



#### Actors Interviewed:

- Civil society: NGOs, trade unions, migrants' organizations: 5
- Media: 1
- Governmental representatives: 1
- Academics: 1
- Employers: 1

## 1. DESCRIPTION OF WORK AND TARGET GROUP

#### Policy Brief:

*"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". (p. 2)*

*"The total stock of resident foreign irregular migrants in Hungary in 2007 is estimated between 30,000 and 50,000 people". (p. 2)*

*"In 2008, the groups of Chinese and Vietnamese immigrants constituted the largest national groups of resident irregular migrants. There were between 15,000 and 25,000 irregular Chinese and Vietnamese migrants in Hungary in 2008. Other irregular migrant populations include (in descending order) Ukrainians, Serbs (including Kosovo Albanians), sub-Saharan Africans and other Asian immigrants. Men account for up to 80% of irregular migrants and people of the 20-59 age group represent 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. Less than 3% of all applicants was granted refugee status. The overwhelming majority of asylum applicants in Hungary has arrived illegally". (p. 3)*

According to the interviewees, the majority of undocumented migrants entering the country are men, mostly single and in their thirties. Two respondents amongst the NGOs believed that the share of women in the overall percentage is small. Moreover, an academic said that gender may vary in relation to specific ethnic groups and pointed out that many undocumented families come from Kosovo or are Roma.

A governmental authority representative said that Chinese and Vietnamese live in the country irregularly whereas migrants from Kosovo, Serbia and Afghanistan are in transit or only stay temporarily. Several NGO representatives argued that the majority of irregular migrants come mostly from Iraq, Afghanistan, Somalia, Nigeria, Serbia, Ukraine and the Middle East. It was reported that undocumented workers in particular from Serbia and Ukraine, be they men or women, commute to Hungary to work in the construction and care sectors and/or are employed as seasonal workers.



Photo: Chinese Merchant at Four Tigers Market in Budapest © Mark H. Milstein/NextFoto

An academic added that trafficked women from Moldova and Ukraine represent another category amongst the nationalities currently in the country. He remarked that Hungarian minorities from neighbouring countries (e.g. Ukraine) should also be taken into account. Another feedback came from a journalist according to which asylum seekers are from the Middle East, mainly Iraq, Kurdish territories of Turkey, Bangladesh and Sub-Saharan Africa whereas former asylum seekers come from Kosovo. He pointed out that as

long as commercial activities are concerned, Chinese and Vietnamese represent the main nationalities although ethnic Hungarian irregular workers from Ukraine also constitute a significant number.

\***Terminology.** Majority used "illegal". The terms "irregular" and "undocumented" were rarely employed. It seems that most of the interviewees tend to utilize "illegal" due to the fact that irregular migration is not perceived as a major topic; no knowledge is provided on the subject. Some interviewees identified irregular/undocumented migrants as asylum seekers and classified them as such.

## 2. ESTIMATES, DATA, ASSESSMENT OF SIZE AND COMPOSITION OF THE IRREGULAR MIGRANTS' POPULATION

### Policy Brief:

*"This study relies on a small scale expert survey, i.e. the estimations of migration researchers and members of law enforcement agencies were collected and critically assessed in 2008. Estimates older than 1 year are now outdated due to (a) Hungary's entry into the Schengen Zone and (b) Romania's joining the EU. According to new legislation on entry and stay, undocumented residence of Romanian citizens is not counted as irregular migration". (p.2)*

#### **"Main Pathways into and out of Irregular Status**

- **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 1990s, with 27,000-30,000 border apprehensions. After this period a significant and constant decreasing tendency was observed, resulting in an annual figure of around 8,000-10,000 people detected crossing the border illegally (...)

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

- *Asylum. For most irregular migrants apprehended by the authorities, entering the asylum process is the major form of legalizing their stay in Hungary (...) In recent years, the majority of asylum seekers arrive from Asian countries such as Iraq and Afghanistan". (p. 3)*

## **Pathways into Irregularity**

Irregular migrants seek general social assistance and legal advice from NGOs. Some policy work through lobbying and campaigning as well as legal advocacy are the key instruments for NGOs to raise awareness on the topic, in particular amongst civil society. In Hungary only a few number of organisations deal with irregular migrants and a lack of knowledge characterizes several stakeholders.

The majority of the interviewees (NGOs and a journalist) felt that visa overstay is the most common pathway into irregularity; at the same time, the denial of refugee status as well as irregular entry are perceived amid the NGOs and the governmental representative as two other important pathways by five and four respondents respectively. According to a journalist, people who have been trafficked represent an additional category; a policy maker from the Ministry of Interior argued that trafficking corresponds to 97% of irregular entries.

Amongst few NGO representatives, there was consensus that pathways into irregularity vary from nationality to nationality. Moreover, one respondent mentioned that migrants turn out to be undocumented because they are dependents of a regular migrant who lost their visa due to family breakdown and/or another similar reason while another interviewee remarked that often refused asylum seekers 'disappear' after their application is rejected and underlined that "clandestine migration" is mainly composed of Asians and Ukrainians.

## **Flows of Undocumented Migrants Coming to Hungary**

The majority of the respondents believed that the flow of migrants coming to Hungary is decreasing. A governmental representative said that while the number of asylum seekers is increasing, trends as regards other groups of migrants are decreasing. He added that most of irregular migrants staying in the country are asylum seekers showing, therefore, a lack of clarity in classifying undocumented migrants. A journalist argued that in the last two decades, the largest group of both regular and undocumented migrants composed of ethnic Hungarians leaving Romania or fleeing the war in the former Yugoslavia. According to him, flows have consequently diminished since Hungarian minorities settled in Slovakia and Romania are now European citizens, while the conflict in the former Yugoslavia ended in the meantime. He further noted that Chinese and Arabs often prefer moving to another country due to widespread xenophobic attitudes in the region. An academic said that many Romanians who were 'illegally' staying in the country before Romania entered the EU are now legal. One NGO representative believed that the trend is sharply decreasing because Romania is now part of the European Union. A particular outlook on the Chinese community was provided by a Chinese manager, who pointed out that the number of Chinese leaving

Hungary to go back to China is highly increasing due to the economic crisis which is affecting the country significantly.

A respondent observed that trends fluctuate in relation to migrants' needs. "They mainly consider Hungary as a transit country but even when they stay, they hardly trust NGOs that are willing to help them. Irregular migrants are extremely vulnerable and scared (...) for this reason, have to trust you first", he was quoted.

Another feedback was provided by an interviewee, who reported that while asylum seekers are the main target group to be assisted, the overall number of migrants coming to Hungary seems to decrease. According to data provided by the police, the number of migrants crossing the border has been recently decreasing due to successful operations carried out by enforcement bodies.

Furthermore, one NGO representative underlined that the number of asylum seekers her organization deals with has been increasing as a result of recent changes in the law concerning the asylum procedure.

Therefore, those who thought the trend is growing only referred to the number of asylum seekers and believed that more migrants asking for asylum are coming; moreover, the majority of NGOs are facing more requests from them.

### **Numbers of Undocumented Migrants Receiving Assistance from Organizations**

Unless the focus falls on asylum seekers, it appears unlikely for NGOs to provide exact figures regarding the number of undocumented migrants receiving assistance by the organisations interviewed. Hungarian NGOs provide support mainly to asylum seekers not only because irregular migration rarely appears on the Hungarian political agenda (and even regular migration in reality is not an issue) but also because all the allocated EU funds aim at this particular target group. Nonetheless, few NGOs provide help to irregular migrants but usually are not interested in knowing their legal status or keeping record of their data.

According to one NGO representative, there are ten irregular migrants assisted by his organization monthly. However, he admitted that he is not able to provide the total number of people assisted in order to make a comparison. A respondent from civil society noted that in 2008 her NGO supported approximately 600 to 700 people, namely asylum seekers and visa overstayers. While emphasizing that no counting on irregular migrants is carried out by her organization, an interviewee guessed that there should be around 30 'irregular visitors' assisted by her organisation every year. She also stressed that assistance to these groups is strictly provided 'underground'.

### **Figures and Percentages of Undocumented Migrants Living in a Given Geographical Area (Budapest)**

None of the interviewees, except one, was able to provide an estimate as regards the total population of undocumented migrants in the capital city of Budapest. The majority found it impossible to point to any figure due to lack of data and interest in the issue.

- Based upon her personal assumption as well as on estimates circulating among the Chinese community, a Chinese employer indicated a number of 10,000 Chinese living in Budapest.

### **Estimates of Undocumented Migrants in Hungary**

#### **Policy Brief:**

*“Immigration to Hungary from poverty stricken or war torn developing countries is mainly transit migration”. (p. 2)*

*“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. (...) On 21st December 2007 Hungary joined the Schengen Area and Hungarian legal rules now include the Schengen legal provisions”. (p. 2)*

*“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”. (p. 2)*

*“The total stock of resident foreign irregular migrants in Hungary in 2007 is estimated to be between 30,000 and 50,000 people”. (p. 2)*

*“In 2008, the groups of Chinese and Vietnamese immigrants constituted the largest national groups of resident irregular migrants. There were between 15,000 and 25,000 irregular Chinese and Vietnamese migrants in Hungary in 2008. Other irregular migrant populations include (in descending order) Ukrainians, Serbs (including Kosovo Albanians), sub-Saharan Africans and other Asian immigrants. Men account for up to 80% of irregular migrants and people of the 20-59 age group represent as much as 90-95% of the total”. (p.3)*

Although providing estimates was not considered feasible - according to several respondents, “nobody is counting irregular migrants” and interviewees did not feel comfortable to talk about data - some ‘guess estimates’ were pointed out by the two following interviewees.

- According to an academic, the total population of undocumented migrants living in Hungary should be around 20,000 to 30,000. Considering his opinion a primitive uneducated guess, he was not able to further support his argument due to the lack of reliable sources.
- From one NGO representative, less than 10,000 is the number of irregular migrants living in Hungary. He based his estimate on nothing more than his personal assumption. He also estimated that the number of regular migrants all across the territory was 170,000.

From the above it is clear that the estimates given vary and that respondents were not able to refer to any particular data sources such estimates might come from.

### **Assessment Regarding Estimates and Views on their Reliability**

**Policy Brief:**

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Most of the interviewees believed that data would constitute a useful base for raising awareness on the issue. However, the majority of the respondents believed that they will certainly not represent the major instrument to introduce the topic in the political discourse.

While, according to a policy maker, numbers are only estimates which will not add any extra value, an NGO representative believed that if figures were high, civil society would definitely be able to support arguments on the subject. "We have to be aware of the fact that irregular migration is neither an issue nor a robust phenomenon in this country", he said characteristically. A respondent pointed out that very little understanding is paid to irregular migration and undocumented migrants in Hungary adding that statistics should be taken into account at a later stage; "informing NGOs on 'what is all about' should be the main priority", he argued.

Arguing that irregular migration is not a major issue, an academic made a similar point; according to him, data could eventually constitute a useful comparative basis to refer to. He argued that since statistics are used by enforcement bodies to confront 'illegal' border crossing, they could also be employed to assess several other needs. As regards quantitative research and methodology, he suggested focusing on those migrants who have stayed in the country at least more than two months due to the high incidence of transit migration.

An additional NGO representative said that having statistics might be helpful; however, irregular migration does not represent a political priority. No funds are in fact allocated to assist migrants, yet, helping refugees remains a challenge.

To one more NGO, figures would pave the way for introducing rules and be a good argument to help irregular migrants. A journalist underlined the usefulness of statistics as important sources for his work; he believed that data released by both the governmental authorities and some NGOs are of some reliability.

As mentioned earlier, the data he refers to are of asylum seekers whose counting is provided by the authorities and some NGOs.

### 3. DISCUSSION AND POLICY IMPLICATIONS

#### Policy Brief:

*"Hungary's policies against irregular migration have been shaped by, and strictly follow, European patterns. (...) 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". (p. 4)*

*"Enforcing regulations on entry, exit and stay and border management. (...) 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: (...)*

- 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". (p.4)*

#### **State Policy Responses. Examples of State Beneficial Policies Employed**

Most interviewees stated that there are no state policies implemented as regards irregular migration and no programs concerning undocumented migrants. Border controls, security concerns, enforcement measures, removal, detention and criminalization are the main responses envisaged by the government.

The majority amongst the respondents argued that irregular migration is not part of the political discourse. "Nobody talks about it (...) since irregular migration belongs to the EU discourse", an academic was quoted while a journalist said that controls over irregular migration are rather strict. "Encouraging and promoting assistance of irregular migrants is practically unknown even to NGOs (...). He ascertained that the level of solidarity is considerably decreasing amongst the population.

According to an interviewee, irregular migration is seen as a source of terrorism. "Politicians know the issue exists but it seems that they do not want to recognize it", he was quoted. He also believed that a lack of training and coordination amongst the authorities prevents the civil society from being aware of this phenomenon. Another NGO representative pointed out that there are no NGOs that directly deal with irregular migration; nor is there social policy for that matter. Lack of information, racism and zero tolerance towards migrants describe the general attitude adopted even by the media. A governmental authority from the Ministry of Interior admitted that apart from asylum seekers, it is very unlikely that irregular migrants could be regularized.



As regards potential beneficial state policies concerning irregular migrants, a governmental authority said that entering the Schengen zone is an important step forward achieved by the

government. However, the majority of the respondents said that there are no beneficial state policies. Access to health care is not provided to irregular migrants except in case of emergency; it might however be provided “underground” as some NGOs representatives noted. Undocumented children are not entitled to enter the educational system although it seems to be happening in practice. Furthermore, one NGO representative observed that basic health care treatment is provided to migrants in jail.

