



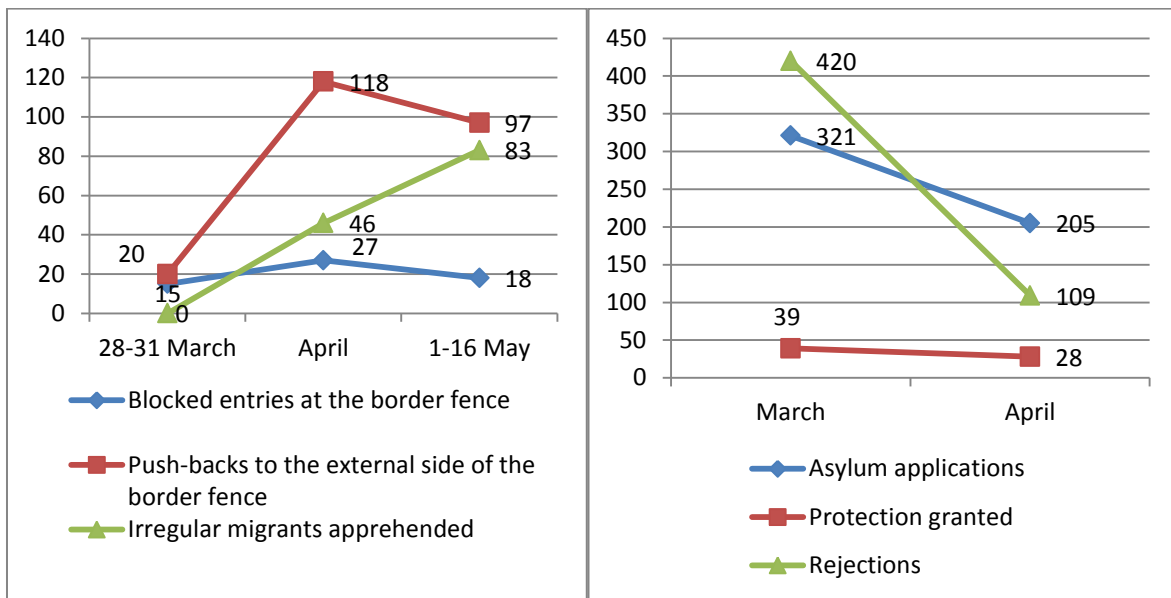
Hungarian Helsinki Committee

## Hungary: Turbulent 50 days – an update on the Hungarian asylum situation

*Information update by the Hungarian Helsinki Committee (HHC)*

**22 May 2017**

Fifty days after the [latest legal changes entered into force on 28 March 2017](#) it transpires that the **Hungarian asylum system has been reduced to the bare minimum through legislative and administrative measures**. While [according to the UNHCR](#), 7900 refugees, asylum-seekers, and migrants were counted in March in Serbia, 7400 in April and 7020 on 14 May, **Hungary only admits 10 asylum-seekers per working day** (5 in Röszke, 5 in Tompa) in the transit zones, the only site since 28 March where asylum applications can be lodged.



### ***Situation in the transit zones – ECtHR grants new interim measures ordering release from the transit zones***

The two transit zones have been expanded to a capacity of 250 each by early April. On **7 May, 264 asylum-seekers were detained at the two facilities in what constitutes unlawful detention**, as found by the European Court of Human Rights in the case of [Ilias and Ahmed v Hungary](#). On 24 and 27 March, HHC attorneys successfully requested at the European Court of Human Rights to grant interim measures to halt the transfers from open reception facilities to the transit zones of 8 unaccompanied asylum seeking children and a traumatised woman with advanced and high-risk pregnancy. To date, the Immigration and Asylum Office has been complying with these decisions; moreover, no transfers from open reception facilities to the transit zones have either been issued or carried out.

On 9 May, three members of the European Parliament, after visiting the Röszke transit zone, [stated](#) that “*the conditions are not only inhumane but may also be in breach of international and European law.*”

Despite government statements, **there are still insufficient services provided** to vulnerable

asylum-seekers **in the transit zones** and children still have **no access to education**. **Applicants requiring** emergency or advanced **medical assistance are transported to local hospitals** handcuffed and escorted by armed guards. This needless and humiliating practice might deter applicants to undergo medical checks or treatment, as was the case when a pregnant woman refused prenatal care, available only at an external site, as guards attempted to handcuff her in front of her children.

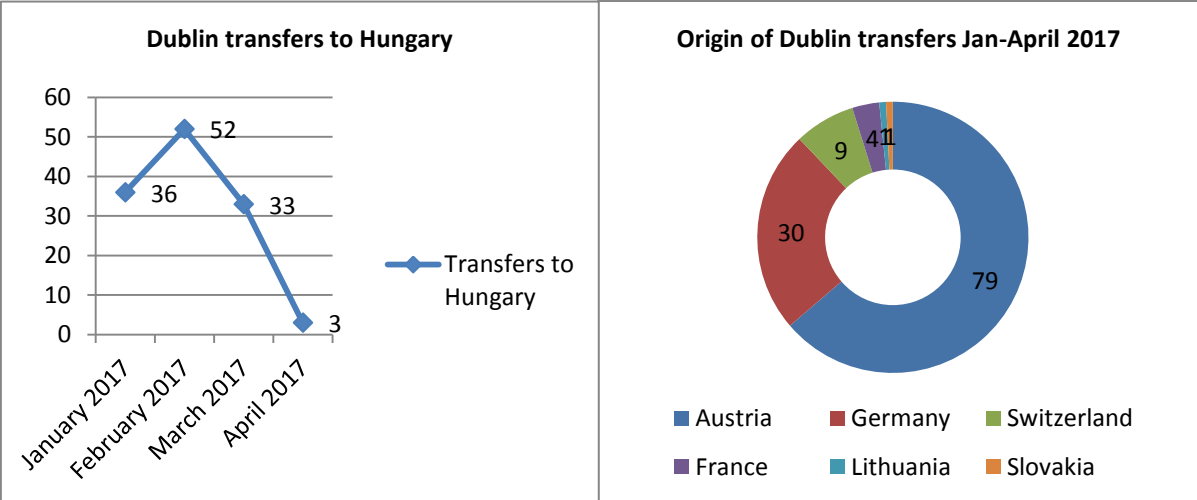
That **conditions** in the transit zones are **inadequate** is exemplified by the fact that **HHC attorneys** successfully requested at the **European Court of Human Rights** to grant an **interim measure** ordering the **release of a family of four from the Rösztke transit zone**: a pregnant mother who is about to give birth, her husband and their two minor children on 18 May.

On 19 May, the **European Court of Human Rights granted another request for interim measures**, ordering the release of another **family** with three children. In this case, the wife is also pregnant and **her husband did not receive any food** in the transit zone **as a result of the amended provisions** according to which only shelter, but no food is provided to those lodging a subsequent application.

The latter case highlights the absurdity of the situation: as it is **impossible to buy food (or any other goods)** within the transit zones, asylum-seekers in their subsequent procedure are left with three options. **Starving; revoking their application and leaving towards Serbia; or applying to the ECtHR.**

**Growing pressure on Hungary to comply with international and EU regulations**

**On 28 March, Commissioner Avramopoulos visited Hungary**, which was the day the changes entered into force. He **met with key government officials** with whom an **agreement** was reached **to set up an expert working group** to explore whether the new legislation complies with EU regulations. The setting up of the working group was announced as an alternative to more stringent measures. No details of the various meetings of the working group emerged until 4 May, when **the Hungarian government announced its withdrawal from the negotiations** and stated that *"Hungary's government does not wish to change the rules concerning immigration, and if the Brussels commission launches legal proceedings, we stand ready to fight the legal dispute."*



**On 10 April, UNHCR called for an immediate suspension of Dublin transfers to Hungary.** Most countries seem to respect the UNHCR's call: a mere 3 transfers (1 from Lithuania and 2 from

Switzerland) have taken place in April. HHC’s understanding is that those returned to Hungary under the Dublin Regulation are placed in the transit zones.

On 17 May, **the European Parliament** [adopted a resolution on the situation in Hungary](#) that, among others, **calls on “the Hungarian Government to repeal the act amending certain acts related to increasing the strictness of procedures carried out in the areas of *border management and asylum.*”**

### ***The situation of asylum seeking children – best interest out of sight***

The proportion of children (both those travelling with their families and on their own) among asylum-seekers is on the rise in 2017 compared to 2016:

	2016		January-April 2017	
<b>All asylum applicants</b>	29 432	100%	1 495	100%
- <b>out of which children</b>	8 551	29,05%	593	39,66%
- <b>children travelling with their families</b>	7 330	24,9%	518	34,64%
- <b>unaccompanied children</b>	1 221	4,14%	75	5,01%

This can be, at least partly, ascribed to the practice whereby the Immigration and Asylum Office provides priority admittance to the transit zone to unaccompanied children and families with young children. However, during the HHC’s most recent visit to the pre-transit areas on 27-28 February 2017, those managing the waiting lists for admittance said that the lists for both transit zones are full until the end of 2019 based on the current level of daily admittance to the transit zones.

The situation of **asylum seeking children is explored in depth in [the HHC’s most recent publication](#)**, launched on 17 May. The report is unique as it is the first to explain the legal and institutional context in which asylum seeking children,

including unaccompanied children live their everyday lives in Hungary.

#### **Best Interest Out of Sight**

- The Treatment of Asylum Seeking Children in Hungary • 2017



Key topics covered include the **deprivation of liberty** of asylum seeking children, the **conditions and the services available** at the designated special home for unaccompanied children, the **situation at the pre-transit zones**. The report also includes **previously unpublished statistical data** and examples and case profiles to place the legal provisions in context.

The impact of the **most recent legal changes**, which allow for the automatic and unlawful detention of all children travelling with their families and of unaccompanied children above 14, **jeopardises positive trends observed** in regards to the cooperation of state and non-state actors providing services to unaccompanied children in determining and furthering the best interest of the child.