

THE QUOTA REFERENDUM AND THE ROAD TO IT. HUNGARY'S ATTITUDE TOWARDS THE MIGRATION OF 2015-2016

Presentation by
Boldizsár Nagy
at the roundtable

The Politics of Migration Across Europe

CEU Center for European Neighbourhood Policy Studies – Friedrich Ebert
Stiftung
Budapest, CEU,
10 October 2016

THEORETICAL BACKGROUND

```
graph TD; A[THEORETICAL BACKGROUND] --> B[Securitization]; A --> C[Crimmigration]; A --> D[Majority identitarian populism];
```

Securitization

Crimmigration

Majority identitarian populism

· Hungary: no genuine response to the increased flows with a view to protection. Instead of protection

· DENIAL

DETERRENCE

OBSTRUCTION

PUNISHMENT

Hungary does not need **livelihood immigrants**” title of the parliamentary debate day on 22 February 2015

„National consultation on **terrorism and immigration**” (May 2015)

“**Waves of illegal immigration** threaten Europe with explosion...The **European Union is responsible for the emergence of this situation...** We have the right to **defend our culture**, language, values...” Parliament’s resolution 22 November 2015

Reluctant reception and transport to reception centers
Fence at the border

Systemic **detention** of asylum seekers

Non-access to basic services / inhuman treatment

Unpredictable denial / permission to move on to Austria

Crisis situation caused by mass immigration, renewed without legal ground in March 2016

No creation of new reception and processing capacities / **Closing** down the largest in Debrecen

„**Transit zones**” with **100/day** capacity – decreased to 30 - 50 in March 2015

Serbia declared **safe third country**

Unauthorised crossing the „border closure” is a **crime**

Ineligible applicants are **banned from the EU** and detained even if removal is hopeless

Applying to people-smuggler rules to **volunteers** transporting refugees

Unlawful **detention** of applicants in the **transit zone** (w/out court control)

- **Hungary: no genuine response to the increased flows with a view to protection. Instead of protection**



FREE RIDING and LACK OF SOLIDARITY

BREACHING THE LAW

| | |
|--|--|
| Closing of the border (September and October 2015) only rerouted the flow | Building the fence in violation of environmental and nature conservation rules |
| Waving though approximately 233 000 persons without registration | Violating procedural guarantees in the border procedure (Including the lack of effective remedy) |
| Attacking the relocation decision in the CJEU in December 2015 | Violating rights of minors and access to translation in the criminal procedure |
| Refraining from resettlement , including under the Turkey – EU deal of March 18 | Systemic return to Serbia without obeying the EU-Serbia return agreement |
| Holding a referendum against the compulsory „settling in” of foreigners, 2 October 2016 | Inhuman conditions in front of the „transit zones” |
| | Forceful removal of persons caught within eight kilometers of the border in breach of the Return Directive and <i>habeas corpus</i> rights |

The referendum on 2 October 2016

“Do you agree that the European Union should have the power to impose the compulsory relocation [occasionally also translated by the government as resettlement'] of non-Hungarian citizens to Hungary without the consent of the National Assembly of Hungary?”

Use of words: In Hungarian: „betelepítés” = settling into (Hungary) - historic reminiscences – permanent populations brought in after Tatar and Ottoman devastation

Illegal:

Not unequivocal (devoid of legal meaning and real life object)

Not affecting Parliament's power to legislate

Breaches EU law

8 -14 billion Forints on campaign

Opposition calls for no participation or invalid vote

REFERENDUM RESULTS

| Category | Figure | Percentage | Reference group |
|---|------------------|--------------|--|
| Number of those eligible to vote | 8 272 625 | 100,00 | Voting age, Hungarian nationality or living in Hungary or living abroad and registered to vote |
| Total number of electors turned out to vote or returned a valid mail document | 3 646 327 | 44,08 | |
| Distribution of votes | | | |
| Number of invalid votes (ballot papers) | 224 668 | 6,17 | of all votes cast |
| Number of valid votes | 3 418 387 | 41,32 | of all eligible voters |
| "Yes" votes | 56 163 | 1,64 | of all valid votes |
| "No" votes | 3 362 224 | 98,36 | of all valid votes |
| | | 40,64 | of all eligible voters |

Invalid referendum, lacking 50 % participation!

THE DAY AFTER – FURTHER DISTANCING REALITY AND GOVERNMENT FANCY

„Great victory” „New national unity of 3,3 million citizens” „A message to Brussels they can not ignore”

Amendment to the Fundamental Law (constitution) suggested on 10 October 2016

To be „in line with EU law” (Orbán’s letter to Juncker)

Not available at the Parliaments homepage at 11:40 on October 10.



Thanks!

Boldizsár Nagy
Central European University
and Eötvös Loránd University
Budapest

nagyb@ceu.hu
www.nagyboldizsar.hu

Photo: Tamás Botos, www.444.hu