

## HUNGARY AND REFUGEE: FROM HISTORICAL TO LEGAL DEVELOPMENT

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### Abstract

In 2015 refugee crisis, Hungary's strict border controls and legal reforms drew international criticism, straining EU relations. This article employs the qualitative legal historical methodology to investigate the historical dynamics underpinning Hungary's shifting refugee policies. The analysis uncovers a significant shift in Hungary's approach to refugees. Following World War I, the Trianon agreement, which led to territorial loss and population displacement, posed migration challenges that Hungary addressed on a case-by-case basis. Furthermore, after 1989, Hungary aligned its legal systems with international standards. It ratified the 1951 Refugee Convention, marking the first official regulation of refugees under Decree 101. In 2007, upon EU accession, Hungary enacted the Asylum Act 2007, aligning it with the Dublin regulation and relevant EU directives, which formed the foundation for refugee crisis legislation in 2015. The study also examines the 2011 constitutional amendment, indirectly creating sociocultural barriers between Hungarian society and refugees.

### Keywords

Refugee Law, Legal Historical, Hungary, Trianon, Immigration Policy

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### I. Introduction

The sequence of refugee crises has occurred multiple times in modern history. First, there was the European refugee crisis, which was triggered by the Arab Spring social movement in 2011 happened in Libya, Egypt, Tunisia, and some of other Middle East countries, forced over one million individuals to flee from their countries, and mostly from the Middle East and North Africa<sup>2</sup>. Second, more than 7 million Ukrainians have already been compelled to flee neighbouring European Union (EU) member states like Poland, Hungary, and Croatia because of the Russian invasion of Ukraine since February 2022, as reported in December

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<sup>2</sup> Bahri (2022)

2022<sup>3</sup>. Finally, the civil war that happening in several African countries caused more than 118 million refugees to flee their homes between 1990 and 2017. Somalia, Liberia, the Congo, and Angola were among the top countries that sent refugees, and they also targeted the EU as their destination<sup>4</sup>.

Those key events, which caused the modern era refugee crisis is resulted in more than 108.4 million people are displaced, primarily because of violence and conflict in their home countries which already mentioned above<sup>5</sup>. This figure can be broken down into several categories: 35.3 million are refugees, 5.4 million are asylum seekers, and 5.2 million seek international protection. Surprisingly, 52 percent of them are only from specific nations, like the Syrian Arab Republic, Ukraine, and Afghanistan. Reflected from the 2015 European refugee crisis, most of those refugees entered the EU for international protection by travelling along the Balkans corridor, which began in Turkey, set out through Macedonia, Turkey, and arrived at the closest EU borders in Serbia, Hungary, and Croatia<sup>6</sup>. As ratifying nations of the 1951 Refugee Convention and 1967 Protocols, the EU member states are being forced to change their immigration policies to ensure that international protection can be granted without struggle or a lengthy bureaucratic process<sup>7</sup>.

Legal and non-legal acts have already been taken as the primary response of the EU member states to the refugee issue. In the legal terms, the EU parliament has already activated the Directives 2001/55/EC, which gives those refugees the access to the EU territory because of the emergency reason and ordered the member states to give the minimum standard protection, such as food, shelter, and access to job market as the support for those refugees in relevant with the Article 1 C (5), the GCR 1951<sup>8</sup>. Then, the EU also proposed quota schemes for its member states, to balancing the member states responsibilities to handle those refugees as one of the implementations of the Common European Asylum System (CEAS)<sup>9</sup>. Finally, the EU is also stepping up its cooperation with Turkey and Serbia as third parties to assist it in addressing the refugee crisis. Serbia will assist with this issue by strengthening its border with Hungary, which serves as the main entry point into EU territory, and Turkey will accommodate them inside the Turkey territory for whom applications for refugees have been rejected by the EU, by providing more than 10 billion euros aid to Turkey<sup>10</sup>.

Politically, not all the EU member states agree with the common decision in addressing the refugee crisis. The Visegrad 4 (V-4) member states – Hungary, the Czech Republic, Poland, and Slovakia – are at disagreements position with the EU migration policies which regulated under the Common European Asylum System (CEAS), particularly regarding the quota schemes that the EU has put forth. This is because the V-4 nations are not

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<sup>3</sup> Bahri (2023)

<sup>4</sup> Adesina et al. (2021)

<sup>5</sup> UNHCR (2022)

<sup>6</sup> Trakilovic (2019)

<sup>7</sup> Collett and Le Coz (2018)

<sup>8</sup> Bahri (2023)

<sup>9</sup> Moraga and Rapoport (2015)

<sup>10</sup> Dimitriadi et al. (2018)

prepared to accept and integrate those refugees into their societies<sup>11</sup>. Due to their status as the first EU member states with a direct border with a non-EU country, the V-4 countries also face difficulties implementing immigration policy to deal with the massive influx of individuals that enter their territories<sup>12</sup>. The V-4 member countries' shared issue has strengthened their decision to reject the EU's method of managing refugee crisis.

Hungary as one of the counterparts of the EU schemes on migration crisis, has the most controversial approach in addressing the refugee crisis, particularly at the 2015 refugee crisis. In the previous research, known if Hungary was able to capitalize on the refugee crisis by acting as a norm-entrepreneur and establishing its own beliefs about how to address the issue and the direction the EU should take going forward, and successfully influence several other states in the EU to join the anti-immigrant movement<sup>13</sup>. Furthermore, Hungary is trying to build a fortress to “protect” themselves from the refugees, with its legal and non-legal approach<sup>14</sup>. Legally speaking, Hungary passed the “Soros Act”, which instructed the authorities to prosecute anyone who assisted an asylum applicant who was entering Hungary's territory illegally<sup>15</sup>. Later on, the Hungary authorities also amended the Asylum Act LXXX of 2007 and Government Decree No. 301 of 2007, Nov 9 which stated if the refugee application should be turned in outside the Hungarian border, and the Refugee Status Determination (RSD) cannot be carried out inside the Hungary territories<sup>16</sup>. In terms of non-legal action, Hungary is increasing its border patrol, and strengthening its cooperation with Serbia to detain the refugee who captured to enter the Hungary territories illegally<sup>17</sup>, while the government is creating negative presence on the migrant by using the media to influence Hungarian citizen, by reason is to protect the “Hungarian Culture”<sup>18</sup>.

Following the facts above, the big question is arising, “*What made Hungary act on its way toward the refugees?*”. To answer that question, this article will examine the refugee regulations in Hungary both as written and as implemented. A brief historical review of migration in Hungary since the First World War is given in the beginning. The early twentieth century, the middle of the century, and the end of the century are briefly covered, along with other demographic migrations. After then, the article analyses the Hungarian refugee legislation in the perspective of this historical period. The article evaluates the laws before describing and analysing contemporary practice. This description heavily relies on recent fieldwork, which grounds the legal analysis in the realities that refugees in Hungary currently face.

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<sup>11</sup> Bauerová (2018)

<sup>12</sup> Stepper (2016)

<sup>13</sup> Czina (2021)

<sup>14</sup> Armstrong (2019)

<sup>15</sup> Boros (2018)

<sup>16</sup> Bernát et al. (2019)

<sup>17</sup> Amnesty International (2015)

<sup>18</sup> Bajomi-Lázár (2019)

## II. Methods

This research is carried out with the qualitative approach, with the legal historical analysis method. Legal history is a technique for evaluating the development of legal institutions, ideas, and systems over time<sup>19</sup>. It entails analysing case law, legislative actions, and the development of legal doctrines, as well as placing legal developments within their historical, social, and cultural contexts. In this research, the history of the Hungary refugee handling experience since the First World War will be described, after the historical facts is explained, the legal actions which happened in certain times will be analysed, and the connection with the current Hungarian legal background in refugee handling will be explained.

**Figure 1: Research Framework**



*Source: Author*

As the data collection technique, the literature review is used. A literature review is a process of data collection used in legal historical analysis that involves carefully going through existing academic literature, historical records, legal texts, and court records<sup>20</sup>. These resources are compiled and critically evaluated by researchers who look for patterns, themes, and changes in institutions and legal theory over time. The sources of the literature analysis on this research are:

- 1) Primary European and Hungarian legal sources, which collected from the EU official legal gazette<sup>21</sup>.
- 2) Secondary journal and historical sources, which accessed from the respected sources, such as Elsevier Journal sources<sup>22</sup>, Jstor repository for the historical information<sup>23</sup>, and World of Science (WoS) as the main sources for the previous legal analysis<sup>24</sup>, which accessed by using the University of Szeged credentials.

Furthermore, this article will not only contribute to filling gaps in the literature, but it also has consequences for current legal discussions and policymaking since it reveals the historical roots that shape the current legal system.

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<sup>19</sup> Ibbetson (2012)

<sup>20</sup> Mohajan (2018)

<sup>21</sup> <https://eur-lex.europa.eu/homepage.html>

<sup>22</sup> <https://sciencedirect.com>

<sup>23</sup> <https://www.jstor.org>

<sup>24</sup> <https://mjl.clarivate.com/home>

### III. Literature Review: From World War I to 2015 European Refugee Crisis

#### First World War to the Second World War

The assassination of Archduke Franz Ferdinand, the heir to the Austro-Hungarian Empire, in Sarajevo in 1914 served as the pivotal event that ignited the devastating outbreak of World War I<sup>25</sup>. This catastrophic conflict, often referred to as the Great War, resulted in the disintegration of the Austro-Hungarian Empire, profoundly affecting both its Hungarian and Austrian regions. The ensuing peace treaties imposed severe penalties on Hungary, one of the defeated powers, and led to a drastic redrawing of its borders. Notably, the Treaty of Trianon in 1920 delineated the terms by which Hungary would lose a staggering two-thirds of its territory and a substantial portion of its population. Consequently, Hungary's territorial expanse shrank dramatically from 125,000 square miles to 36,000 square miles, while its population dwindled from 21 million to a mere 7.5 million<sup>26</sup>. This reshuffling had the consequence of leaving significant numbers of ethnic Hungarians residing within the newly expanded borders of neighbouring states such as Czechoslovakia, Romania, Serbia and Montenegro, a geopolitical situation that endures to the present day.

In the initial years following the dramatic border adjustments of 1920, there was a notable and tumultuous movement of people into and out of Hungary. Based on the estimation which made by the Hungarian Statistical Office in 1924, the total Hungarian who involved as refugees which caused by the Trianon agreements is reached up to 400,000 to 500,000 people, whereas approximately 200,000 ethnic Hungarians opted to relocate to Hungary, while 25,000 emigrants departed Hungary in search of new lives, many of them making their way to the United States, and the rest were separated in many neighbouring countries<sup>27</sup>. However, after 1925, the flow of emigration, and refugee movements experienced a marked reduction, with this trend persisting until the outbreak of World War II.

The outbreak of the Second World War significantly altered the migration patterns in the region. From 1938 to 1941, the Nazi regime rewarded Hungary with a series of territorial expansions, leading to an increase in Hungary's land area by 78,680 square miles and an additional five million people<sup>28</sup>. Unfortunately, this territorial expansion also triggered a significant exodus from Hungary, as many sought refuges from the Nazi regime's atrocities. For those individuals who remained in Hungary, or were unable to leave, their suffering intensified considerably. German forces occupied Hungary in March 1944, which marked the beginning of a devastating period during which 440,000 Hungarian Jews were deported within the next four months<sup>29</sup>. By the war's conclusion, the Nazis had managed to exterminate over 560,000 Hungarian Jews, reducing the once-thriving Jewish community to a mere 150,000 individuals, many of whom were concentrated in Budapest<sup>30</sup>. Following the conclusion of the Second World War, Hungary's borders were largely restored to their

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<sup>25</sup> Myers (2020)

<sup>26</sup> Peterffy (2019)

<sup>27</sup> Koloh (2021)

<sup>28</sup> Ablonczy (2020)

<sup>29</sup> Jeszenszky (2020)

<sup>30</sup> Jeszenszky (2020)

1920 configuration. This period witnessed a substantial surge in refugee movements, with over 100,000 people fleeing Hungary.

Additionally, significant population exchanges and deportations transpired; roughly 200,000 ethnic Germans were forcibly removed from Hungary, while about 70,000 Slovaks left in exchange for an influx of 70,000 ethnic Hungarians from Czechoslovakia. Moreover, ethnic Hungarians arrived in Hungary from other countries, including 125,000 from Transylvania (now part of Romania), 45,000 from the Vojvodina province of Yugoslavia, and 25,000 from the Soviet Union<sup>31</sup>.

With the rise of the communist regime in Hungary in 1948, strict border controls were enforced, making illegal departures a criminal offence<sup>32</sup>. Over the subsequent eight years, there was a significant decline in the number of Hungarians leaving the country, and the influx of individuals into Hungary also markedly diminished.

### **After World War II, and 1956 Revolution**

The events of the 1956 Hungarian Revolution instigated a profound transformation in the country. Following the suppression of the uprising by Russian military intervention, a staggering 200,000 Hungarian refugees sought asylum in various countries within just three months<sup>33</sup>. Notably, this exodus represented more than 4 percent of Budapest's population and exceeded 12 percent in towns located near the western border with Austria. An astonishing aspect of this migration was the significant "brain drain" it entailed. Approximately 90 percent of the refugees were under the age of 40, with 25 percent belonging to professional occupations, and the majority of manual labourers possessed considerable skills<sup>34</sup>.

In the year that followed, Hungary's borders were sealed, allowing only a limited number of legal departures, while those attempting to leave the country without permission faced criminal consequences and the revocation of their citizenship<sup>35</sup>. The actual figures regarding legal and illegal emigration were classified, resulting in an unclear understanding of the scale of refugee outflows in subsequent decades. However, current information indicates that during the 1960s and 1970s, more than 50,000 people may have left the country without authorization<sup>36</sup>. Most of those who sought refuge in the West were promptly categorized as political refugees, with only cursory assessments of their specific circumstances.

The 1980s witnessed a decline in the automatic acceptance of Hungarian immigrants as refugees in Western Europe and North America, even if the yearly emigration rate remained at 5,000 people<sup>37</sup>. This shift was attributed to Hungary's unique form of communism, often referred to as "goulash communism", and its more liberal passport regulations,

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<sup>31</sup> Murádin (2021)

<sup>32</sup> Szalai and Göbl (2015)

<sup>33</sup> Colville (2006)

<sup>34</sup> Koloh (2021)

<sup>35</sup> Bozóki (2016)

<sup>36</sup> Frank (2016)

<sup>37</sup> Gödri et al. (2014)

which did not align with the typical characteristics of a repressive regime<sup>38</sup>. Even though the number of Hungarians granted refugee status in foreign countries declined, there continued to be more refugees leaving Hungary than entering it. Between 1948 and 1988, Hungary received very few asylum seekers due to stringent border controls, and the admission of refugees was a high-level political decision.

Hungary occasionally offered sanctuary to those fleeing political persecution. For instance, roughly 1,000 Chilean communists were admitted in the 1970s, and in the 1940s, about 3,000 Greek communists fleeing the aftermath of the Greek civil war found asylum in Hungary<sup>39</sup>. Occasionally, individual revolutionaries from Africa or Asia were also provided asylum. Moreover, the rigorous border controls and travel restrictions in neighbouring countries limited the transit of refugees through Hungary.

Hungary's reemergence as a refugee-receiving nation during the 1980s is noteworthy, occurring even before the fall of the communist regime in 1989. This transformation, which gained momentum towards the end of 1987, can be traced back to the enduring consequences of border changes following World War I, which were exacerbated by the communist regimes established after World War II in the Central European region<sup>40</sup>. By the mid-1980s, Hungary's population was approximately ten million, with an additional five million ethnic Hungarians residing outside its borders. Among these, three and a half million lived in neighbouring countries, often in close-knit communities. Furthermore, a significant number of ethnic Hungarians were left in Romania because of the Trianon Treaty, with their circumstances growing increasingly dire during the 1980s. The minority status of ethnic Hungarians in Romania compounded their difficulties as they encountered discrimination, increased restrictions on the use of the Hungarian language in schools, and limitations on their children's access to higher education<sup>41</sup>. Furthermore, many of the ethnic Hungarian population in Romania resided in Transylvania, the region bordering Hungary. Equipped with knowledge of the Hungarian language and often having relatives in Hungary, a considerable number of them initially entered Hungary as visitors and chose to stay<sup>42</sup>. Although their status was technically illegal, they were reluctant to return to Romania.

Over 13,000 asylum seekers had applied in Hungary by the end of 1988, with 95 percent of them being ethnic Hungarians from Romania<sup>43</sup>. The Hungarian government did not identify them as refugees but rather as "aliens provisionally residing in Hungary", yet it did not deport them and even established a Settlement Fund to assist these asylum applicants<sup>44</sup>. More than 54,000 asylum applicants, the majority of whom were from Romania, arrived in Hungary in 1989, as the migration from Romania accelerated, because of the toppling of Ceausescu in December 1989, the numbers keep show an increasing trend until 1990<sup>45</sup>.

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<sup>38</sup> Nyyssonen (2020)

<sup>39</sup> Salgado (2019)

<sup>40</sup> Seleny (2014)

<sup>41</sup> Kapitany (2015)

<sup>42</sup> Kapitany (2015)

<sup>43</sup> Subhan (1998)

<sup>44</sup> Voiculescu (2004)

<sup>45</sup> Young and Light (2016)

Fears among ethnic Hungarian populations were heightened by violent battles between ethnic Hungarians and Romanians in Tirgu Mures, Romania, in the spring of 1990, as well as by additional violence in Bucharest over the summer. As a result, more than 18,000 people applied for refuge in Hungary in 1990, more than 17,000 of whom were from Romania<sup>46</sup>.

### **1991 Refugee Crisis**

Subsequently, a significant influx of asylum seekers occurred following the outbreak of the war between Croatia and Serbia on Hungary's southern border in the summer of 1991. Hungarian border guards were confronted with desperate groups of civilians fleeing the conflict, primarily from the Baranyi triangle, an area near Vukovar in Croatia. Many of these individuals left their homes on very short notice, shell-shocked and disoriented. In the latter half of 1991, more than 54,000 people sought refuge in Hungary, surpassing the entire existing refugee population<sup>47</sup>. It's worth noting that a number of refugees might have entered Hungary without registering with the authorities. A majority of the asylum seekers in 1991 were of Croatian ethnicity.

In 1992, the war zone in former Yugoslavia shifted as Serbian forces initiated an attack on Bosnia and Herzegovina in April. This led to a fresh wave of refugees, predominantly Bosnians, arriving in Hungary. These refugees, too, often fled with minimal notice under desperate conditions. By the end of 1992, over 16,000 new asylum seekers had arrived, with more than 15,000 originating from ex-Yugoslavia, the majority being Bosnians, but also including a significant number of ethnic Hungarians<sup>48</sup>. The influx of refugees slowed in 1993 and 1994, with approximately 5,000 and 3,000 asylum seekers arriving in these respective years. Remarkably, the pattern of refugee flows shifted once again, with the majority of asylum seekers in the latter years being ethnic Hungarians, particularly from the Vojvodina region in Serbia. Despite concerns of renewed fighting in ex-Yugoslavia, the number of refugees residing in Hungary significantly decreased by the end of 1994. By that time, only 1,693 individuals remained in refugee camps, and the government provided financial support to 6,045 refugees living in private accommodations<sup>49</sup>. Although the Serb offensives in July 1995 led to major new refugee movements, very few of those refugees managed to reach Hungary.

Hungary took in a total of 133,000 migrants over the period of seven years, from 1988 to 1995. 76,000 of these were from the former Yugoslavia, while 54,000 were from Romania. In 1995, just 7,700 people from the former Yugoslavia were still listed as refugees in Hungary who were getting temporary protection. A further 4,000 individuals, mostly ethnic Hungarians fleeing Romania, received legal refugee status<sup>50</sup>. Regarding those who fled ex-Yugoslavia, approximately 68,000 of them are no longer visible in Hungary. It is widely believed that most Croats have either returned to their homes or relocated to areas

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<sup>46</sup> Kligman and Brubaker (2000)

<sup>47</sup> Subhan (1998)

<sup>48</sup> Bjarnason (1995)

<sup>49</sup> Bjarnason (1995)

<sup>50</sup> Demeny (2007)



not under Serb occupation, accounting for the majority of this decrease. Others who were granted temporary protection in Hungary may have moved to Western Europe, mainly Bosnians, but accurate data is lacking. Among the 7,000 who remained, about a third were Bosnian Muslims, another third were ethnic Hungarians from Vojvodina in Serbia, one-quarter were Croats, and one-tenth consisted of Serbs and Albanians from Kosovo in Serbia.

Regarding refugees from Romania, around 54,000 arrived in Hungary, and 4,000 received official refugee status<sup>51</sup>. However, reliable data concerning the remaining 50,000 refugees are unavailable. A few hundred are reported to have returned to Romania, and several thousand are believed to have moved to and settled in Western countries. Some may have acquired Hungarian citizenship through naturalization, although this is a relatively slow process, suggesting that most applications filed in the late 1980s have not been decided yet. Others may have acquired temporary and permanent resident status, but their exact numbers are unknown. It appears that the majority of the “missing” 50,000 refugees from Romania who came to Hungary are still in the country but have not been officially recognized as refugees<sup>52</sup>.

### 2015 Refugee Crisis

The wider European migrant problem reached a turning point in 2015 with the Hungary refugee crisis. This crisis, which is distinguished by an enormous and unexpected flood of refugees and migrants, was principally brought on by ongoing conflicts in the Middle East and North Africa, which began in 2011 on as a result of the Arab Spring social movement that occurred in more than five nations<sup>53</sup>. As a member of the European Union, Hungary has found itself in the centre of this crisis as one of the points of entry for refugees seeking asylum who are travelling along the *Balkan Corridor*, which began in Turkey and Macedonia, continued through Greece, and ended in Hungary, Croatia, and Poland<sup>54</sup>.

Hungary experienced a substantial increase in the number of refugees and migrants entering the country starting in the summer of 2015. The people in question largely came from conflict-ridden nations like Syria, Afghanistan, and Iraq, driven by the harsh circumstances of war, persecution, and economic challenges<sup>55</sup>. More than a million individuals pass through Hungary on their way to other countries, primarily Austria and Germany, according to the UNHCR, and 174,000 of them are requesting for asylum in Hungary<sup>56</sup>.

Under the direction of Prime Minister Viktor Orbán, the Hungarian government initially implemented a strict border control policy. First of all, this included building border barriers along Hungary’s southern border with Serbia, which was reportedly done to keep people out while maintaining order<sup>57</sup>. Second, the Hungarian government is attempting

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<sup>51</sup> Demeny (2007)

<sup>52</sup> Hungarian Helsinki Committee (2015)

<sup>53</sup> Aražna (2020)

<sup>54</sup> Trakilovic (2019)

<sup>55</sup> Bahri (2022)

<sup>56</sup> AIDA (2020)

<sup>57</sup> Amnesty International (2015)

to use social media and other methods of propaganda to portray refugees as a threat to Hungarian society<sup>58</sup>. Last but not least, Hungary and the other Visegrad 4 nations oppose quota systems as an administered solution to the migration crisis in 2016<sup>59</sup>. Nonetheless, this approach garnered considerable criticism from various quarters, including prominent human rights organizations. The transit hubs within Hungary, notably Budapest, became overwhelmed by the sheer volume of refugees and migrants passing through. The conditions in these transit zones and train stations were frequently marked by dire circumstances, characterized by inadequate shelter, sanitation facilities, and access to medical care.

The Keleti Railway Station in Budapest emerged as a focal point of the crisis in August 2015<sup>60</sup>. It was here that thousands of refugees and migrants gathered, seeking passage to Western Europe. Initially, Hungarian authorities prevented them from boarding trains bound for Western Europe, resulting in a tense stand-off that drew significant international attention. Under mounting pressure and amid criticism from the international community, Hungary eventually altered its approach. The government permitted refugees and migrants to board trains destined for Western European countries and established temporary reception centres to provide humanitarian assistance, a shift that was marked by both humanitarian and political considerations<sup>61</sup>.

This crisis was inextricably linked to a broader European challenge, with other EU member states, particularly Germany and Sweden, accepting a substantial number of refugees and migrants<sup>62</sup>. However, it also laid bare internal divisions within the European Union, showcasing disparities in opinion and response strategies regarding the equitable sharing of responsibilities among member states<sup>63</sup>. In response to the 2015 refugee crisis, Hungary, working with other countries along the Balkan route, imposed stricter border controls, added a fence, and enacted the “Soros Law”, which prosecuted anyone who assisted an unauthorized border crosser<sup>64</sup>. These measures, implemented as a response to the crisis, played a role in the eventual closure of the Western Balkan route, leading to a significant reduction in the flow of refugees and migrants passing through Hungary and neighbouring countries.

The 2015 refugee crisis had far-reaching implications, not only for Hungary but also for the European Union as a whole. It exposed divisions among EU member states and catalysed discussions regarding the reform of EU asylum and migration policies. The crisis underscored the need for more coordinated, comprehensive, and compassionate responses to similar crises in the future and highlighted the intricacies and challenges of managing migration on a continental scale.

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<sup>58</sup> Bajomi-Lázár (2019)

<sup>59</sup> Hilpold (2017)

<sup>60</sup> Bernát et al. (2019)

<sup>61</sup> Bernát et al. (2019)

<sup>62</sup> Karolewski and Benedikter (2018)

<sup>63</sup> Kaufmann (2021)

<sup>64</sup> Boros (2018)

#### IV. Discussion: Legal Frameworks Development in Refugee Handling

At the core of Hungarian refugee law lies the foundational framework provided by the 1951 Geneva Convention Relating to the Status of Refugees. This international agreement serves as the primary legal instrument shaping Hungary's approach to refugee matters. In addition to this foundational convention, various government decrees have been promulgated to further elaborate on and complement the legal framework governing refugee affairs. However, it is important to note that much of the practical application and operational procedures in this domain have evolved from unofficial, unwritten administrative policies. These policies have organically developed to address significant gaps within the existing legal structure, thereby playing a crucial role in the implementation of Hungary's refugee laws and regulations.

Hungary's legal framework for refugee management is a comprehensive and intricate system that encompasses international, domestic, and administrative components. This framework is designed to address asylum procedures, the protection of refugees, and the broader legal framework governing individuals seeking asylum in Hungary. To gain a deeper understanding of Hungary's approach to refugee management, it is crucial to delve into the specific legal articles and provisions that constitute this multifaceted framework.

##### International Legal Framework

In early 1989, Hungary, still under communist rule, took a significant step by becoming a signatory to the 1951 Convention relating to the Status of Refugees, marking the first instance in the Eastern Bloc where a country made such a commitment<sup>65</sup>. Hungary also ratified the 1967 Protocol to the 1951 Convention. This signified Hungary's willingness to align with the international definition of a refugee. However, it introduced a substantial caveat by conditioning its ratification on a narrower interpretation of who qualifies as a refugee, limiting recognition only to those who feared persecution within Europe<sup>66</sup>. This provision, known as the geographic reservation, allowed Hungary to restrict its obligations under the Convention to a specific European subset of global refugees. At present, only four other countries – Malta, Monaco, Madagascar, and Turkey – out of the 132 States party to the Convention and/or the Protocol maintain this geographic reservation<sup>67</sup>. The primary rationale behind Hungary's insistence on this geographic reservation was its apprehension of being inundated by refugees. Dealing with a large number of potential refugees understandably raises legitimate and serious concerns for any nation. Nevertheless, there are questions about whether Hungary's concerns in this regard are well-founded. Notably, none of the other Central European countries that ratified the Convention has opted for the geographic reservation, and none of them have experienced an overwhelming influx of refugees, as the experiences in Poland and the Czech Republic demonstrate<sup>68</sup>.

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<sup>65</sup> Anderson (2007, 2005)

<sup>66</sup> Anderson (2007, 2005)

<sup>67</sup> Tarımcı (2005)

<sup>68</sup> Urbański (2022)

Some have argued that Hungary's geographical position makes it more vulnerable to refugee flows, given its proximity to the Balkans, where it has indeed received thousands of people fleeing conflict, including what happened in the 2015 European refugee crisis. However, Hungary has typically not granted refugee status to most of these individuals, instead categorizing them as war victims. While they do receive government assistance, they lack the legal protection or status conferred upon those recognized as refugees under the Convention. Furthermore, since the Balkans are part of Europe, individuals fleeing persecution there are not excluded from receiving protection in Hungary<sup>69</sup>.

What the geographic reservation effectively does is prevent those fleeing persecution in Africa and Asia from seeking refuge in Hungary. Another argument made in favour of Hungary's geographic reservation is the fear of becoming a magnet for asylum seekers from other continents<sup>70</sup>. Being one of the Visegrad countries, Hungary boasts a more advanced economy compared to many other Central European states. However, debates about which country has the most robust economy are seemingly irrelevant. What matters is the general perception that the economies in the Czech Republic, Poland, and Hungary are all on the rise and are significantly more stable than the conditions in many nations that trigger massive refugee movements. Still, neither the Czech Republic nor Poland has been overwhelmed by asylum seekers and refugees.

Yet another argument in support of the geographic reservation posits that Hungary's strategic location along transit routes from other continents necessitates this precaution. This argument, too, lacks persuasiveness. The map illustrates that Poland, and the Czech Republic are centrally located, and foreign airlines regularly operate in Warsaw and Prague. Transit routes from East to West cross not only Hungary but the entire region of Central Europe.

Considering the absence of significant numbers of non-European asylum seekers in the Czech Republic and Poland, as well as Hungary's response to European asylum seekers from former Yugoslavia, there is some scepticism regarding Hungary's insistence on the geographic reservation. The evidence suggests an alternative motive. In light of other laws and practices that favour ethnic Hungarians, it appears that the Hungarian government, consciously or subconsciously, may have adopted the geographic reservation as a means to facilitate the acceptance and protection of ethnic Hungarians from neighbouring countries<sup>71</sup>. While Hungary's definition of refugees includes those fleeing persecution anywhere in Europe, not just Hungarians, it is worth noting that few other sizable groups of Europeans, aside from those escaping ethnic cleansing and conflict in former Yugoslavia, are likely to seek refuge in Hungary. When viewed from this perspective, Hungary's ratification of the 1951 Convention essentially allowed the government to establish a form of "law of return" through an international treaty rather than through domestic legislation. Out of the debate, while legitimate concerns about refugee inflows exist, the narrow application of the geographic reservation prompts a reevaluation of Hungary's underlying motives, including the potential implications for ethnic Hungarians seeking refuge. At the

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<sup>69</sup> ECRE (2015)

<sup>70</sup> Szalai and Góbl (2015)

<sup>71</sup> Tarımcı (2005)

core of Hungary’s refugee management system are the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol. These international agreements serve as the cornerstone for defining the legal status of refugees and establishing their rights and protections. Specific articles within these conventions hold particular significance:

- a) Article 1A (2) of the 1951 Convention: This article defines a refugee as a person who, owing to a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion, is outside their country of nationality and is unable or unwilling to return to it.
- b) Principle of Non-Refoulement: The principle of non-refoulement, which is embedded in multiple articles of the 1951 Convention, forbids the return of refugees to any country where they could face persecution or serious harm.

## Domestic Legislation

### Hungarian Constitution

The evolution of Hungary’s constitution from 1949 to 2011 in relation to its refugee handling policy reflects a journey marked by profound transformations. Beginning with a constitution drafted during the communist era that vested the government with sole discretion in granting asylum, Hungary gradually transitioned to a constitutional framework that recognized asylum as a fundamental right, adhering more closely to international standards. This evolution occurred against the backdrop of regional events and changing political dynamics. Through the years, Hungary’s constitutional reforms and policies on refugees showcased the complex interplay between domestic political considerations and international obligations, revealing the nation’s shifting stance on providing refuge to those in need. In the following paragraphs, we delve into the specific constitutional revisions and the corresponding changes in refugee handling policies that unfolded during this period. The 1949 Constitution of Hungary, enacted during the communist era, contained an asylum provision, but it was marked by substantial limitations. Article 71 of this constitution stipulated that *“Everyone who is persecuted for his democratic behavior, or for his activity to enhance social progress, the liberation of peoples, or the protection of peace, may be granted asylum.”* However, asylum under this provision was entirely at the discretion of the government, with no legally enforceable right for asylum seekers and no avenue for judicial remedy<sup>72</sup>. This was indicative of the era’s political climate, where all matters, including asylum, were under the control of the communist regime.

Furthermore, In October 1989, Hungary experienced a substantial constitutional revision that marked a pivotal shift in its approach to asylum and refugees. The earlier asylum provision was repealed, and a new, more comprehensive guarantee was introduced, incorporating Articles 60–61 into the new constitution. Article 60 established asylum as a fundamental right for those persecuted on the grounds of race, religion, nationality, language, or political reasons. It further protected individuals granted asylum from extradition to another state. Importantly, Article 61 set a requirement that the adoption of laws related

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<sup>72</sup> National Assembly of Hungary (1949)

to asylum needed a two-thirds majority vote in Parliament, a mechanism designed to make it more difficult for politically popular restrictions on asylum to become law<sup>73</sup>. The 1989 constitutional revision brought Hungary more in line with internationally accepted refugee definitions and principles<sup>74</sup>. Asylum was no longer a matter of political discretion but a right, and the criteria for asylum were more clearly defined, in accordance with international norms. This constitutional change reflected Hungary's commitment to its obligations under the 1951 Convention Relating to the Status of Refugees and subsequent international refugee instruments.

Following the 1989 constitutional amendment, Hungary did not introduce significant changes to its asylum provisions in the 1998 and 2008 constitutional revisions. These revisions primarily addressed other aspects of the constitution and did not directly impact Hungary's approach to asylum or refugees. During this time, Hungary witnessed fluctuations in asylum application rates due to regional events, with a notable surge in applications during the early 2000s, primarily influenced by developments in the Balkans. Later, in 2011, Hungary adopted a new constitution, often referred to as the Fundamental Law. This constitution introduced several notable changes with implications for refugee handling. Notably, Article L (1) of the Fundamental Law declared Hungary's Christian heritage and the protection of Hungarian culture as key constitutional principles<sup>75</sup>. Critics argued that these principles could be used to justify more restrictive refugee policies, particularly given the government's increasingly conservative stance on immigration and asylum during this period<sup>76</sup>. Despite the constitutional provisions, Hungary's handling of refugees and asylum seekers faced various challenges and changes over the years. In the years following 2015, Hungary's approach to asylum and immigration became more restrictive, as reflected in policies such as the construction of border fences and legislative changes that made it harder for asylum seekers to enter and claim protection.

### **Asylum Act 2007**

The Hungarian Asylum Act of 2007 marked a significant step in Hungary's efforts to establish a comprehensive legal framework for handling asylum seekers and refugees. To understand the history behind this act, it's essential to consider the broader context of Hungary's asylum policies leading up to its adoption. In the years following the fall of communism in Hungary between 1990s to early of 2000s, the country saw an increase in the number of asylum seekers, particularly during the early 2000s. This surge was primarily due to regional conflicts and instability in the Balkans and Eastern Europe. Hungary, as a European Union (EU) member state, became an attractive destination for individuals seeking asylum and protection<sup>77</sup>.

Furthermore, in the year of 2004, Hungary, as part of its EU accession process, was required to align its laws and practices with international standards, including those related to

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<sup>73</sup> Halmi (1998)

<sup>74</sup> Halmi (1998)

<sup>75</sup> Government of Hungary (2011)

<sup>76</sup> Schanda (2022)

<sup>77</sup> Szalai and Göbl (2015)

asylum and refugees<sup>78</sup>. This involved not only the establishment of legislation, but also the creation of a functional asylum system that could effectively process and protect asylum seekers. The Hungarian government recognized the need for a more comprehensive legal framework to manage asylum and refugee issues.

Later on, the Hungarian Asylum Act of 2007, formally known as Act LXXX of 2007 on Asylum is enacted, which represented a significant milestone in Hungary's asylum and refugee policies. This act aimed to create a more structured and comprehensive legal framework for managing asylum seekers and refugees, ensuring that Hungary complied with its international obligations and EU requirements. The act was adopted in response to the evolving political and security landscape in the region and the need to manage an increasing number of asylum claims. In summary, Key features of the Hungarian Asylum Act 2007 included:

- a) Defining asylum: The act provided a legal definition of asylum, specifying the grounds on which asylum could be granted, in line with international norms.
- b) Procedures: It established the procedures for lodging and processing asylum applications, specifying timelines and rights for asylum seekers
- c) Protection: The act set out provisions for the protection of refugees and those granted subsidiary protection, in accordance with international standards.
- d) Detention: It outlined the conditions and circumstances under which asylum seekers could be detained, emphasizing the need to respect their human rights.
- e) Access to appeal: The act ensured that asylum seekers had access to an appeals process if their applications were rejected.
- f) Reception conditions: It addressed issues related to the housing, healthcare, and support for asylum seekers during the application process.

While the Hungarian Asylum Act 2007 represented an important step toward creating a more robust asylum framework, Hungary's approach to asylum and refugees has faced various challenges and changes in the years following its adoption. Some of these challenges include changes in government policies and a growing political discourse that was increasingly critical of immigration and refugee acceptance. In the subsequent years, Hungary introduced additional legislative changes and policy measures that impacted the asylum process, including the construction of border fences and changes to asylum eligibility criteria. These actions, at times, garnered international attention and raised concerns about Hungary's compliance with EU and international obligations regarding asylum and refugee protection.

### **International Agreements and EU Regulations**

The development and adoption of Hungary's refugee management framework have been significantly influenced by various international agreements and European Union (EU) regulations, reflecting the nation's commitment to adhering to global and regional standards in asylum and refugee protection.

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<sup>78</sup> Bernát et al. (2019)

### **The European Convention on Human Rights (ECHR)**

Hungary's refugee management framework is intricately linked to the principles and obligations outlined in the European Convention on Human Rights (ECHR). The ECHR, which Hungary has been a party to since 1992, guarantees fundamental rights and freedoms to individuals within its jurisdiction, including refugees and asylum seekers. As a signatory to the ECHR, Hungary is obliged to ensure that all individuals on its territory, regardless of their legal status, are afforded the basic human rights and protections enshrined in the convention. This includes the rights to life, liberty, and security, as well as protection from torture, inhuman or degrading treatment, and the right to a fair and impartial hearing. These provisions have a direct impact on the treatment of asylum seekers and refugees in Hungary and require the government to uphold these rights during the asylum process<sup>79</sup>.

### **The Dublin Regulation (EU Regulation No. 604/2013)**

Hungary's approach to managing asylum applications is also influenced by the Dublin Regulation, which is an EU regulation setting out criteria for determining the EU member state responsible for processing an asylum application. This regulation ensures that asylum seekers are directed to the member state that should handle their application based on specific criteria, including family ties, previous residence, and entry points into the EU. Hungary, as an EU member state, is bound by the Dublin Regulation, and its authorities must adhere to the principles established within the regulation when considering asylum claims. This regulation plays a pivotal role in Hungary's responsibility-sharing within the EU regarding asylum seekers<sup>80</sup>.

### **The Reception Conditions Directive (Directive 2013/33/EU)**

Hungary's obligations to asylum seekers, including their housing, healthcare, and access to education, are further defined by the Reception Conditions Directive. This EU directive sets minimum standards for the treatment of asylum seekers across member states. It ensures that asylum seekers receive dignified and humane treatment, regardless of the outcome of their asylum application. Hungary, as an EU member, is required to align its domestic policies with the standards set forth in the directive, thus providing a common framework across the EU for the reception and treatment of asylum seekers<sup>81</sup>.

Incorporating these international agreements and EU regulations into Hungary's refugee management framework ensures that the country's asylum policies are in line with broader regional and international standards. It also underscores the principle of shared responsibility within the EU regarding the protection and treatment of asylum seekers, enabling a more coordinated approach to asylum and refugee management across Europe. These agreements and regulations contribute to the development of a comprehensive, rights-based, and uniform asylum system within Hungary and throughout the European Union.

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<sup>79</sup> Bárd and Bárd (2016)

<sup>80</sup> Desimpelaere (2014)

<sup>81</sup> Toscano (2013)



### Government Decrees

Apart from statutory laws, government decrees play a crucial role in Hungary's refugee management. These decrees detail specific administrative procedures, requirements, and criteria for the asylum process. They also include provisions related to the designation of safe third countries and the application of "fast-track" procedures for individuals from specific nationalities.

The legal landscape of Hungary's refugee management system is marked by a complex interplay of formal decrees, practical implementation, and prevailing biases that favour ethnic Hungarians. The framework, primarily governed by Decree 101 issued in October 1989, serves as the foundation for asylum procedures. Despite its limited content and the existence of gaps and omissions, Decree 101 outlines the basic legal structure, encompassing crucial aspects of the refugee recognition process. Decree 101 introduces application deadlines that necessitate notification within 72 hours of crossing the border into Hungary, followed by the submission of formal applications within an additional 72-hour period<sup>82</sup>. While these provisions may seem neutral on the surface, they significantly advantage ethnic Hungarians who have a familiarity with the language and may receive assistance from relatives or acquaintances residing in Hungary. This linguistic and logistical advantage is a clear bias in practice.

The refugee application process involves scheduling personal interviews with government officials, placing the burden of proof on applicants. Those who can communicate in Hungarian and possess connections or resources to gather supporting documentation gain a substantial advantage. Moreover, if persecution claims relate to ethnic Hungarians in neighbouring states, they are more likely to be acknowledged, given Hungary's awareness of unrest in those communities. Decree 101 adopts the refugee definition from the 1951 Convention, focusing on well-founded fears of persecution based on specific grounds. However, Hungary's treaty reservation limits its application to events occurring in Europe, effectively restricting refugee status to Europeans. While a significant portion of recognized refugees is non-ethnic Hungarian, the procedure demonstrates a bias favouring ethnic Hungarians.

Data indicates that a large percentage of asylum seekers do not participate in the official refugee procedure. They are categorized as temporarily protected persons and are not reviewed for potential refugee status. This effectively prevents them from obtaining refugee status in Hungary, which leads to a dual-tier system of treatment. Hungary's legal framework includes Law-Decree 19, which grants recognized refugees rights comparable to Hungarian citizens, with only minor exceptions. These recognized refugees are eligible for naturalization, with a shortened residency requirement. Ethnic Hungarians, who constitute a majority of recognized refugees, benefit from even further accelerated eligibility for naturalization.

Those categorized as temporarily protected persons are placed in a secondary tier, with limited rights and no acknowledgment under Hungarian law. They often face restrictions on work and movement, which can create challenging living conditions. The government

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<sup>82</sup> Békés and Kalmár (2001)

has the authority to establish refugee camps or shelters under Decree 64. These facilities vary in size, conditions, and population. Some are government-run, while others are operated by non-governmental organizations. Conditions in these camps can be unequal, with camps predominantly inhabited by ethnic Hungarian refugees appearing more desirable than those housing Bosnians and non-Hungarians.

Freedom of movement also varies between camps, with some imposing restrictions on residents' ability to leave. These limitations can result in a prison-like atmosphere and lead to the creation of a black market for passes, disproportionately affecting women. Hungary's refugee management system is characterized by a blend of formal legal provisions and practical implementation, which, at times, reveals a preference for ethnic Hungarians. While some biases can be attributed to logistical factors and the timing of refugee movements, the disparities in treatment raise questions about equitable refugee management and the extent of preferential treatment in Hungary's legal framework.

### **Unwritten Administrative Policies**

An intriguing feature of Hungary's refugee management is the prevalence of unwritten administrative policies. These informal practices, often established by relevant authorities, have evolved to address gaps in the legal framework and significantly affect the practical implementation of asylum procedures. Over the years, Hungary's approach to asylum management has been met with international scrutiny, particularly concerning border control policies, detention practices, and the treatment of asylum seekers. Measures such as the construction of border fences, the operation of transit zones, and the use of "fast-track" procedures have generated extensive debate and criticism. These policies have raised questions about Hungary's adherence to international legal standards and human rights principles.

In summary, Hungary's legal framework for managing refugees is a complex and interconnected system comprising international agreements, domestic laws, EU regulations, government decrees, and unwritten administrative policies. These elements collectively shape Hungary's approach to refugee management. However, the country's policies, especially regarding border control and detention, have ignited substantial discussion and scrutiny. This underscores the intricate nature of refugee management and the associated challenges in an evolving global context.

## **V. Discussion: Historical Legacy Which Shaped the Hungary Refugee Policy**

The historical development of Hungarian refugee law, beginning with the aftermath of World War I, reveals a complex and evolving legal landscape marked by various legal novelties and areas that demand further development. Over the decades, Hungary's legal frameworks have been shaped by historical events and international obligations, resulting in a dynamic interplay of legal provisions, mechanisms, and challenges.

One pivotal legal novelty in Hungary's refugee law history was the Treaty of Trianon in 1920. While primarily focused on territorial and political matters, this treaty introduced a novel legal context for Hungary by redefining its borders and leaving a significant number of ethnic Hungarians residing in neighbouring countries. The legal challenges that emerged

from this unique situation required innovative legal mechanisms to safeguard the rights and status of these ethnic Hungarian minorities. Hungary can build on this historical experience and contribute to the development of legal frameworks that address the rights and needs of not only ethnic Hungarian refugees, but also other minority groups who may face discrimination or persecution in their host countries. This can encompass legal measures to provide cultural and language support, as well as mechanisms to facilitate their integration into Hungarian society if they choose to return.

The 1956 Hungarian Revolution marked another legal novelty in Hungary's refugee history. During this period, numerous countries extended assistance and asylum to Hungarian refugees, highlighting the importance of international solidarity in response to humanitarian crises. This event emphasized the need for international legal frameworks that outline the responsibilities of host nations in providing refuge during critical humanitarian situations. Hungary can leverage this experience to advocate for legal norms that establish clear guidelines for humanitarian admissions and the protection of refugees in times of emergency, as well as mechanisms for burden-sharing among nations.

In the contemporary context, Hungary's legal response to the refugee crisis has been a subject of international scrutiny and debate. Legal measures that restrict refugee rights and access to asylum have raised questions about Hungary's compliance with EU and international law. Hungary has an opportunity to enhance its legal frameworks by aligning them more closely with EU standards and its international legal obligations. Legal mechanisms for refugee integration, access to education, and employment opportunities represent key areas for development. Creating legal pathways for refugees to access education and the labour market not only benefits refugees but also contributes to the country's economic and social development.

Furthermore, Hungary's historical experiences in dealing with refugee issues have undoubtedly contributed to the shaping of today's international migration and refugee regime. This influence can be seen in both Hungary's actions during the 2015 refugee crisis and its broader impact on the European and global approach to migration. In 2015, Hungary was a focal point of the European refugee crisis, as a significant number of asylum seekers and refugees passed through its borders on their journey towards Western European countries. Hungary's response to the crisis involved several legal and policy measures, including the construction of border fences and the establishment of transit zones. While these measures were aimed at managing the flow of people, they raised questions about Hungary's adherence to international refugee and human rights laws.

Hungary's historical approach to refugee management reflects a complex interplay of geographical and historical factors. Its location in Central and Eastern Europe has rendered it a critical transit and destination point for refugees and migrants. One pivotal moment in Hungary's refugee history was the Treaty of Trianon in 1920, which resulted in the redrawing of Hungary's borders, leaving significant Hungarian minority populations in neighbouring countries. This unique situation presented legal and humanitarian challenges that continue to influence Hungary's refugee policies. It is against this historical backdrop that Hungary found itself at the centre of the 2015 refugee crisis.

The 2015 refugee crisis marked a defining moment in Hungary's contemporary refugee management. As a key entry point to the European Union, Hungary witnessed a significant influx of refugees and migrants. In response, the Hungarian government introduced a series of policies that stirred both domestic and international controversy. These policies included the construction of border fences along its borders with Serbia and Croatia to deter and redirect the flow of migrants<sup>83</sup>, vehement opposition to the EU's proposed refugee quota system<sup>84</sup>, and the establishment of transit zones for processing asylum claims. Furthermore, Hungary introduced legal measures criminalizing unauthorized border crossings, often resulting in the arrest and legal proceedings against those attempting to enter the country irregularly. Reports of pushback practices, whereby authorities allegedly forced refugees and migrants back across the border, generated widespread concern and condemnation.

Historical and sociological issues can be linked to Hungary's reluctance to absorb additional refugees. The nation has previously dealt with refugee problems brought on by wars in the Balkans and the European migrant crisis of 2015. Public perception has been permanently shaped by these events, with the government's position being influenced by worries about economic pressure, cultural uniformity, and national security. Hungary's reluctance to accepting a large number of refugees has been further cemented by the emergence of right-wing and nationalist attitudes, especially under the leadership of Prime Minister Viktor Orbán. Public discourse has become more contentious as a result of political rhetoric that emphasizes the preservation of national identity and paints migrants as a threat<sup>85</sup>. The current political atmosphere, which stresses nationalistic ideals, combined with societal fears about resource allocation, economic competition, and integration have made it difficult to cultivate empathy for refugees. Hungary's policies and public opinion on migrants are shaped by a complex interplay of historical and social circumstances, even though the country's views are not shared by all segments of the population.

Its marked a subsequent response had broader implications for the ongoing discussions about refugee management in the European Union. It spotlighted the tensions between some member states, like Hungary, which prioritized border security and sovereignty, and EU institutions advocating for a more coordinated and humane approach to asylum seekers. These developments underscored the need for cohesive EU policies on asylum and refugee management to address the complex challenges of irregular migration and uphold the principles of solidarity and shared responsibility among member states. Hungary's actions in 2015 and their subsequent legal implications have prompted broader discussions and policy changes within the European Union. The crisis underscored the need for a more unified and coordinated EU response to migration and asylum. It led to the reevaluation of the Dublin Regulation and discussions on equitable burden-sharing among EU member states. The legal responses to the 2015 crisis have pushed for more comprehensive legal frameworks at the EU level to address various aspects of migration, including

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<sup>83</sup> Amnesty International (2015)

<sup>84</sup> Hilpold (2017)

<sup>85</sup> Visnovitz and Jenne (2021)

asylum procedures, detention, and the treatment of vulnerable groups. Hungary's historical experiences, including the Treaty of Trianon and the 1956 Hungarian Revolution, have also contributed to shaping international norms and legal frameworks. The lessons from these events have highlighted the importance of international solidarity and the duty of host nations to provide refuge in times of humanitarian crises. This has influenced the development of international law and norms related to the protection of refugees and displaced persons, as well as the responsibilities of host countries.

The most crucial things to consider when comparing Hungary's legislative requirements for accepting refugees to the Common European Asylum System (CEAS) are the details. A detailed analysis shows which parts of the Asylum Act of 2007 need to be improved in order to comply with EU regulations. Fundamental rules for the reception of asylum seekers are established under the Reception Conditions Directive (2013/33/EU) under the CEAS, with a focus on providing them with dignified living conditions. Hungary's 2007 Asylum Act should be closely examined for any possible shortcomings in terms of the standard of housing, availability of medical care, and special measures for vulnerable populations. The Asylum Act has several articles that need to be carefully examined. These include Article 27 on housing standards, Article 30 on healthcare accessibility, and Article 27 on measures for especially vulnerable people. It is also important to make sure that these articles comply with EU standards.

The conditions of confinement, with consideration of CEAS principles that emphasize reducing detention use and creating humane conditions where appropriate, are a significant focal area for development. The Asylum Act's provisions relating to safeguards and conditions during detention, such as Articles 33–35, ought to be reviewed in order to align Hungary's legal system with CEAS guidelines and promote a more humanitarian and rights-abiding attitude toward detention procedures. The Asylum Procedures Directive (2013/32/EU), which emphasizes the value of access to legal representation, necessitates a thorough analysis of Hungary's legal provisions under the Asylum Act. To find any possible shortcomings, specific provisions (such as Article 57) outlining the rights to legal help should be examined. To guarantee that asylum seekers have prompt and efficient access to legal counsel – a critical component in fostering a just and equitable asylum process – amendments might be required.

As acknowledged by the CEAS, addressing the requirements of vulnerable populations necessitates a close examination of Hungary's law provisions for children, torture victims, and those with specific reception needs. To find and fix any flaws, the Asylum Act's articles that deal with protecting vulnerable populations (such as Article 8) should be examined. Ensuring that these vulnerable asylum seekers receive adequate protection and support requires legislative reforms that align with CEAS requirements. By means of this comprehensive examination and possible modifications to particular sections of the Asylum Act of 2007, Hungary can endeavour to promote a more uniform and rights-abiding refugee reception procedure in compliance with EU standards.

Promoting an all-encompassing strategy that prioritizes respect for international law, human rights, and the unique needs of refugees should be a key component of Hungary's legal growth. Hungary can contribute to a more just and compassionate response to the

global refugee crisis and set a good example for other countries to follow by creating legal frameworks that reflect these principles. By enacting these kinds of legal changes, Hungary may further solidify its commitment to protecting the rights and dignity of migrants and establish itself as a global leader in refugee protection and humanitarian ideals.

## VI. Conclusion

In conclusion, Hungary's refugee management system is intricately woven with a legal framework that draws from international conventions, domestic legislation, EU regulations, government decrees, and unwritten administrative policies. While the legal foundation primarily rests on the 1951 Geneva Convention Relating to the Status of Refugees, Hungary's approach to refugee affairs has evolved significantly, marked by several legal novelties and areas that require further development.

Historically, Hungary has faced unique challenges, such as the aftermath of the Treaty of Trianon in 1920 and the Hungarian Revolution of 1956. These events have shaped Hungary's approach to refugee protection and offered opportunities for innovative legal mechanisms. By drawing from its historical experiences, Hungary can play a crucial role in the development of legal frameworks that address the rights and needs of not only ethnic Hungarian refugees, but also other minority groups who may face persecution in their host countries.

In the contemporary context, Hungary's response to the refugee crisis has raised questions about its adherence to international standards and EU regulations. To enhance its legal frameworks, Hungary can focus on aligning them more closely with EU standards, improving mechanisms for refugee integration, access to education, and employment opportunities, and addressing the specific needs of vulnerable refugee groups. Developing alternatives to detention and promoting a comprehensive approach that prioritizes human rights and international law compliance will further solidify Hungary's role in providing equitable and compassionate refugee protection.

By actively engaging in the evolution and development of its refugee legal frameworks, Hungary can continue to be a constructive participant in international refugee affairs, upholding the rights and dignity of refugees while setting an example for others to follow. This commitment to humanitarian values can reinforce Hungary's standing on the global stage as a nation dedicated to refugee protection and the promotion of human rights.

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