



UNDOCUMENTED MIGRATION IN HUNGARY CLANDESTINO



Counting the Uncountable: Data and Trends across Europe

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Research Brief

KEY POINTS

Main facts and figures

- Hungary is a country with 10.08 million inhabitants. Illegal migration in Hungary is mainly of transit nature, but certain groups of irregular migrants prefer to settle in Hungary. Policy against irregular migration is shaped by the country's EU membership and by the fact that Hungary is in the Schengen Zone. In 2007, besides 166,600 legal migrants residing in the country, the estimated number of irregular migrants was between 30 and 50 thousand. According to expert estimations, about half of this stock of irregular migrants is estimated to be citizens of China, and the rest of the illegal migrants are distributed (in decreasing order of magnitude) between Vietnamese, Ukrainian, Serbian (including Kosovo Albanians), African and other Asian immigrants. It is assumed that among resident migrants the proportion of men is very high (it may even reach up to 80%) and that the proportion of the 20-59 age group is as much as 90-95% of the total. Between 2000 and 2006 altogether 31,450 asylum seekers submitted application for recognition of their status. The overwhelming majority of asylum applicants has arrived illegally into Hungarian territory.

Quality assessment of estimates found in literature

- Estimations older than 1 year are now outdated. This is in part due to Hungary's entry into the Schengen Zone, which has profoundly changed the legal and institutional conditions of illegal immigration, and also due to Romania's EU membership: according to new legislation on entry and stay, undocumented residence of Romanian citizens is not counted as irregular migration. However, in previous estimations this was the single biggest group of irregular migrants in Hungary, in terms of trespassing against entry, exit, residence, border management and labour regulations.

Main paths into and out of irregularity

- The largest flow of irregular migrants to Hungary is constituted by the group of over-stayers with non-EU member country citizenship, i.e. by persons arriving legally, but extending their stay beyond the permitted time limits. The number of registered border violations is on the decrease, with 8 to 10,000 detected illegal border crossings yearly. For most illegal migrants apprehended by the authorities, entering the asylum process is the major pattern of legalizing their stay in Hungary. In recent years, the majority of asylum seekers arrive from Asian countries such as Iraq and Afghanistan. Marriage or parenthood with a Hungarian citizen or with a citizen of another EEA country may lead to the legalization of the status of an illegal migrant. Hungarian authorities have initiated only one regularization campaign in 2004. Last but not least, the main mechanism by which the number of irregular migrants is reduced is an illegal procedure itself: their voluntary departure from Hungary to Western Europe takes place by crossing the Western border of the country illegally.

Relevant policies

- Policies on entry, exit and stay of third country citizens, on border management, labour regulations of foreigners, regulation on asylum, family reunion and the respect of human rights of migrants are fully harmonised with the respective international conventions and with the Acquis Communautaire of the EU.

Main discourses

- Irregular migration appears very rarely on the political agenda. Communication of the relevant Government agencies relate to irregular migration in the context of security policy, criminal policy and the enforcement of human rights of migrants. Media coverage of the phenomenon is limited to sporadic reports on apprehensions and migrant shelter homes.

Main policy implications

- The enforcement of existing harmonised regulations on entry, exit, stay and border management should be improved in terms of efficiency and effectiveness. Irregular migration should be further de-criminalised.



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THE RESEARCH

Estimates and guesstimates of irregular migration in Europe 'travel' freely and uncritically among experts, journalists and policy makers without it being clear who produced them first and how. Their source may not be clear, their direction, however, definitely is: these numbers are routinely used as a means of arousing public anxiety about migration and exercising pressure for policy responses.

This study critically explores the sources of data and estimates of irregular migration and, in particular, the validity and reliability of the methods used in their production. In doing so, it shows why and how migrants become irregular and whether and how they can achieve legal status. We also critically assess the policies aimed at tackling the phenomenon of irregular migration.

Background of Migration Situation in Hungary

Hungary has been open to international migration since the political changes of 1989. Immigration to Hungary from countries of Central and Eastern Europe, from China and Vietnam is primarily labour migration, often based on seasonal or temporary employment or on business. On the other hand, immigration to Hungary from poverty stricken or war torn developing countries is mainly transit migration.

Hungarian immigration policy has been largely shaped by European integration, i.e. the harmonisation process and the transposition of EU Directives, the Schengen Acquis, the Hague Programme and other EU policies and legal provisions. Irregular and illegal migration basically involves either transiting through the country without proper documents, or illegal residence in the country, or engagement of non-EU citizens in unlawful employment, typically of the seasonal or temporary kind. On 21st December 2007 Hungary joined the Schengen Area and Hungarian legal rules now include the Schengen legal provisions. As regards expulsions, alien policing authorities are subject to multilateral agreements between the EU and third countries and to bilateral readmission agreements.

The proportion of legal immigrants living in Hungary is relatively low by comparison to other European countries. In Hungary at the end of 2007 there were 166,693 foreign citizens in possession of residence or immigration permits for a period exceeding three months, i.e. 1.6% of the total population. Two thirds of foreign citizens living legally in Hungary are from neighbouring countries, mostly ethnic Hungarians; approx. 12 per cent arrived from Asian countries (of which 8 per cent from China and Vietnam); and a similar ratio, 12 per cent of legally residing foreigners, are living in Hungary with citizenship of EU-15 countries. Since 2000 the annual number of people obtaining Hungarian citizenship varied between 3,000 and 10,000, a group still dominated by ethnic Hungarians.

Size and Demographic Features of Irregular Migration

Illegal migrant stocks. The proportion of illegal immigrants living in Hungary is compared to other European countries. The total stock of resident foreign illegal migrants in Hungary in 2007 can be estimated to be between 30,000 and 50,000 people. Lacking relevant survey evidence, and scientifically founded estimations, this number is based on administrative data of Aliens Police and Border Guard, on published estimations and on expert opinions. In 2008, the groups of Chinese and Vietnamese immigrants constituted the largest groups of resident illegal migrants by nationalities. It is to be assumed that the number of resident Chinese (or to a smaller extent: Vietnamese) illegal migrants in Hungary is between 15,000 and 25,000 persons. The rest of the illegal migrants are distributed (in decreasing order of magnitude) between Ukrainian, Serbian (including Kosovo Albanians), African and other Asian immigrants. It is assumed that among resident migrants the proportion of men is very high (it may even reach up to 80%) and that the proportion of the 20-59 age group is as much as 90-95% of the total. By international comparison, the number of refugees in Hungary is low. Between 2000 and 2006 altogether 31,450 asylum seekers submitted applications for their refugee status to be recognised. Among those the proportion that was actually granted asylum was less than 3%. The overwhelming majority of asylum applicants in Hungary has arrived illegally. There are 3 migrant shelter homes with free exit for the residents, with approximately 1000 residents altogether. In 2007 the average duration of residence of migrants in these homes was 1 year.

Main Paths into and out of irregularity

Overstayers. The largest flow of irregular migrants to Hungary is constituted by the group of overstayers, i.e. by persons arriving legally, but extending their stay beyond the permitted time limits. No reliable estimation exists for the number of overstayers.

Border violations. The number of border violations peaked in the mid 90's, with 27 to 30 thousand border apprehensions of migrants. After this period a significant and constant decreasing tendency was observed, resulting in an annual figure of around 8-10,000 people detected crossing the border illegally. Nowadays, compared to other EU member neighbouring countries, the pressure of irregular border crossings in Hungary remains insignificant. In 2007 migrants entering

Hungary illegally and becoming apprehended at the borders arrived from the following countries (in decreasing order of the number of apprehensions): Ukraine, Serbia (Kosovo region), Moldova, Romania, Turkey, China, Georgia, Bosnia-Herzegovina and Vietnam. In the same year the overwhelming majority of migrants entering Hungary illegally and becoming apprehended at the borders were caught at official border crossing points located on roads. Somewhat less frequent was the arrival through the green (land) borders. Only a tiny minority of apprehended illegal migrants have arrived by air routes.

Irregular migrants attempt to legalize their residence with the help of various strategies.

Asylum. For most illegal migrants apprehended by the authorities, entering the asylum process is the major form of legalizing their stay in Hungary. In 1999, there were 11,500 asylum applications, with 5,100 submitted by citizens of countries of former Yugoslavia and 6,000 by non-European citizens. Since then, there have been hardly any European applicants. In 2002 European asylum applicants have amounted to only seven percent of all applicants. In recent years, the majority of asylum seekers arrive from Asian countries such as Iraq and Afghanistan.

Marriage and parenthood. Marriage with a Hungarian citizen or with a citizen of another EEA country may lead to the legalization of the status of an illegal migrant. Alternatively, since 2007, the migrant obtains a residence permit if a child is born of whom the migrant is the parent and the child is a Hungarian citizen or the citizen of another EEA country.

The 2004 regularization measure. Hungarian authorities have initiated only one regularization campaign. Law No. 29 of 2004 has introduced various modifications to existing Hungarian regulations. As a result of disseminating the regularization offer among the relevant communities, altogether 1,406 people have presented themselves to the alien police - of them, more than 60% were Chinese and Vietnamese citizens.

Among refugees, there is a continuous flow between the status of illegality and legality. In 2007, altogether 3,419 people arrived in Hungary and subsequently submitted an application for refugee status. Out of these people 82% arrived illegally, i.e. by crossing the border without documents or by overstaying. During the administrative process of determining their eligibility for refugee status, these people count as legal migrants. On the other hand, most illegal migrants stay in Hungary on a transitional basis and it is expected that most of these people will migrate further in an illegal way to other developed countries

Main discourses on irregular migration in Hungary

The battle against illegal migration is an important pillar of migration policy, based on EU policies and directives of the EU. Political discourse about illegal migration is strongly influenced by – and in most cases confined to - the official communications of the Government Agencies such as the Office of Immigration and Nationality (OIN) and the Border Guard, which has recently been merged with the Police. Discourses about illegal migration arise in connection to criminal policy (e.g. the fight against human smuggling and trafficking), security policy (e.g. the measures taken against document falsification) and the enforcement of human rights (e.g. the right to family reunion). Debates about illegal migration are not on the political agenda, and they appear in the media only in connection with sporadic reports about apprehensions or with shelter homes.

Regardless of its legality or illegality – immigration is a widely debated issue in the media and - to a much lesser degree – also in politics. The main context is the shrinking volume of the Hungarian population (labour policy), and the solidarity with Hungarian communities in neighbouring countries (diaspora politics). Critics of official migration policy often point out that the implementation of Hungarian migration policy is characterized by short-term treatment of problems through defensive measures, i.e. that authorities make extensive use of the instruments of border control and residency rules, without a proper explicit overall migration strategy.

Main policy recommendations

Disclaimer. The main subject of this report is a well defined sub-component of migration into Hungary: irregular migration. For this reason, policy recommendations regarding issues of legal migration are *outside* the scope of this report. In particular, it is *not* the task of this report to refer to the problem of decreasing Hungarian population, to legal migration of ethnic Hungarians from neighbouring countries to Hungary, to the encouragement of skilled or highly skilled migrants to enter the Hungarian labour markets, or to migrant integration policies, etc. Regarding policy recommendations, this report has set the aim of making recommendations only for the management of *irregular* migration stocks and flows.

Hungary's policies against irregular migration have been shaped by, and strictly follow European patterns. Policy makers repeatedly refer to the fact that, in Hungary, the fight against illegal migration and the enforcement of the human rights of irregular migrants (including those of illegally arrived refugees) is determined by European legislation: i.e. by the provisions of the Schengen

Acquis regarding the movement of third country citizen, by EU policies on asylum and other human rights (e.g. family reunion). The major Government agencies that are implementing these policies – the Ministry for Justice and Law Enforcement, the Police (which also performs border management functions) and the Office of Immigration and Nationality (i.e. the Aliens Police) - are harmonising their day-to-day activities with the respective agencies of EU Member States, and are co-operating with the central agencies of the EU. For the above reasons, in Hungary there is only limited scope for policy innovation in these fields, but, on the other hand, there is a wide scope for improving how these policies are implemented.

Enforcing regulations on entry, exit and stay and border management. Interviews conducted at law enforcement organisations in the framework of the Clandestino Project have revealed that on the one hand these organisations possess a deep knowledge about the administrative procedures regarding irregular migration (e.g. apprehensions, expulsions, etc.), however on the other hand their knowledge about the real flows and stocks of irregular migrants is rather limited. In particular, police estimations of flows and stocks are carrying a very high error margin. No responsible person is able or willing to estimate the number of border violations that were neither noticed, nor registered by the authorities. Similarly, the opinions of experts vary widely about the number of those resident irregular third country foreigners who were successful in hiding themselves from the authorities. Hungarian authorities should attach more resources and efforts to control and measure the stocks and flows of irregular migrants. In particular, the following measures should be taken:

- Police and labour controls both on the borders and in Hungarian territory should be improved, in order to reveal the irregular component of migration activity of foreigners in Hungary;
- Co-operation between the Police, the Aliens Police and the Labour Inspectorate should be improved;
- Investigation activities and covert actions towards those individuals and companies that are suspected to facilitate illegal migration, human smuggling and trafficking should be improved;
- The transparency of administrative procedures implemented by diplomatic and consular services, the police, local governments, labour authorities and higher educational organizations should be improved in order to enforce regulations on entry, exit, residence and border management effectively;
- International legal co-operation regarding repatriation should be improved;
- The statistical services of the relevant Government agencies should be improved and harmonised. In particular for enabling these services to separate multiple illegal entries and multiple expulsions of the same person, to track the individual history of an irregular migrant in terms of registrations of multiple offences against entry, exit, residence, border management and labour legislation;
- The efficiency and effectiveness of policies and measures taken against irregular migration should be evaluated regularly, and the results of these evaluations used to improve risk assessments on irregular migration.

Enforcing human rights. In the framework of the Clandestino Project interviews were made with experts of the relevant Hungarian NGOs that offer legal and social help to immigrants arriving both from the neighbouring countries and from remote continents. These interviews have reinforced the statements of law enforcement organisations that the basic rights of irregular migrants as declared in international conventions about refugees and asylum seekers are respected in the country.

Hungarian authorities should continue doing everything in their power to enforce the human rights of migrants, irrespective of the legality of arrival into the country. Law enforcement authorities should clearly demonstrate both in their actions and in their communication policy that irregular migration in itself is not a criminal action.

For more information

The full report on Hungary, by Peter Futo, is available at <http://www.eliamep.gr/en/category/migration/>.

Read the research briefs and full reports of the other 14 countries included in CLANDESTINO project at <http://www.eliamep.gr/en/category/migration/>

For more clarifications contact:

Dr. Peter Futo, Corvinus University of Budapest, Institute for Sociology and Social Policy.

tel: : +361 482-7328. Mobile: 3630 9005936.

email: futo@mixolid.hu



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