



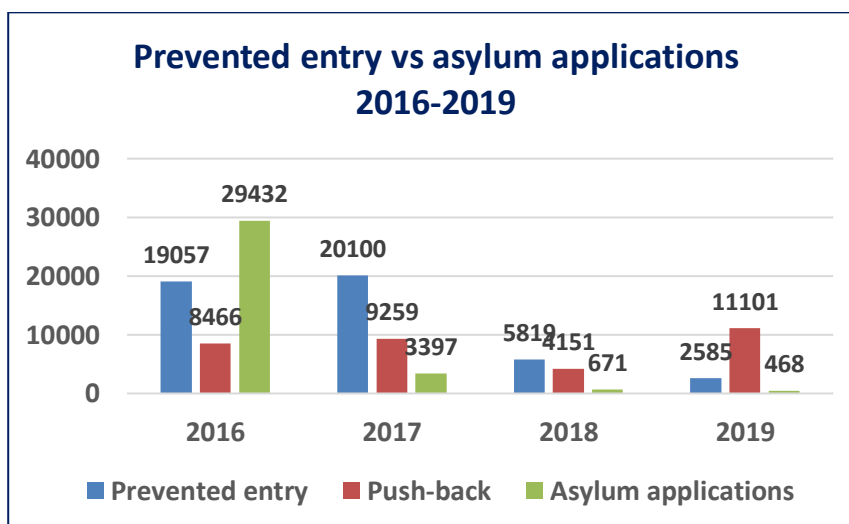
Hungarian Helsinki Committee

The Absurdity within the Hungarian Asylum System

Information Update by the Hungarian Helsinki Committee (HHC),
10 November 2020

On 30 October, the European Commission (EC) called on Hungary to act in line with EU law and allow asylum seekers access to its asylum procedure.¹ The communication was made within the framework of the **EC's fifth infringement procedure against Hungary since 2015**. Access to territory and the asylum procedure continues to be a serious challenge for those arriving to the Serbian-Hungarian border and in need of protection. However, it is not only this aspect of the Hungarian asylum procedure that seems to be **out of synch with Hungary's implementation of the European asylum acquis**. The percentage of Hungarian decisions made in favour of granting asylum is not only lower than in other EU member states, but the nationalities of those awarded protection is also very different than in most EU countries. The following glimpse into the data illustrates the **absurdity inherent within the Hungarian asylum system**.

In line with the European trend, a significant decrease can be observed in the number of first-time applicants in Hungary between 2016 and 2019. However, there has been a pronounced, parallel process involving increased multiple attempts made to enter Hungary at the Serbian-Hungarian border section by migrants and potential asylum-seekers. This phenomenon indicates an ever-widening gap between those having access to the asylum system in Hungary and those without. The table below compares the number of push-backs and so-called "prevented entries".² Push-backs, measures whereby foreigners are summarily returned to a neighbouring country without due process and individualised decisions, were legalised in Hungary in July 2016. Since March 2017, push-backs can take place from the entire territory of Hungary.³ Those subject to push-backs do not have the right to seek asylum. Prevented entries are those cases when, according to the police, the presence of law-enforcement agents alone is enough to dissuade migrants from attempting to cross into Hungary and submit asylum applications.

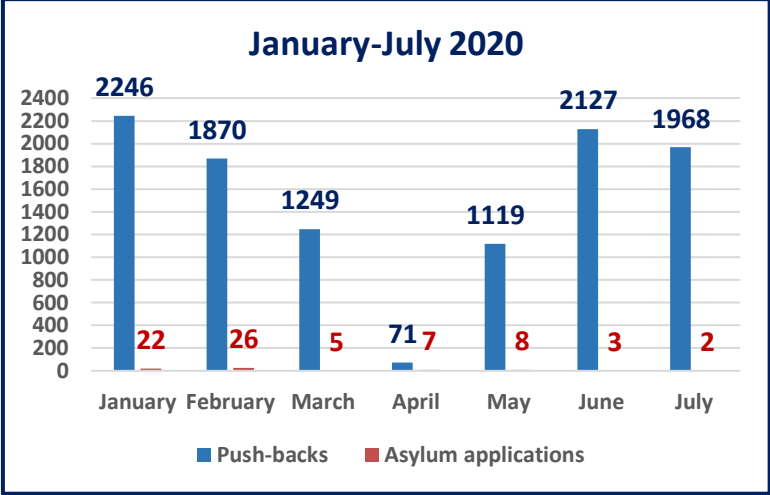


¹ https://ec.europa.eu/commission/presscorner/detail/en/inf_20_1687

² Source: Hungarian police

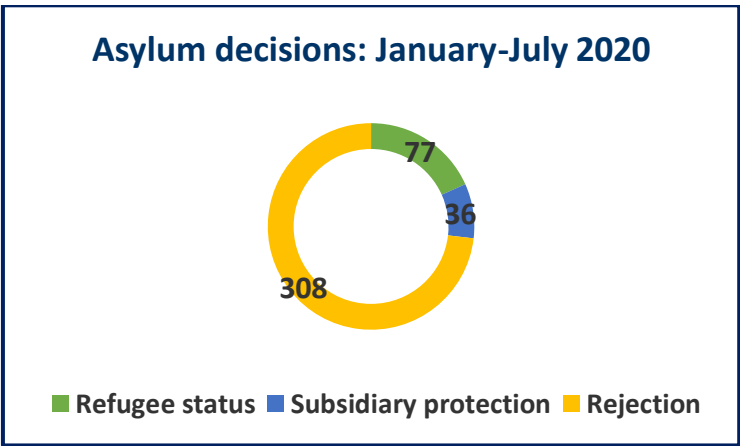
³ See HHC's information note: <https://www.helsinki.hu/wp-content/uploads/HHC-Info-Update-rule39.pdf>

In 2020, the gap between registered asylum applications and attempts made at the border further increased. While the number of attempts made to enter Hungary rose to **10,650** between January and July 2020, only **73** asylum applications were registered during the same period.⁴ The following chart shows the monthly breakdown of asylum applications registered in comparison to push-backs at the border:



While Hungary allowed only 73 first-time applications during the first half of 2020, the EU registered over 250,000 during this time.⁵ The majority of asylum applicants in the EU during this period were from Syria, Afghanistan and Venezuela.⁶ In Hungary, the main countries of origin were Pakistan, Afghanistan and Syria.

Hungary significantly lagged behind the average 38% EU rate for positive first-time asylum decisions in 2019 with an 8.5% acceptance rate.⁷ While there was a change in Hungary’s recognition rate when it unexpectedly grew to 26.8% in 2020, the composition of those receiving protection in Hungary remained quite distinct from other EU member states.



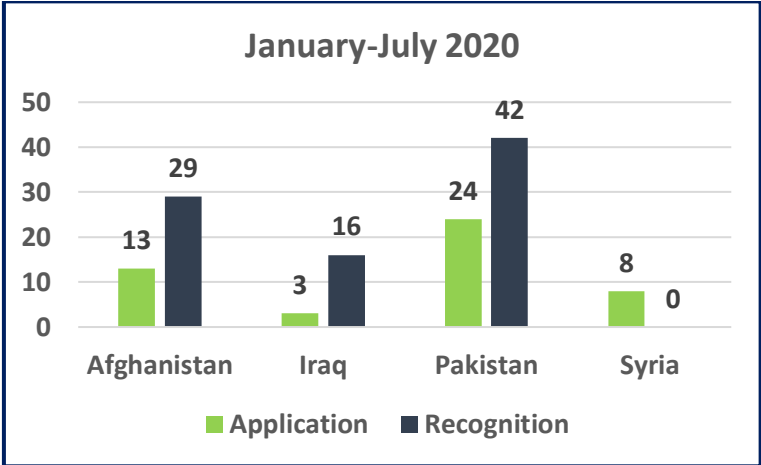
⁴ Source: Asylum authority.

⁵ 259,395 applications on https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctzm&lang=en

⁶ https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum_quarterly_report

⁷ [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Distribution_of_first_instance_decisions_on_asylum_applications_\(from_non-EU-27_citizens\)_by_outcome,_2019_\(%25\)_1.png](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Distribution_of_first_instance_decisions_on_asylum_applications_(from_non-EU-27_citizens)_by_outcome,_2019_(%25)_1.png)

While **no Syrian national received protection in Hungary between January and June 2020**, the recognition rate for Syrian asylum-seekers in the EU was 61.8%.⁸ The number of asylum-seekers from Pakistan significantly increased in Hungary both in 2019 and 2020, and **no Pakistani asylum-seeker was rejected**. This is in strong contrast with the recognition rate in the EU, where only 5% of applicants from Pakistan received asylum.⁹ On the other hand, 37% of those receiving asylum in Hungary have come from Pakistan. This case is cited here to highlight the discrepancies between Hungary and the EU rather than to question the legitimacy of asylum applications made by Pakistani asylum-seekers.



The introduction of a new asylum application system on 26 May resulted in practice in the complete obstruction of access for those seeking asylum in Hungary.¹⁰ **Asylum-seekers must now first submit a "statement of intent" at the Hungarian Embassy in Belgrade (Serbia) or Kyiv (Ukraine)**. The case of seven Somali asylum-seekers demonstrates how challenging this new procedure has made the asylum process in Hungary. All seven Somali citizens submitted statements of intent in July; however, none of these were approved. Consequently, they did not receive special authorization to travel to Hungary to submit an actual asylum application. In light of the fifth infringement procedure, the question remains **how long Hungary can maintain this flagrant violation and disrespect for EU regulations**.

⁸ https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asydcfstq&lang=en

⁹ https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asydcfstq&lang=en

¹⁰ See a detailed description of the new system in HHC's information note: <https://www.helsinki.hu/wp-content/uploads/new-Hungarian-asylum-system-HHC-Aug-2020.pdf>