Asylum in the U.S. and Europe
One Crisis, Two Continents

EU New Pact on
Migration and Asylum
and the Hungarian
Perspective

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Hypothesis

• The EU is still facing pressure because of illegal immigration
  • Almost 400,000 irregular border crossings in 2023 (the highest since 2016)
  • More than one million asylum applications (almost the same than in 2015)
  • Excluding Ukrainians (approx. 4.2 million TPs)
  • The system is overburdened and dysfunctional since 2015

• The basic problems are
  • open sea borders
  • the instrumentalisation of illegal immigration
  • mixed messages from Brussels and EU capitals
  • and the inadequate legal and conceptual frameworks of the EU asylum system

• EU New Pact on Migration and Asylum – it offers limited solutions while keeping bad practices
Philosophical/conceptual problems

• The false premise that everybody is entitled to some type of international protection – hence they are allowed into the country before their asylum claims are proven
• Normative and moralizing discourse – good and bad
• The rights of asylum seekers eclipses all others (national sovereignty, security, rights of EU citizens, etc.)
• Discrediting claims: national sovereignty – chauvinism; security – securitization; anti-sth
Practical problems

• Safe third country concept is meaningless – very far from the original spirit of Geneva Convention (where is the immediate threat?)

• The concept of safe third country may be applied only where there is [...] a connection between the applicant and [...] the third country.

• The connection between the applicant and the safe third country could be considered established in particular where members of the applicant’s family are present in that country or where the applicant has settled or stayed in that country.
Practical problems

• When assessing whether the criteria for effective protection as set out in this Regulation are met by a third country, access to means of subsistence sufficient to maintain an adequate standard of living should be understood as including access to food, clothing, housing or shelter and the right to engage in gainful employment under conditions not less favourable than those for non-nationals of the third country generally in the same circumstances.

• Access to means of subsistence sufficient to maintain an adequate standard of living, to emergency healthcare and essential treatment of illnesses and access to elementary education.

• The New Pact has become a social and economic welfare-program.
Practical problems

• Processing outside the EU
  • Seven days – not enough
  • Sea borders
  • Most vulnerable people – majority are in this category (minors, MFUs)

• Compulsary solidarity – quota or payment (20,000 EUR per asylum seeker) – again, where is sovereignty?
Practical problems

• Repatriation and deportation
  • Achilles’ heel of the whole system (19% effectiveness)
  • Enhanced collaboration with third countries (Albania, Tunisia) – what if they say no?
• Border protection – without physical barriers (no reimbursement from the common EU budget for fences)
Hungarian perspective

• In a crossroad – surrounded by EU countries – but Dublin system collapsed
• 270,000 IBC in 2022, 170,000 in 2023
• Serbia was considered as a safe third country by Hungary – automatic deportation
• Rejected by the Court of Justice of the European Union – unlawful
• Asylum shopping
Hungarian perspective

• For Ukrainians and third country citizens, yes – Hungary is the first safe country

• Open gates
Conclusion

• International asylum system was created not to serve as a world-wide social welfare program, but to provide protection to people who are in imminent threat and persecution

• The capacity of the receiving countries must be kept in mind

• The system should return to the original spirit of Geneva – not open the possibilities for more fraud
Thank you for your attention!