

## Hungary's Migration Policy

In the last years, Hungary had to cope simultaneously with the irregular migration pressure from the south, the flow of refugees who fled from Ukraine after the Russian aggression, and the increasing demands of the labour market, which – with the shrinking availability of the Hungarian human resources – made necessary the involvement of guest workers to the production. In the debate on irregular migration after 2015, the Hungarian Government followed a strong migration-critical approach, introducing physical and legal barriers, which led to serious conflicts with the European Union. In spite of the efforts, the number of irregular border crossing attempts remained high. In the meantime, Ukrainian refugees received temporary protection in Hungary – similarly to other member states, even if most refugees are leaving the country after a couple of days. Hungary supports the local solutions of the migration crisis by different development and humanitarian programmes as well.

### The general European context

Migration, particularly in its irregular form, has become one of the European Union's most significant and contentious policy issues over the past decade – sometimes evolving into a matter of political ideology. The migration and refugee crisis that commenced in 2013 but peaked in 2015, along with the subsequent arrival of millions of irregular migrants,<sup>1</sup> compelled member states to meaningfully address the issue. Serious differences of opinion have emerged among the latter concerning the transformation of the European Union's asylum and migration framework in response to altered external circumstances. These disparities have arisen because, while legal migration and the delineation of its framework fall primarily within the competence of member states, asylum law is regulated at the pan-European level. However, due to various overlaps, such as the functioning of the Schengen system, competence boundaries often appear blurred. Thus, although the “migration debate” – and this study – primarily focuses on irregular migration, the question of legal migration inevitably arises at various points.

In recent years, there have indeed been advancements towards a kind of European Union consensus in the struggle against irregular migration, such as intensified border protection, strengthened cooperation with third countries, support for sending countries, or, at least in principle, the tightening and escalation of deportations. However, on numerous issues, a satisfactory agreement has yet to be reached.

<sup>1</sup> Frontex 2023.

All of this is clearly demonstrated by the protracted debates surrounding the New Pact on Migration and Asylum<sup>2</sup> published by the European Commission in 2020, despite the fact that the Justice and Home Affairs Council passed the draft proposed by the Commission in June 2023 with a large majority, which made possible the start of trilogue negotiation between the Parliament, the Council and the Commission.<sup>3</sup>

The frontlines have essentially formed around two big themes. On the one hand, some member states primarily (and in some cases exclusively) regard irregular migration as a humanitarian issue, and would consequently make the conditions for entering and staying in the European Union extremely broad. This can be clearly seen, for example, in the philosophy that has essentially nullified the concept of a safe third country and takes no account of how many third countries could have provided adequate protection to individuals, who nevertheless passed through on their journey – even if they fled their home country as genuine refugees.<sup>4</sup> This procedure essentially sanctifies the practice of so-called “asylum shopping”, according to which asylum seekers freely choose where they wish to apply for international protection. On the other hand, many member states are trying to expand the concept of a safe third country and to put an end to the mass of unmanageable – and largely unfounded – asylum applications.<sup>5</sup> According to this approach, refugee and protected status is granted only to people who are truly in need and in immediate danger. Accordingly, in addition to the humanitarian aspect, other – social, economic, security and political – considerations are given prominence. Public political discourse generally refers to the representatives of the first approach as pro-immigration, while the latter are called anti-immigration or immigration-critical.

The second major divide pertains to the question of solidarity represented by frontline countries most affected by irregular migration. The issue of redistributing asylum seekers continues to arise despite the disappointments associated with the mandatory quota introduced for a defined period in 2016, which, in addition to provoking opposition from numerous member states, failed to meet expectations.<sup>6</sup> This is evident from the fact that by mid-2017, out of the 160,000 quota, relocation occurred in only 27,700 cases.<sup>7</sup> Similar results have persisted with various voluntary commitments.<sup>8</sup> Nevertheless, the redistribution of asylum seekers or, in its absence, the compensation of frontline countries in various forms, primarily financial, remains a key element in recent proposals. However, some countries, such as Hungary and Poland,<sup>9</sup> perceive the resettlement of foreign populations, ultimately determined by the Commission through the annual procedural quotas, as infringements on national sovereignty. Similarly strong criticisms have been directed

<sup>2</sup> The blurring of boundaries in European discourse is clearly indicated by the fact that the Commission itself deals with the two topics in one package, even though in terms of competence, it is a member state or at most a joint competence.

<sup>3</sup> European Commission s. a.a.

<sup>4</sup> Council of the European Union 2023: 35–52.

<sup>5</sup> EUAA 2023.

<sup>6</sup> PÁRDU CZ 2023.

<sup>7</sup> European Commission 2017.

<sup>8</sup> PÁRDU CZ 2023.

<sup>9</sup> Reuters 2023.

towards financial solidarity, as the Commission and several member states continue to selectively approach the issue, for instance, by not endorsing the construction of highly costly physical border barriers – commonly referred to as fences – which nonetheless constitute a key element in reducing the pressure of irregular migration and impose a significant burden on the budgets of the states constructing and maintaining them.<sup>10</sup>

In the debate on irregular migration that intensified in 2015, the Government of Hungary clearly shares the immigration-critical perspective, and has been playing a pioneering role in justifying this view ever since. At the same time, the crisis in Ukraine has showed that Hungary is ready to accept war refugees, if it is genuinely the first safe third country they encounter.<sup>11</sup> Budapest also insists that legal migration should remain a national competence.<sup>12</sup> At the same time, this does not mean that legal immigration is seen by the government as a problem. Moreover, it is clear to the government that in terms of maintaining and developing economic competitiveness in a country with a declining population, a certain degree of controlled labour immigration is essential – even if the government is primarily attempting to improve Hungary's demographic indicators through family policy tools. This is indicated by the fact that, according to several prominent government officials, the Hungarian economy will need half a million foreign workers in the coming years.<sup>13</sup> On the other hand, Hungary wants the power to determine who these should be, for what period of time they are permitted to remain, and according to what rules. All the more so because, in contrast to some Western European ideas,<sup>14</sup> Budapest clearly sees that irregular migration, as the refugee crisis in Ukraine shows,<sup>15</sup> is not a suitable tool for dealing with the labour market problems of receiving countries.

### **Captive of history? – Strategic culture and social perceptions regarding migration**

Before examining the policy frameworks of recent years, it is worth examining how Hungarian society and the political elite in general relate to the phenomenon of migration. This is important to emphasise because, according to some, the Hungarian attitude is primarily determined by the government's communication strategy on irregular migration, and this in turn shapes public opinion.<sup>16</sup>

Such arguments typically claim that Hungarian society and public opinion are xenophobic, anti-migrant, and Islamophobic, partly for ambient cultural reasons and

<sup>10</sup> MARSÁI 2023.

<sup>11</sup> MTI 2023.

<sup>12</sup> See Treaty on the European Union Article 79 Paragraph 5.

<sup>13</sup> KÁROLY 2023.

<sup>14</sup> MARTINEZ et al. 2023.

<sup>15</sup> MISHCHUK 2023.

<sup>16</sup> SARKADI 2018.

partly as a result of the government's communication strategy.<sup>17</sup> To justify this, the media cites as examples attacks where certain individuals suffered abuse because of their perceived or actual origin.<sup>18</sup>

Public opinion polls of recent years do not support these anecdotal instances, and in fact show that the acceptance of foreign immigrants and refugees has increased significantly in Hungary – a process in which the refugee crisis in Ukraine has also played a major role: the number of those who think the presence of foreign immigrants in the country is a good thing has increased from 8% in 2019 to 42%.<sup>19</sup> Moreover, based on a public opinion polling conducted by Századvég even before the outbreak of the war in Ukraine, the Hungarian society was much more accepting, though it is true that the perception of refugees and irregular migrants was clearly differentiated. Of respondents, 57.2% indicated a willingness to accept political refugees if circumstances allowed, with 24.5% willing to accept them under all circumstances.<sup>20</sup> It is also clear from the statistics that, despite the accusations of Islamophobia that regularly arise,<sup>21</sup> there is no significant difference in how the respondents relate to, for example, Chinese, Arab, Russian, Turkish, or Nigerian individuals.<sup>22</sup> All of this contradicts the claim that the Hungarian society is inherently anti-Muslim.

At the same time, the question of mass irregular migration is, for Hungarian society, clearly an “80–20” issue;<sup>23</sup> that is, similarly to the rejection of drug liberalisation, the majority of the Hungarian population has supported and continues to support strong border protections, regardless of party affiliation. This was confirmed by the joint public opinion survey of the Migration Research Institute and Századvég at the beginning of 2022, according to which more than 83% of the respondents rated mass migration as a pressing or somewhat pressing problem, while more than 60% judged the flow of irregular migrants to Hungary to be somewhat or very worrying.<sup>24</sup> In other words, the Hungarian attitude was not shaped by the government; on the contrary, the government's strategy adapted to the existing social perception.

To elucidate these issues, it is essential to introduce the concept of “strategic culture”. As defined by Péter Tálas, strategic culture amounts to “the common norms, ideas, and beliefs that determine foreign, security and defence policy goals and forms of action in a society. According to this approach, the security identity of the country is indicated by the chosen patterns of behaviour, which are determined in a unique, societal way by the experiences and narratives characteristic of the given community”.<sup>25</sup> In another place, Tálas adds: “It is customary to list historical experiences, geographical location, philosophical-cultural traits of thought, characteristics of the socio-economic system,

<sup>17</sup> VERSECK 2019.

<sup>18</sup> RÉNYI 2017.

<sup>19</sup> DUGAN 2023.

<sup>20</sup> JANIK et al. 2022: 18.

<sup>21</sup> Al Jazeera 2021.

<sup>22</sup> JANIK et al. 2022: 7.

<sup>23</sup> Interview with a Hungarian State Secretary, Budapest, April 2019.

<sup>24</sup> JANIK et al. 2022: 11.

<sup>25</sup> CSIKI-TÁLAS 2013: 165–179.

social perceptions of security (that is, perceived threats), knowledge and use of military technologies, and the preferences arising from these.”<sup>26</sup> As Nikolett Pénczváltó points out, referring to Charles Kupchan, “collective expectations stemming from strategic culture limit, on the one hand, the manoeuvring room of decision-makers, since the range of theoretically available options in a given situation is narrowed to “culturally admissible” options; on the other hand, the common strategic culture provides elites with the opportunity to use a language in individual decision-making situations that resonates well in the given society, thus making it easier to obtain the support of citizens for strategic decisions”.<sup>27</sup>

The Fidesz Government that came to power in 2010 has often built upon and continues to build upon Hungarian strategic culture in its actions and communication. Notable figures, such as Balázs Orbán, who has served as the political director of the Prime Minister since 2022, have discussed this aspect.<sup>28</sup> It aligns with the fact that the Hungarian Government did not decide on a stricter immigration policy merely based on its own determination or momentary considerations; rather, it strategically leveraged the framework of Hungarian strategic culture, especially in response to the migration crisis originating from the south. Even before the peak of the migration crisis, in January 2015 Prime Minister Viktor Orbán spoke about migration in a critical context.<sup>29</sup> The primary elements of this framework are rooted in historical experiences that Hungary gained over the past centuries during events such as the Tatar invasion and the Ottoman rule. These historical events have resonated well with Hungarian society, contributing to the government's anti-immigration messages. This can be further complemented by experiences such as the 1849 Russian attack or the period following World War II, where external forces caused significant blows to the country, resulting in fundamental demographic and cultural changes.

Similarly, the Hungarian historical perspective includes periods of mass emigration with a negative connotation. This encompasses the pre-World War I era when hundreds of thousands of Hungarians left their homeland for the New World due to economic hopelessness. Additionally, the wave of refugees following the 1956 revolution and uprising, driven by the fear of communist reprisals, saw 211,000 people, mostly educated youth, leaving the Carpathian Basin, with a substantial portion – 170,000 individuals – not returning.<sup>30</sup> All these historical events contribute to a cautious approach within Hungarian society towards migration in any form.

<sup>26</sup> TÁLAS 2013: 15.

<sup>27</sup> PÉNCZVÁLTÓ 2022: 45.

<sup>28</sup> See ORBÁN 2020.

<sup>29</sup> Index 2015.

<sup>30</sup> ROMSICS 2005: 406.

## The issue of immigration in post-1989 Hungary

The question of migration was not among the most important topics in post-1989 Hungary, even if certain elements of immigration and asylum policy arose in everyday political discourse in connection with certain phenomena. One of the earliest cases of this, immediately preceding the fall of socialism, came to the fore regarding refugees of mostly Hungarian origin fleeing from Transylvania to Hungary in 1988–1989, which the party state initially kept quiet, but later made increasingly public. According to estimates, the approximately 20,000 people who arrived at that time were followed in subsequent decades by more people who found a permanent home in Hungary.<sup>31</sup> The East German refugee crisis of 1989 was a similarly defining experience, when almost 200,000 GDR citizens attempted – ultimately successfully – to reach Western Europe, primarily West Germany, through Hungary. Non-governmental actors, such as the International Red Cross and the Hungarian Charity Service of the Order of Malta, founded in 1989, also played an important role in handling both situations.<sup>32</sup>

The next challenge that Hungary had to face was the refugee crisis that resulted from the Yugoslav Wars, during which, according to official data, our country provided protection to 74,000 former Yugoslav citizens – primarily Hungarians from Vojvodina.<sup>33</sup> Incidentally, the above-mentioned crises also gave a serious boost to the establishment of the modern Hungarian asylum system.

The issue of immigration and emigration re-emerged in our country after Hungary's accession to the European Union when, following the lifting of temporary restrictions, Hungarian citizens were granted the opportunity to work in other EU member states under the framework of the four freedoms. However, compared to other East Central European countries, the outflow of Hungarians, perhaps due to historical experiences, significantly lagged behind the regional average. Moreover, after 2016, more individuals moved back to, or relocated within, the country from the surrounding Hungarian-inhabited regions than those who left.<sup>34</sup>

Concurrently, there emerged foreign nationals who have settled here permanently, envisioning their future in Hungary for varying durations. Primarily arriving for work or educational purposes (higher education), they have contributed to the country. Since 2014, according to official statistics, the number of immigrant foreign non-Hungarian speakers has fluctuated around 30,000 to 55,000 annually, complemented by a nearly equivalent emigration rate (24,000 to 48,000).<sup>35</sup>

Post-2000 phenomena falling under legal migration did not fundamentally capture the threshold of societal and political discourse. Although there was a numerical increase from a few thousand to tens of thousands of immigrants annually, the scale was not sufficient to demand significant policy responses. The number of foreign nationals residing

<sup>31</sup> KASZÁS 2016.

<sup>32</sup> TAMPU 2022: 1215–1228.

<sup>33</sup> KLENNER 2017: 56.

<sup>34</sup> SZALAI 2023.

<sup>35</sup> SZALAI 2023.

in Hungary has grown over the past decades, reaching 226,000 in 2022 from 138,000 in 1995, yet this still represents only 2.4% of the population.<sup>36</sup>

Similarly, during the first decade of the 2000s, irregular migration did not hold a prominent position in Hungarian – and European – discourse. Although numerous changes happened in migration related legislation between 2006–2007, they did not affected the public discussion.<sup>37</sup> The Hungarian asylum system typically dealt with a few thousand individuals annually, which did not warrant prioritisation.<sup>38</sup> Therefore, when Hungary assumed the Presidency of the European Union Council in the first half of 2011, migration and refugee issues were not among the highlighted policy areas. Although some Hungarian strategic documents, such as the 2011 *de facto* foreign policy strategy entitled “Hungarian Foreign Policy after the EU Presidency”<sup>39</sup> and the 2012 National Security Strategy<sup>40</sup> briefly mentioned migration, they remained general in nature. The National Security Strategy, for instance, described migration as a “natural yet complex phenomenon” that poses economic and demographic advantages, along with public and national security risks.<sup>41</sup> In connection with this, the strategy primarily emphasised the protection of external Schengen borders. The secondary nature of the topic during this period is reflected in the fact that, out of the 51 articles in the document, Article 37 addressed migration. The outbreak of the Arab Spring did not immediately change the perceived importance of migration-related issues. Although nearly 60,000 people arrived in Europe from Libya, following the conclusion of the first Libyan civil war in October 2011, the numbers significantly declined, and Syrian refugees primarily remained in Turkey. In 2013 Hungary introduced its migration strategy<sup>42</sup> connected to the 2014–2020 EU budget, but it got also limited attention from the government and the public. Therefore, it seemed that there was no immediate need for deeper policy attention to various forms of migration at both domestic and EU levels.

### **Hungary, the European migration and refugee crisis**

Although there is a tendency for the public – and politicians – to associate migration and the refugee crisis with 2015, two striking phenomena were observed as early as 2013: firstly, irregular migration on the Central Mediterranean route began to rise significantly,

<sup>36</sup> Hungarian Central Statistical Office 2023a.

<sup>37</sup> 2007. évi II. törvény a harmadik országbeli állampolgárok beutazásáról és tartózkodásáról [Act II of 2007 on the Entry and Residence of Third Country Nationals].

<sup>38</sup> European Parliament 2023.

<sup>39</sup> Ministry of Foreign Affairs of Hungary 2011.

<sup>40</sup> 1035/2012. (II. 21.) Korm. határozat Magyarország Nemzeti Biztonsági Stratégiájáról [Government Resolution 1035/2012 (II.21.) on Hungary's National Security Strategy].

<sup>41</sup> 1035/2012. (II. 21.) Korm. határozat Magyarország Nemzeti Biztonsági Stratégiájáról [Government Resolution 1035/2012 (II.21.) on Hungary's National Security Strategy].

<sup>42</sup> 1698/2013. (X. 4.) Korm. határozat a Migrációs Stratégia és az azon alapuló, az Európai Unió által a 2014–2020 ciklusban létrehozásra kerülő Menekültügyi és Migrációs Alaphoz kapcsolódó hétéves stratégiáról [Government Decision 1698/2013 (X.4.) on the Migration Strategy and the Seven-Year Strategy Based on It for the European Union Asylum and Migration Fund for the Period 2014–2020].



and one of the most serious seafaring disasters of the period occurred, quickly becoming symbolic of the emerging crisis: on 3 October, a boat carrying irregular migrants sank off the coast of Lampedusa,<sup>43</sup> with the loss of at least 360 people, while as many as 45,000 others reached the shores of southern Europe illegally.<sup>44</sup> As a result, increasing attention began to be paid to the phenomenon, especially in Mediterranean countries.

Separate but similar trends also began to emerge along the Western Balkan route: as a result of poor economic prospects at home, a large number of Kosovar citizens left for the countries of the EU, including Hungary: according to estimates, between 2013 and 2015, up to 100,000 people left Kosovo.<sup>45</sup> Although the majority viewed Hungary as a transit station, the number of asylum applications submitted still rose drastically, from 2,157 in 2012 to 18,900 in 2013,<sup>46</sup> which began to push the limits of the system's capacity. This exponential growth continued in 2014: during that year, 42,777 applications were submitted.<sup>47</sup>

Then, in the spring and early summer of 2015, disaster struck: an unprecedented wave of asylum seekers reached Hungary's external Schengen borders along the Western Balkan route: between January 2015 and the end of August, when the physical border closure was completed, more than 400,000 crossed the Hungarian border, and 177,000 applied for asylum. However, the vast majority of them, nearly 130,000 people, did not wait for the end of the procedure, but moved on towards Western Europe.<sup>48</sup>

The large number of arrivals forced the government to take drastic measures. In June 2015, a decision was made to set up the technical border barrier – commonly known as “The Fence”<sup>49</sup> – initially with the involvement of the Ministry of the Interior. As part of this, construction began on 175 km of fencing along the Serbian–Hungarian border, first in the form of a quick-installation wire barrier and a three-meter-high fence, but now including the capabilities of the Hungarian Defence Forces. The first phase of construction was completed on 29 August 2015, when the “Green Border” was officially closed. In parallel with the Hungarian–Serbian section, the closing of the 120-kilometre-long Croatian–Hungarian border section also began, and the work here was completed by mid-October.<sup>50</sup> In early 2017, construction of the second fence line of the physical border barrier began, reinforced with an intelligent signalling system, as well as thermal and traditional cameras.<sup>51</sup> In the autumn of 2022, due to increasing irregular migration pressure, the fence was again strengthened through the installation of an additional one-meter-high so-called “swan neck”.<sup>52</sup>

<sup>43</sup> BBC 2013.

<sup>44</sup> Frontex s. a.

<sup>45</sup> Euractiv 2015.

<sup>46</sup> Menedék 2023.

<sup>47</sup> Hungarian Central Statistical Office 2023b.

<sup>48</sup> Hungarian Central Statistical Office 2023b.

<sup>49</sup> 1401/2015. (VI. 17.) Korm. határozat a rendkívüli bevándorlási nyomás kezelése érdekében szükséges egyes intézkedésekről [Government Decision 1401/2015 (17.VI.) on Certain Measures Necessary to Address the Exceptional Migratory Pressure].

<sup>50</sup> DULL 2015.

<sup>51</sup> Index 2017.

<sup>52</sup> Infostart 2022.



Alongside the construction of the physical border barrier, amendments to the asylum legislation also began. In September 2015, Parliament enshrined in law the concept of a crisis situation caused by mass immigration, which made it possible to involve the National Guard in border protection.<sup>53</sup> In addition, due to the amendment of the Asylum Law, Serbia was designated as a safe third country, and accelerated asylum assessment was made possible. By amending the penal code, climbing over or damaging the border fence became a crime punishable by imprisonment.<sup>54</sup> In March 2017, as a result of amendments to the law adopted by Parliament, the legal border closure was strengthened. The law stipulated that in a crisis situation caused by mass immigration, an asylum application could only be submitted in person, in the transit zones on the border, and the asylum seekers had to wait in the transit zone until it had been legally assessed. Asylum seekers were free to leave the transit zone, but only back across the border, i.e. into Serbia. Pursuant to this change, anyone found to have left the transit zone into Hungary was committing an offence.<sup>55</sup> At the same time, it was also stipulated that any irregular migrant caught on the territory of Hungary was to be transported to the transit zones at the border. In 2020, however, the Court of Justice of the European Union decided that the transit zones constituted illegal detention,<sup>56</sup> and obliged Hungary to close them.<sup>57</sup> Subsequently – referring to the Hungarian legislation designating Serbia a safe third country, and to the coronavirus pandemic – following further amendments to the law, asylum seekers could only submit a declaration of intent to seek asylum at two Hungarian diplomatic missions abroad: one in Belgrade and another in Kyiv. The European Commission also found this practice to be contrary to EU law,<sup>58</sup> which the CJEU confirmed in June 2023 on the grounds that it places excessive restrictions on access to the Hungarian asylum system.<sup>59</sup>

In the meantime, irregular migration pressure on Hungary's southern borders has not decreased: in 2021, the authorities prevented 130,000 illegal border crossing attempts, and by 2022, this number had increased to 270,000.<sup>60</sup> At the same time, violence along the southern border also increased: starting in 2021, there were increasingly frequent armed clashes between people smuggling gangs for control over routes, and over the irregular migrants who are significant lucrative source of income, and as a result, several people lost their lives.<sup>61</sup>

<sup>53</sup> 2015. évi CXLII. törvény egyes törvények Magyarország államhatárának hatékonyabb védelmével és a tömeges bevándorlás kezelésével összefüggő módosításáról [Act CXLII of 2015 Amending Certain Acts Related to the More Effective Protection of Hungary's State Border and the Management of Mass Immigration].

<sup>54</sup> Index 2017.

<sup>55</sup> MTI/M1 2017.

<sup>56</sup> Judgment of the Court (Grand Chamber) of 17 December 2020 in Case C-808/18 European Commission v. Hungary.

<sup>57</sup> Court of Justice of the European Union 2020.

<sup>58</sup> Judgment of the Court (Fourth Chamber) of 22 June 2023 in Case C-823/21 European Commission v. Hungary.

<sup>59</sup> Court of Justice of the European Union 2023.

<sup>60</sup> Police.hu 2024.

<sup>61</sup> Global Initiative 2023.

Although the Commission attacked the Hungarian provisions on several grounds, and the CJEU declared some of them to be illegal, a number of leading Western European actors, such as German Chancellor Angela Merkel<sup>62</sup> and the Deputy State Secretary to the Belgian Ministry of Foreign Affairs, Anick Van Calster,<sup>63</sup> admitted that Hungary was protecting not only its own, but also Europe's borders. Nonetheless, Hungary received almost no support from the central EU budget for border protection, the costs of which were estimated by the Ministry of the Interior to have been HUF 650 billion – nearly €1.7 billion – by the end of 2022.<sup>64</sup>

Of course, it is worth pointing out that the physical border barrier alone would provide little protection: there is no fence that cannot be crossed. However, the additional protection tools, such as drones, thermal and infrared cameras, regular patrols, and the adopted legislative amendments have significantly reduced the number of irregular migrants passing through Hungary.<sup>65</sup>

Budapest, like other Central and Eastern European countries, rejected the distribution of asylum seekers based on a mandatory quota, because it considered the relevant provision to be an infringement of Hungary's sovereignty.<sup>66</sup> Although Hungary, together with the Czech Republic and Poland, lost the “quota lawsuit”<sup>67</sup> before the European Court of Justice, there were no substantive consequences for the three countries, and it was possible to avoid taking in irregular immigrants. Furthermore, in 2018, the seventh amendment to the Basic Law included a ban on the resettlement of foreign populations on Hungarian territory,<sup>68</sup> as well as a stipulation that, in case of individual persons of foreign nationality, it was the exclusive prerogative of the Hungarian Government to decide who can live in the territory of the country.<sup>69</sup> Hungary also stood by this position in subsequent negotiations, which became one of the most important topics of discussion in connection with the Pact on Migration and Asylum presented by the European Commission in 2020. Although its June 2023 draft did not speak of a mandatory quota, but rather of mandatory solidarity, Budapest complained that a disproportionately large share of the asylum procedure capacities would fall on it, and that the determination of what mandatory solidarity entails is quite selective. This was clearly demonstrated by the earlier example of the physical border barrier, which, though it protects Europe's borders, was not recognised as legitimate by the Commission, and no financial support was provided.<sup>70</sup>

<sup>62</sup> MTI 2018.

<sup>63</sup> MTI 2017a.

<sup>64</sup> MTI 2022b.

<sup>65</sup> KUI 2020: 168–169.

<sup>66</sup> Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

<sup>67</sup> Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

<sup>68</sup> Fundamental Law of Hungary, Article XIV (1).

<sup>69</sup> DULL 2018.

<sup>70</sup> BEREZNAY 2023.

## The refugee crisis in Ukraine

In recent years, Hungary has not only had to face migration pressure from the south: the Russian invasion of Ukraine on 24 February 2022 triggered the largest wave of refugees in Europe since the Second World War, which also significantly affected Hungary: nearly 3.5 million border crossings took place on the Hungarian–Ukrainian border between the start of the war and September 2023. This figure also includes persons who, arriving from Romania, declared that they had fled Ukraine, but also non-refugee commuters.<sup>71</sup> Taking all of this into consideration, at least one million Ukrainian refugees have crossed the country,<sup>72</sup> and although only 37,600 have applied for temporary protection by the end of September 2023,<sup>73</sup> estimates suggest that tens of thousands of Ukrainian citizens may be residing in Hungary, with some regularly commuting between the two countries.<sup>74</sup>

True to its previous approach, Budapest immediately opened its borders to those fleeing from Ukraine as the first safe country after the outbreak of the war. The legal framework for this was significantly aided by the Temporary Protection Directive implemented at the European Union level.<sup>75</sup> The support provided to those coming from the Eastern European country became the largest humanitarian action in the history of our country, mobilising not only the government and state-owned enterprises (such as the Hungarian State Railways, playing a key role in the free travel of refugees) but the entire society. In addition to Ukrainian citizens, Hungary has assisted in the care and repatriation of thousands of third country nationals who previously lived in Ukraine.<sup>76</sup> Furthermore, through the Charitable Council encompassing major religious aid organisations, Budapest has sent thousands of tons of support to Ukraine as well.<sup>77</sup>

## International development aid and stabilisation roles

In the context of the migration and refugee crisis, Hungarian Government officials have emphasised multiple times that the solution is not to import the problem into Europe but to support local solutions and address the root causes.<sup>78</sup> However, Hungary did not have a dedicated institution specialising in international development assistance, so this was realised through the involvement of various governmental and non-governmental actors, coordinated by the Ministry of Foreign Affairs and Trade. To address this deficiency, the Hungary Helps Program and Agency were established in 2017, becoming the main

<sup>71</sup> UNHCR s. a.

<sup>72</sup> VG/MTI 2023.

<sup>73</sup> UNHCR s. a.

<sup>74</sup> Privátbankár 2023.

<sup>75</sup> European Commission s. a.b; Council Implementing Decision (EU) 2023/2409 of 19 October 2023 extending temporary protection as introduced by Implementing Decision (EU) 2022/382 ST/13544/2023/INIT.

<sup>76</sup> MTI 2022a.

<sup>77</sup> Hungarian Charity Service of the Order of Malta 2022; Ökumenikus Segélyszervezet s. a.

<sup>78</sup> MTI 2017b.

coordinating and partially executive body of the Hungarian international development policy by 2023.<sup>79</sup> By 2021, the number of beneficiaries of programs spanning from the Middle East through Africa to Europe exceeded half a million individuals.<sup>80</sup> The Hungary Helps Program played a significant role in alleviating the humanitarian consequences of the conflict in Ukraine. At the same time, numerous Hungarian non-governmental organisations received support through the program, implementing dozens of projects in the developing world.

In this context, we must not overlook the stabilisation operations in which Hungarian Defence Forces personnel participated in various missions from Afghanistan to Western Sahara in recent years.<sup>81</sup> These missions, undertaken within the framework of international and alliance commitments, aimed to restore regional stability, improve local conditions, and, as a collateral outcome, reduce migration from these specific regions. Hungary annually contributes approximately 1,000 personnel to foreign operations, with associated costs approaching 20 billion Hungarian forints.<sup>82</sup> Currently, the largest contingents of the Hungarian Defence Forces serve in the Western Balkans (Kosovo, Bosnia and Herzegovina), the Middle East (Iraq, Lebanon) and Africa (Mali).

### Long-term perspectives

Similarly to other post-industrial states, a declining birth rate, ageing society, and already emerging labour shortages all pose a fundamental challenge for Hungary. However, Budapest does not envisage confronting these primarily by speeding up migration processes – and especially not through irregular migration – but by means of a much more complex set of measures. The most important element in this was the family support system built up in recent years (family tax relief, home building support, baby loans, and the expansion of nursery places), which significantly improved Hungarian demographic statistics: in 2011, the fertility rate reached a historic low of 1.23 births per woman. Thanks to the family support system, this was raised to 1.59 by 2021.<sup>83</sup> This means that, as a result of government measures, 160,000 more children were born in the last decade.<sup>84</sup>

Nevertheless, despite the measures and achievements, achieving the necessary fertility rate of 2.1 for natural population maintenance still appears to be a distant dream. Demographic challenges are expected to manifest primarily in the labour market in the near future. While the number of employed individuals reached a new record of 4.711 million by 2022,<sup>85</sup> tens of thousands of positions remained unfilled in companies. The Central Statistical Office (KSH) reported 83,000 vacant positions at the beginning of 2023, with

<sup>79</sup> Hungary Helps s. a.

<sup>80</sup> Government of Hungary 2022.

<sup>81</sup> Honvédelem.hu s. a.

<sup>82</sup> Az Országgyűlés Hivatala 2020.

<sup>83</sup> Hungarian Central Statistical Office s. a.

<sup>84</sup> M1 2023.

<sup>85</sup> Portfolio 2022.

the actual number potentially being several times higher.<sup>86</sup> Although nearly 100,000 guest workers were already employed in Hungary at that time, and in addition to workers from traditional European sending countries, individuals from the Philippines, Vietnam, Indonesia, Mongolia and Kyrgyzstan appeared through staffing agencies. Estimates suggest that the Hungarian economy may need 200,000 to 300,000 more guest workers in the coming years.<sup>87</sup> This issue is sought to be addressed by the forthcoming law on the employment of guest workers in Hungary,<sup>88</sup> which aims to facilitate and promote employment in Hungary. However, it imposes a fixed timeframe – primarily two years, extendable by one year – on the residence in Hungary, and it does not allow for family reunification or settlement. The success of the program, however, will be determined in the next few years.

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<sup>86</sup> JÁRDI 2023.

<sup>87</sup> JÁRDI 2023.

<sup>88</sup> 2023. évi L. törvény a vendégmunkások magyarországi foglalkoztatásáról [Act L of 2023 on the Employment of Guest Workers in Hungary].

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