



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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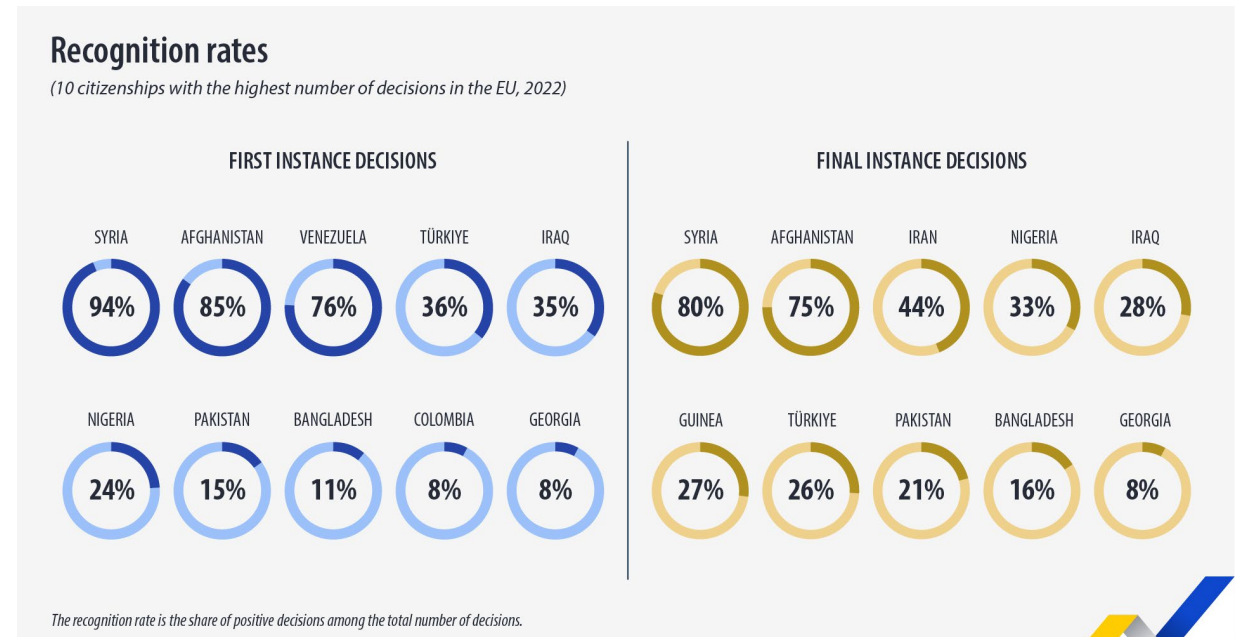


Hypothesis

- 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



eurostat 

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

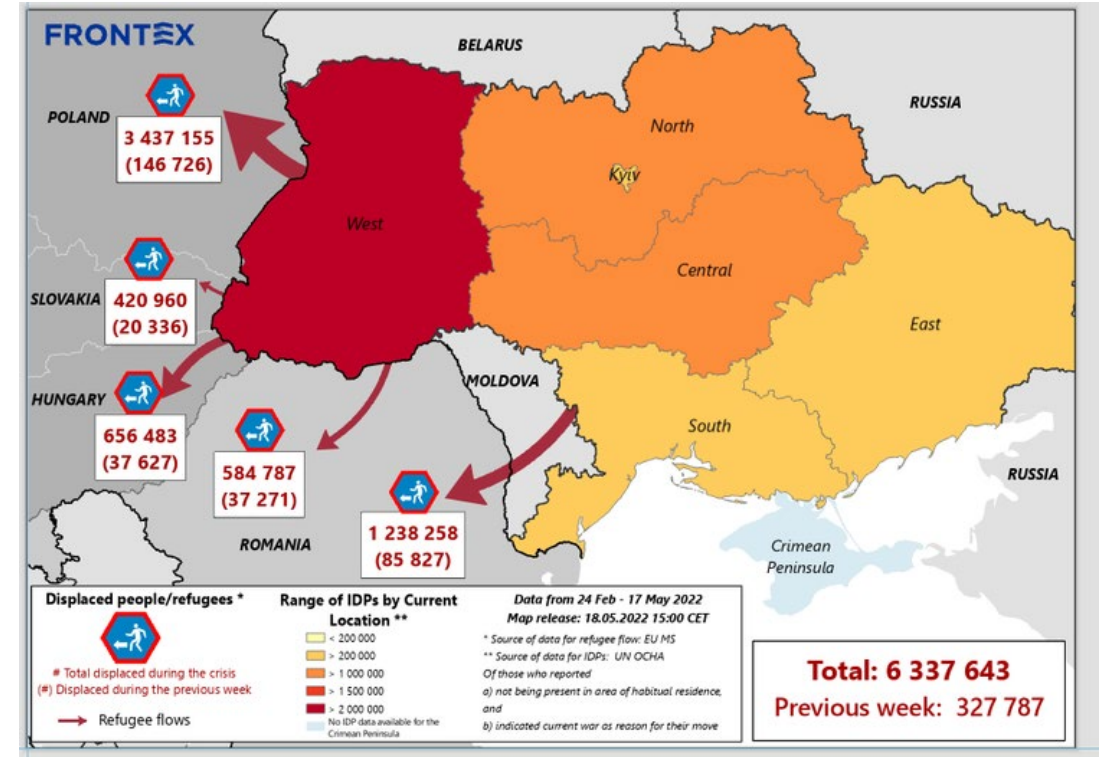
Dynamics along the Western Balkan route

Figure 1 – The Western Balkan route



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!

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