17. 2015)

“My sister and her family have been waiting in a near town for weeks, to be able to get on one of the boats. There are too many people wanting to board. They didn’t want to leave the country even through the 4 years of the war. Her husband is employed in telecommunication, ha had been to Europe many times on business trips, as long as he got a visa. My sister is an environmental protection engineer. They had jobs, but a few months ago their neighborhood began to be bombed and they didn’t want to risk it with the three children anymore. ... The demand is huge and the smugglers can only take through 3000 people in a day. (...) The business is going so well that the rubber boats and motor engines are in short supply. ... You can’t go anywhere near to the places where the human traffickers and their bankers handle the money. They operate in the back of shops and the neighborhood is closely watched by their man. You can only get in if they call you. ... Since they use rubber boats the boats are not coming back. They show one of the passengers how to use the engine and then they leave the group to him/her. In return that person has to pay less.”(Földes, 2015)

4.5 Conclusion of the chapter

Most migrants interviewed in Hungary arrived via the East-Mediterranean or Balkan route, via Turkey-Greece-Macedonia and Serbia or in some cases via Romania or Ukraine (before 2015), even those who came from any Sub-Saharan African countries. Most of them fled partly with smugglers alone or with a group by foot, while some of them by public transport.

The experiences on reception and bordering practices depend on the year of the arrival. The harshest treatment by border police were in Greece and especially in Macedonia, not in Hungary. The milestone year is obviously 2015: those arrived a few years before usually crossed the green border illegally to Hungary and have been captured by border officials or police, then have been sent to closed and later to open camps. Their memories are often rather positive on how the border police treated them. Those arrived during the times of open borders in 2015 recall a rather smooth border crossing, especially to

Hungary and have also rather positive experiences with border officials and police. Those arrived after the tightening of the Hungarian-Serbian/Croatian border in late 2015 experienced much harsher treatment and have worse memories on the reception upon arrival. Migrants who arrived in the past year, talk about bad conditions of the bordering practices, reception and provision, especially those which take place in the completely sealed transit zones among jail-like circumstances.

As to reception, many of them mention that the officials involved in the legal process often do not speak any language other than Hungarian. At some points of the legal procedure there were no official translators provided, only lawyers or NGO volunteers provided help occasionally.

Interviewees either live alone or with temporary friends or sometimes partners, and a few were able to build up a network of friends (only with migrants) just later, but some of them remained socially marginalized and actually lonely even after several years. None of the interviewees were able to set up a decent network of locals, that might make them feeling not integrated, not belonging neither to the host society nor to other stable groups of people, which might lead to a life of temporality and constant uncertainty, irrespectively the legal status that the person was able to acquire.

Before 2015 housing has been provided by the state upon arrival and until the first positive decision on legal status either in closed or open camps. Currently these camps are eliminated, and accommodation is provided by the state only in the transit zones for the first 30 days upon arrival.

Employment possibilities for migrants are promoted neither by state funded or municipality managed programs, thus getting a job is entirely up to the migrant person, which still hard for migrants although Hungary faces labor shortage currently.

The migrants interviewed all describe Hungary as a safe place with kind people, where they have never experienced racism or discrimination, except when it comes to housing rentals. Renting a flat or room is the only situation where discrimination not only appears but widely experienced, most of the migrants mentioned it explicitly.

5. An analysis of the links, or the lack thereof, between the management of mobility and that of borders

5.1.1. Secondary movements

Nowadays many interviewees said that they aim to leave Hungary sooner or later and move to Germany or to any other appealing European country where making a living seems to be easier than in Hungary. Improving living standards is the primary driver to other countries, as most migrants are unsatisfied with the low income level they experience in Hungary and their main aim is to earn more and willing to choose next destination accordingly.

Other factors that are motivating migrants to switch Hungary to another European destination is their (migrant) network in other countries and the language that seems to be easier to learn than Hungarian or to which they have any connection (e.g. a migrant from Cameroon would like to move to Germany as German is his second language, due to the German colony times). Some interviewees actually moved to Hungary after staying in another EU state where they have submitted asylum application (e.g. in Romania), i.e. Hungary is their secondary destination.

During the peak period of mass migration in 2015 there was, however a unique period between August 31- September 15, when Austria introduced strict border control and an unprecedented number of refugees were stuck in Hungary, essentially living at railway stations. As a result of the closed Hungarian-Austrian border hundreds of refugees were waiting to travel on and other hundreds kept on arriving. The most populated railways station of Budapest was the Keleti station and its neighborhood, which is best demonstrated by the case of the near Pope John Paul II. Square which at the time was infamously known as the “Afghan park”.

“By early September the endless waiting and the tragedy of 71 dead refugees found in a human trafficker’s truck near the Hungarian- Austrian border, brought hidden tensions to the surface, culminating in refugees joined by activists staging protests on a daily basis. Hundreds of refugees sang, chanted or pleaded before a wall of police officials, wanting to be allowed to move on from Hungary. Meanwhile the railways stations opened other entrances for Hungarians or tourists, as an Afghan man put it: “ticket windows close before people who look like us” (Thorpe, 2018).

During this time one “migrant train” also left Keleti with the promise of its destination being Germany, only to take its refugee passengers to a refugee camp at Bicske.³⁹ These futile efforts ultimately led to the 4th of September, when after weeks of waiting a large group of refugees started marching from Keleti in the direction of Vienna on the M1 highway. The march was joined by several journalists, activists and volunteers. This was the turning point of the crisis that evoked government intervention. It provided 90 buses for the crowd on the highway in order to get to the Austrian border. This act was perceived rather doubtfully from the refugees, fearing that this would lead again to refugee camps. First only small groups boarded the buses, who insisted on journalists to join them. Later on they sent texts to the others staying back to assure each other that the buses are indeed going to the border. The 90 buses, however, were not enough but by that time civilians were too afraid to provide help to refugees because anyone in whose vehicle authorities found refugees could be charged with human trafficking. However, an Austrian car convoy, consisting of Austrian citizens who came to Hungary with

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The following summary of the events is based on participant and non-participant observations of anthropological fieldworks (Dessewffy-Nagy, 2016 and Thorpe, 2018, and Kallius, Monterescu & Rajaram, 2016)

private vehicles were allowed to help transporting refugees through the border. Ultimately, the railway stations and refugee camps became empty in the matter of days.

5.1.2. Daily encounters with discrimination and racism

The migrants interviewed all describe Hungary as a safe place with kind people, where they have never experienced racism or discrimination, except when it comes to housing rentals. Renting a flat or room is the only situation where discrimination not only appears but widely experienced, most of the migrants mentioned it explicitly.

Other than renting a flat Hungarians more or less seem to be inclusive and tolerant people by the migrants interviewed. Although it could be understood as a compliment to the interviewer, as the interviewee would like to avoid any conflict in the interview situation, but in some cases the interviewee supports his/her opinion about the tolerant Hungarian society with a comparison of other countries where they lived and experienced harsh discrimination and xenophobia (e.g. in Greece).

Despite the positive experiences at daily encounters, some of the migrants mentioned that the state level xenophobia and the hostile statements regarding migrants by the government and the prime minister as well as the restrictive migration rules worry them and makes them prepared to leave the country if the strengthening hate campaign reaches their personal life.

5.1.3. Politics and experiences of (non)belonging

Despite the general perception of the hospitality of the population, the hostile politics of Hungary generates a contradiction that make some of them worried. However, most of the interviewees did not refer to politics from the aspect of xenophobia but limited their attention only to legal conditions that allow them to stay or make them to leave. Some of the interviewees seemed well informed about Hungarian politics and have a bad opinion about it in general, while others did not even touch the subject.

“For us the only three things that make us feel like maybe it's not our best place, maybe it will be somewhere else: First the sea, we used to live at the sea. Second the winter, we really hate it even this soft winter. And the last one is Orbán, and the politic stuff, that we get right now, and the goes the same way that we run away from, you know... We just run away from it and it starts here. But in Russia it so tough right now, it's a light version here but the direction is the same. In Russia they've got a change but they screwed it up. For the next 30 years it's worse and worse. It's the same method here, like there a few years ago. Step by step and you'll see... So it really depends if we are good here and we can get the permanent status and in this case we will have medical health care that's important, so maybe we will stay. If we see that we have no perspective and we cannot get a job here well payed for our profession. We will search for other countries in the European Union, or maybe Canada. For now, it's good that it's close to Russia.” (006_T)

Non-belonging is the general attitude among migrants, although it is barely connected to hate politics, but rather to the lack of contact and integration to the host society in many sense. The main factors lead to non-belonging is the lack of relationship with the locals, migrants in general hardly have any native friends and network, including co-workers or neighbors, even if they exist but there is no relationship with them at all. Another important factor is the lack of (state supported, organized) language courses available to any migrants, and it makes them learning Hungarian extremely difficult which is another barrier to social inclusion. It was clear from the testimonies of the migrants interviewed that the absence of links to local society lead to the lack of connection to local culture,

habits, traditions, and also the understanding of and joining to various aspects of local life on a daily basis, none of them mentioned any link to this sphere of life. Despite non-belonging to Hungary is dominant among migrants living in Hungary, many of them might stay longer or even forever as they are not belonging to anywhere else, too – including their home country where many of them will never be able or willing to return.

5.2 Conclusion of the chapter

Only a few interviewed migrants arrived intentionally to Hungary, mostly because other migrant friends in Greece told them that this is a safe country with relatively good chances to settle legally and they have joined groups of irregular migrants in Greece who came to Hungary.

Quite many interviewees have left Hungary after they received refugee status. Their aims were either to visit friends (also migrants) or to work and live (illegally) in other Western or Northern European countries. Some of these temporary stays outside Hungary (mostly Germany) lasted several years, and some migrants have chosen Norway as the “land of dreams” due to the high level of income.

6. Final conclusion

The aim of the Hungarian case study was to analyze the functioning of EU borders in the governance of migrants' mobility. It focused on how bordering processes were implemented when confronted with the mobility of migrants at such different stages as the "Hot Autumn of 2015", when the refugee crisis culminated in Hungary and since then when practically all refugee movements ceased to exist but an (over)politicized form of (im)migration/relocation discourse is still very active.

Our aim was limited in the sense that we do not claim to give a concise overview of the intertwined legal, economic, social and political processes, only an outline the main features of the context and describe (but do not interpret in detail) the results of the qualitative research.

Hungary has never experienced a refugee flow on the scale as in 2015 but Hungary has not become a host country. It has functioned as a temporary station along an already established migration route leading to Western Europe. By now, the building of the fence, the hindering of the civil society, the closing of the refugee reception centers, the destruction of the welfare and legal basis of any pro-migration institution made Hungary practically a closed country for asylum seekers. The number of recognized refugees and protected persons furnished with ID cards as registered inhabitants in Hungary from 2014 to July 2017 was increasing only by ten percent. It means that after a high influx of applicants and growing recognition rate, the total number of 3 300 residing refugees and protected persons in Hungary forms a small part of the migration wave moving across the country. The chance for their admission and integration has been limited yet.

The fieldwork was carried out between May to December 2018. We approached all the relevant organizations but either rejection or (more often) lack of any reaction have occurred. Border agents, the precious few who were ready to meet us, although most of them were interviewed anonymously, provided an overview on the bordering practices with opinion and arguments that was very carefully adjusted to the "official opinion". Since in Hungary there is a martial law which rules out any visit along the borders, we did not have a chance to do non-participatory fieldwork at all.

Legislation, public administration and support system for refugees has changed significantly in Hungary since autumn 2015. Access to international protection has become more and more restrictive, and the amendments adopted in the past three years show that the security, admission, residence and integration measures introduced by migration martial law make sure that refugees have almost no chance of gaining access to protection.

According to the government, solidarity is limited to the construction of the fence that would protect the borders, sovereignty and wellbeing of Hungary. This concept refuses the spirit of partnership in solidarity and the pushes the burden towards the surrounding area/other states.

Another character of asylum policy and regulation is the non-equal treatment for protection seekers: ethnicity-based, business-driven or religion-based benefits in admission, settlement, naturalization and refugee recognition has been proved, while legal obligations from the EU acquis and human rights for protection seekers have been neglected in law enforcement and public administration.

All changes in asylum and migration law together with administrative modifications have been connected to the domestic political purposes instead of operating in European or global migration context.

Border agents agree with the fence, they consider it both an effective physical defender and a symbolic measure of Hungary's effort to defend Europe. They argue that the transit zone plays a crucial role in the management of both regular and irregular migration, it functions similar to a hotspot.

The role of smugglers has been crucial in the bordering processes along the whole Balkan route and from the very beginning of the refugee crisis in 2015.

The experts have expressed mixed views on how Schengen and Dublin functions. Most of them doubt that Schengen and Dublin regulations connected well in the enforcement of border security. They argue that the revised CEAS should be in line with Schengen regulations and not the other way around.

Several border agents highlighted explicitly or implicitly that the official standpoint of Hungary on migration has not changed since 2015, and some elements of Hungarian migration policies have been recognized by other member states. The most important change is the impact of the restrictive migration policy introduced by the Hungarian government since autumn 2015 via the physical and legal closure of the Hungarian external (Schengen) borders. It turned to be effective considering that almost 100% of the arriving asylum-seekers decided to avoid Hungary and travel through Croatia and Slovenia until those countries decided on a border fence too. After 2016, the number of arriving refugees and asylum-seekers on the Western Balkans route significantly shrunk. They complain because of the lack of professionalism and scapegoating against Hungary within the EU, and they do not think at all that the current reform of the CEAS goes into the right direction.

The experiences on reception and bordering practices depend on the year of the arrival. The harshest treatment by border police were in Greece and especially in Macedonia, not in Hungary. The milestone year is obviously 2015: those arrived a few years before usually crossed the green border illegally to Hungary and have been captured by border officials or police, then have been sent to closed and later to open camps. Their memories are often rather positive on how the border police treated them. Those arrived during the times of open borders in 2015 recall a rather smooth border crossing, especially to Hungary and have also rather positive experiences with border officials and police. Those arrived after the tightening of the Hungarian-Serbian/Croatian border in late 2015 experienced much harsher treatment and have worse memories on the reception upon arrival. Migrants who arrived in the past year, talk about bad conditions of the bordering practices, reception and provision, especially those which take place in the completely sealed transit zones among jail-like circumstances.

As to reception, many of them mention that the officials involved in the legal process often do not speak any language other than Hungarian. At some points of the legal procedure there were no official translators provided, only lawyers or NGO volunteers provided help occasionally.

Only a few migrants arrived intentionally to Hungary, mostly because other migrant friends in Greece told them that this is a safe country with relatively good chances to settle legally and they have joined groups of irregular migrants in Greece who came to Hungary.

Quite many interviewees have left Hungary after they received refugee status. Their aims were either to visit friends (also migrants) or to work and live (illegally) in other Western or Northern European countries. Some of these temporary stays outside Hungary (mostly Germany) lasted several years, and some migrants have chosen Norway as the "land of dreams" due to the high level of income.

Before 2015 housing has been provided by the state upon arrival and until the first positive decision on legal status either in closed or open camps. Currently these camps are eliminated, and accommodation is provided by the state only in the transit zones for the first 30 days upon arrival.

Employment possibilities for migrants are promoted neither by state funded or municipality managed programs, thus getting a job is entirely up to the migrant person, which still hard for migrants although Hungary faces labor shortage currently.

Housing is an unsolvable problem for the refugees. There are various sub-optimal strategies that refugees can choose: many are sharing rented rooms, a few of them are able to contact an NGO working in this field and get temporary accommodation (often again a shared room). For many the final solution is leaving the country as the previous strategies are just short-term and sub-optimal solutions. Leaving the country, though, for many asylum-seekers and refugees leads to the decision to give up their legal /regular status and take on all the risk that comes with an illegal/irregular status.

The migrants interviewed all describe Hungary as a safe place with kind people, where they have never experienced racism or discrimination, except when it comes to housing rentals. Renting a flat or room is the only situation where discrimination not only appears but widely experienced, most of the migrants mentioned it explicitly. The most commonly reported problem was the language barrier and the lengthy and bureaucratic procedure, while only a few interviewees referred to harsh treatment during the procedure.

Asylum seekers and refugees often leave the country for shorter or longer terms to visit their friends (as their family often stay back home or close by). It is also a way to leave Hungary permanently, due to the low income level, lack of proper housing options and the extreme difficulties of integration in general.

7. List of References

- Bernát, A. (2016) 'The New Forms of Solidarity and The Role of Volunteer and Civilian Organisations in the Migration Crisis in Hungary', in Simonovits, B. and Bernát, A. (eds.) *The Social Aspects of the 2015 Migration Crisis in Hungary*. Budapest: Társki Social Research Institute. pp. 72–98.
- Bernát, A., Tóth, F. M., and Kertész, A. (2016) 'Solidarity Reloaded: Volunteer and Civilian Organizations during the Migration Crisis in Hungary', *Review of Sociology*, 26(4), pp. 29–52.
- Debreczeni, J. (2017) *Az Orbán-rezsim 2010- 201?*, Miskolc: DeHukönyv.
- Dessewffy, T., and Nagy, Zs. (2016) 'Born in Facebook: The Refugee Crisis and Grassroots Connective Action in Hungary', *International Journal of Communication*, 10, pp. 2872–2894. Available at: <https://ijoc.org/index.php/ijoc/article/view/4884> (Accessed: 20 March 2019).
- Földes, A. (September 17, 2015) 'Úgy pörög a török embecsempészváros, mint Las Vegas', *Index*. Available at: <https://index.hu/kulfold/2015/09/17/izmir03/> (Accessed: 20 March 2019).
- Földes, A. (September 8, 2015) 'Ezt üzenik a kormánynak a távolból a szír menekültek', *Index*. Available at: https://index.hu/kulfold/2015/09/08/ezt_uzenik_a_kormanyrak_a_tavolbol_a_szir_menekultek/ (Accessed: 20 March 2019).
- Gunesch, J., Kallius, A., Mahr J. and Rodgers A. (2016) *Hungary's long summer of migration – irresponsible governance fails people seeking international protection*. Budapest: Migrant Solidarity Group of Hungary (Migszol).
- Hann, C. (2016) 'Overheated Underdogs: Civilizational Analysis and Migration on the Danube-Tisza Interfluve', *History and Anthropology*, 27(5), pp. 602–616. <https://doi.org/10.1080/02757206.2016.1219353>
- Hartocollis, A. (2015) 'Travelling in Europe's River of Migrants', *The New York Times*. Available at: <https://www.nytimes.com/interactive/projects/cp/reporters-notebook/migrants/hungary-treatment-refugees> (Accessed: 20 March 2019).
- Hungarian Academy of Sciences (Magyar Tudományos Akadémia) (2015) *Az Európába irányuló és 2015-től felgyorsuló migráció tényezői, irányai és kilátásai*. Available at: <https://mta.hu/data/cikkek/106/1060/cikk-106072/europabairanyulo.pdf> (Accessed: 20 March 2019).
- Juhász, A., and Molnár, Cs. (2016) 'Magyarország sajátos helyzete az európai menekültválságban' in Kolosi, T., and Tóth, I.Gy. (eds), *Társadalmi Riport 2016*. Budapest: Társki Social Research Institute. Available at: <http://old.tarki.hu/hu/publications/SR/2016/13juhasz.pdf> (Accessed: 20 March 2019).
- Juhász, A., Molnár Cs., and Zgut E. (2017) *Menekültügy és migráció Magyarországon*, Prague: Heinrich Böll Stiftung, Budapest: Political Capital. Available at: <https://docplayer.hu/106359234-Menekultugy-es-migracio-magyarorszagon-juhasz-attila-molnar-csaba-zgut-edit.html> (Accessed: 20 March 2019).
- Kallius, A., Monterescu, D. and Rajaram, P. K. (2016). 'Immobilizing mobility: Border ethnography, illiberal democracy, and the politics of the "refugee crisis" in Hungary', *American Ethnologist*, 43(1), pp. 1-13. DOI:10.1111/amet.12260
- Kanjo, M. K. (2017) *Menekülés a háborúból – a Nyugat-Európát célzó embercsempészet bemutatása szír menekültek szemszögéből*. Budapest: Eötvös Loránd University
- Kisalfold.hu (July 6, 2015) 'A kamion alvázáról esett az M1-esre Hegyeshalomnál egy menekült', *Kisalfold.hu*. Available at: https://www.kisalfold.hu/mosonmagyarovari_hirek/a_kamion_alvazarol_esett_az_m1-esre_hegyeshalomal_egy_menekult/2436769/ (Accessed: 20 March 2019).

- Logan, N. (September 23, 2015) 'Migrants posing as Syrian refugees for better chance at settling in EU', *Global News*. Available at: <https://globalnews.ca/news/2237011/migrants-posing-as-syrian-refugees-for-better-chance-at-settling-in-eu/> (Accessed: 20 March 2019).
- MIGSZOL (2016) *Hungary's long summer of migration – irresponsible governance fails people seeking international protection*. Available at: www.migszol.com/files/theme/Report/migszol_report_eng.pdf (Accessed: 20 March 2019).
- Nagy, Zs. (2017) 'Collective action frames – the case of a local anti-refugee camp movement' in Hungary', *Hyphens (kötő-jelek)*. Budapest: Eötvös Loránd University Faculty of Social Sciences.
- Nyilas, G. (August 17, 2015b) 'Elfogattam magamat az ásatthalmi úton', *Index*. Available at: https://index.hu/belfold/2015/08/17/menekult_tabor_bentrol/ (Accessed: 20 March 2019).
- Nyilas, G. (June 18, 2015a) 'Szerintem már alig várták odaát, hogy felhúzzák közénk ezt a kerítést', *Index*. Available at: https://index.hu/kulfold/2015/06/18/az_uj_vasfuggony_a_magyaroknak_is_faj/ (Accessed: 20 March 2019).
- Pertl, R. (2016) *A migráció aspektusai – Egy menekülttábor jelenléte a város életében*. Budapest: Eötvös Loránd University
- Ruthven, M. and Thorpe, N. (November 24, 2016) 'On Today's Refugee Road', *The New York Review of Books*. Available at: <https://www.nybooks.com/articles/2016/11/24/on-todays-refugee-road/> (Accessed: 20 March 2019).
- Ságvári, B., Simonovits, B., and Szeitl, B. (2017) *A Migrációs Válság Társadalmi Percepciója - A fókusz csoportos kutatás eredményei*.
- Stalzer, T. (2015) *A menekültügy, mint a politikai agenda sarokköve - Xenofóbiával szavazatot?* Budapest: Eötvös Loránd University.
- Surányi, R. (2017) 'Interfaith help: Jewish volunteers and helpers in the refugee crisis in Budapest', *Hyphens, Special Issue on Migration*, Budapest: Eötvös Loránd University, pp. 43-62.
- Szerbhorváth, Gy. (2016) 'Menekültek a faluban', *Regio*, 26(4), pp. 33-60. DOI: <http://dx.doi.org/10.17355/rkkpt.v24i4.136>
- The Local (August 10, 2015) 'More than 125 migrants found on motorways', *The Local*. Available at: <https://www.thelocal.at/20150810/more-than-125-migrants-found-on-motorways-in-austria> (Accessed: 20 March 2019).
- Thorpe, N. (2018) *The Road Before Me Weeps*. Budapest: Scolar Kiadó.
- Tóth, F. M., and Kertész, A. (2016) 'Beyond the Humanitarian Miracle - Volunteer's Role During the Refugee Crisis' in Simonovits, B. and Bernát, A. (eds.) *The Social Aspects of the 2015 Migration Crisis in Hungary*. Budapest: Társadalmi Kutató Intézet. pp 101–119.
- Tóth, J. (2017) 'Challenged Public Security by Non-resident Nationals', *Magyar Rendészet*. 2017/5, pp. 51-66. ISSN: 1586-2895
- Vit, M. and Tóth, J. (2018) 'The Changing Dynamics of the Effective Protection of EU External Borders or/and Forced Migrants', *Intersections. East European Journal of Society and Politics*, 4, pp. 89-106.

8. Annex The main characteristics of the interviews with migrants (Table A) and experts (B)

Table A Migrant interviews

Migrants								
Participant pseudonym	Nationality	Age	Time in Host Country	Gender	Marital Status	Multiple Migrations	Considers secondary movement	Date of interview
M	Afghan	46	4 years	Male	Single	Iran, Turkey, Greece, Macedonia, Sweden, Norway, Austria	No	June 2018
D	Cameroon	32	3	Female	in partnership	Turkey, Greece, Macedonia, Serbia	No	June 2018
J	Cameroon	33	4	Male	single	Turkey	Germany	June 2018
S	Eritrea	24	3	Male	married	Sudan, Russia, Ukraine	USA, Canada	October 2018
H	Sudan	24	3	Male	single	Russia, Ukraine	No	June 2018
Ru	Russian	?	8	Male	married	No	No	November 2018
E	Egyptian	25?	4	Female	single	No	No	October 2018
Y	Ethiopia	Unknown	10	Male	married	Turkey, Romania, Norway	No	September 2018
Z	Afghan	33	3	Male	single	Pakistan, Turkey, Greece, Macedonia	No	September 2018
Pa	Pakistan	37	5	Male	married	Iran, Turkey, Greece	No	September 2018
X	West Africa	?	4	Male	single	Turkey, Greece, Macedonia	No	June 2018

Table B Expert interviews

Participant pseudonym	Institution Name (Do not fill out if anonymization level is D or higher)	Role (Do not fill out if anonymization level is C or higher)	Date of interview
SP	CEPOL	Ministry of Interior (legal expert) - Head of Department for European Cooperation (2010-2016)	05.09. 2018
H10a	Police	police management	25. 06. 2018
H10 02	Government office along the border	legal expert	29.05.2018
H11	Welfare Dept.	social politician, senior expert in reception and integration systems	24.10.2018
H2		civil servant (migration, border management, Schengen regulation)	15.06.2018
H1		diplomat in foreign service	11. 06. 2018
VV	NGO	legal expert in EU migration law	11.10. 2018
Seven	NGO	Social Worker - working with asylum seekers and refugees	09. 09. 2018
H10b	NGO	senior social worker – working with asylum seekers and refugees	18.09. 2018



The research project CEASEVAL (“Evaluation of the Common European Asylum System under Pressure and Recommendations for Further Development”) is an interdisciplinary research project led by the Institute for European studies at Chemnitz University of Technology (TU Chemnitz), funded by the European Union’s Horizon 2020 research and innovation program under grant agreement No 770037.) It brings together 14 partners from European countries aiming to carry out a comprehensive evaluation of the CEAS in terms of its framework and practice and to elaborate new policies by constructing different alternatives of implementing a common European asylum system. On this basis, CEASEVAL will determine which kind of harmonisation (legislative, implementation, etc.) and solidarity is possible and necessary.

