

# The triple block to integration of refugees in Hungary and the tools to remove them

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# Overview of the issues

The **first** block: **non-access to territory and procedure** – i.e. no access to international protection (refugee status, subsidiary protection status)

The **second** block: **no integration assistance** after need of protection recognised (status received)

The **third** block: **no access of helpers to those in need** of recognition and later integration

Block **removal** tools - claims based on:

- **international** refugee law
- **EU** law
- **Hungarian** (constitutional) law

# ROADBLOCKS TO INTEGRATION

## BLOCK I. NON-ACCESS TO THE TERRITORY AND TO THE RSD

### Non-access to the territory

- Building a fence (two fences)
- Punishment of the irregular crossing
- The fiction of not having entered Hungary while in the transit zone
- The relocation of control beyond Hungary and inside Hungary
- The „escorting” through the fence

### Non-access to the procedure

- Safe third country and safe country of origin rules
- The new inadmissibility ground: having arrived through a „safe” country
- Exceptional measures excluding regular refugee status determination

## BLOCK II. NON-ACCESS TO INTEGRATION OF THOSE RECOGNISED TO BE IN NEED OF INTERNATIONAL PROTECTION

- The EU requirements in the Qualification Directive
- The abolition of state assistance to integration

## BLOCK III. NON-ACCESS OF HELPERS TO ASYLUM SEEKERS AND TO THOSE IN NEED OF RECOGNITION AND AFTER RECOGNITION OF INTEGRATION

- The rules on punishing facilitation and assistance to illegal immigration
- The immigration tax

**THE FIRST BLOCK: NON-ACCESS TO TERRITORY  
AND PROCEDURES AND THE EXCEPTIONAL  
MEASURES EXCLUDING REGULAR RSD**

# Non-access to territory

# The fences

## The first fence

A barbed wire dual fence at the Serbian-Hungarian border called a “temporary security border closure” completed on 15 September 2015 and its continuation at the Hungarian-Croatian border, completed on 16 October 2016



## The second (parallel) fence

Started on 27 February 2017 a second line of fence, a few meters from the first, equipped with electronic devices to register any attempt to cross and alarm the law enforcement agents. (Video and night vision devices, touch sensors)



## PUNISHMENT

**Criminalising** the **crossing of the fence** and assisting it (crime since 2015)

A maximum of **three years imprisonment** threatens all who **cross the fence illegally** (Article 352 A of the penal Code).

The **damaging of the fence** is a separate crime with a maximum penalty of **five years** imprisonment. (Article 352 B)

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Crossing the international border at sections **where no fence** has been erected—e.g. the Hungarian-Romanian border — **remains a minor offence**.

**Extending the crime of human smuggling** to acts purely within the country (since 2015)

# Punishment of helpers

## „Facilitating and assisting illegal immigration” (crime since 2018)

a new crime beyond the already existing human smuggling and assisting illegal residence - seriously **condemned by the Venice Commission and OSCE** Venice Commission Opinion 919/2018 - CDL-AD(2018)013

**Banning everyone from within 8 kilometres of the Schengen external border** – including inhabitants with less than 5 years residence, if guilty in aiding and abetting (facilitating and supporting) illegal immigration (since 2018)

**Extending the crime of human smuggling** to acts purely within the country (since 2015)



# The fiction of not having entered Hungary

Amuur v France (App. No. 17/1995/523/609 (June 25, 1996)

„Despite its name, the **international zone does not have extraterritorial status.**” (§ 52);

„**holding the applicants in the transit zone** of Paris-Orly Airport **was equivalent** in practice, in view of the restrictions suffered, **to a deprivation of liberty**” (§ 49)

„**The mere fact that it is possible for asylum-seekers to leave** voluntarily the country where they wish to take refuge **cannot exclude a restriction on liberty**, the right to leave any country ... Furthermore, this possibility becomes **theoretical if no other country** offering protection ... **is inclined or prepared to take them in**” (§ 48)

# The fiction of not having entered Hungary

Asylum Act, § 71/A

„If the foreigner submits his/her application

a) **before entering** the territory of Hungary, [or after being escorted through the gate to the external side of the border] in the transit zone” then

- he/she is **not entitled to stay on the territory** of Hungary (and to a temporary residence permit). (§ 71/A (2))
- „**After** the expiry of **4 weeks** from filing the application, the alien police **authority shall authorise entry** [into Hungary] on the basis of the law” (§ 71/A (4))



No guarantees related to detention apply, neither are most of the reception conditions provided.

# ILIAS AND AHMED v. HUNGARY

(Application no. 47287/15)

ECtHR Judgment, 17 March 2017

Transit zone = state territory under state control → Hungary  
can not claim „not entered territory”

„The applicants in the present case were confined for over three weeks **to the border zone** – a facility which, for the Court, bears a strong resemblance to an international zone, both **being under the State’s effective control irrespective of the domestic legal qualification.**”

# ILIAS AND AHMED v. HUNGARY

(Application no. 47287/15)

ECtHR Judgment, 17 March 2017

Grand Chamber hearing took place on 18 April 2018

„The difference between deprivation of and restriction upon liberty is one of degree or intensity, and not of nature or substance” (53)

„The notion of deprivation of liberty within the meaning of Article 5 § 1 contains both an **objective element** of a person’s **confinement in a particular restricted space for a not negligible length of time**, and an additional **subjective element** in that the person **has not validly consented** to the confinement in question” (§ 53)

Holding asylum seekers in the „transit zone” „amounts to deprivation of liberty irrespective of its domestic characterisation.” (§ 66)

Ilias and Ahmed **could only leave if they gave up their application** and illegal re-entered Serbia – that can not be expected, detention was against their will.

# The relocation of control beyond Hungary

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## externalisation

- Repeated calls by the government to stop asylum seekers and other migrants before they reach the EU-s external borders. Suggestions to establish reception centres in Libya or Egypt.
- V. Orbán, PM: „**The European Union should set up a ,giant refugee city’ on the Libyan coast and process asylum claims there** from refugees arriving from other African countries, Hungarian Prime Minister Viktor Orban said on Saturday [24 September 2016]” - speaking in Vienna after a summit of European and Balkans countries on the refugee crisis, Reuters reported.

<http://www.reuters.com/article/us-europe-migrants-hungary-libya-idUSKCN11U0GZ> (20170305)

## The relocation of control – expanding the border internally Spreading it first to an 8 km wide zone then to the whole country

The „8 km rule” in force since 6 July 2016

If an “illegally present” third country national is apprehended “within an 8 kilometre strip from the border line or border sign of the external border” of the EU,

- then this person may be forcefully escorted to the fence and pushed through using the doors available in the fence
- with a view towards making this person submit their application for protection from outside, by approaching the transit zone from the external side—i.e. from the Serbian green border.

No return decision or expulsion order adopted, no procedure according to the return directive (DIRECTIVE 2008/115/EC) applied, no judicial control over the use of coercion.

The „other side of the fence” is still Hungarian jurisdiction for a few meters. Re-entering Serbia through the green border is illegal according to Serbian law

The relocation of control – expanding the border internally  
Spreading it to the whole country

## Crisis situation caused by mass influx

### Preconditions declaring the crisis situation

- **Flow data:** Arrivals on average in excess of **500 per day** for a month, or **750** per day for two weeks or **800** per day for a week.
- **Stock data:** On average **the number of persons in the transit zone** exceeds **1,000 per day** for one month, 1,500 per day for two weeks, or 1,600 per day for one week.
- **Any situation** „related to migration” that
  - „**directly endangers the protection of the border** of Hungary as set out in Article 2 (2) of the Schengen Borders Code,”
  - „**directly endangers the public security, public order or public health** in a 60 m wide zone of the territory of Hungary measured from the border of Hungary as set out in Article 2 (2) of the Schengen Borders Code and the border mark **or in any settlement in Hungary**, in particular the **outbreak of unrest or the occurrence of violent acts in the reception centre or another facility** used for accommodating foreigners located within or in the outskirts of the settlement concerned.”

Conditions have never been met, yet since 2015 applied

# Totalising removal – based on the non-existing crisis situation

Act XX of 2017, in force since 28 March 2017

In times of ‘**crisis situation caused by mass immigration**’ all **asylum seekers** within the territory of Hungary are obliged to submit themselves to a **forced (and escorted) removal from within Hungary to the Serbian side of the fence**, depriving them from an immediate access to the procedure.

Only **three exceptions** were left: those in detention for any reason; those, who regularly stayed in Hungary; and those under 14 years of age, would have access to a regular procedure.

**At no point are apprehended persons subjected to any procedure**, other than the ‘escort’ back to the door in the fence. **The issue of sufficient safeguards does not even arise**, as there is no assessment of each individual situation. ‘Escort’ is the terminology used in Article 5 of the Act on state border (act LXXXIX of 2007).



# Non-access to the procedure

# Lists of safe third countries and safe countries of origin

Government Decree 191/2015 (21 July 2015)

Safe third countries and safe countries of origin. Two identical lists:

- Member States (sic!) and candidate states of the European Union, including Turkey (Turkey since March 2016 – still on the list after the coup-attempt)
- Member States of the European Economic Area
- Those States of the United States of America that do not apply the death penalty,
- Switzerland, Bosnia and Herzegovina, Kosovo, Canada, Australia, New-Zealand.

/Japan and many others not mentioned!/

## Serbia – not a safe third country

„ In any event, **UNHCR maintains** the position taken in its observations on the Serbian asylum system in August 2012 **that asylum-seekers should not be returned to Serbia.**”

*UNHCR: Hungary as a country of asylum, May 2016, p. 25*

NGOs share the view (Hungarian Helsinki Committee, ProAsyl)

Before 2017 practically all irregularly arriving asylum seekers came through Serbia, and their application used to be declared inadmissible on safe third country grounds.

(Now they are inadmissible based on the new „safe country” ground introduced in 2018)

# The new inadmissibility ground inserted by Act VI of 2018 into the Asylum act as § 51 (2) f

The application is (also) inadmissible in the case, when

„the applicant **arrived** via a country where she **had not been exposed** to the **risk of persecution** as defined in Subsection (1) of Section 6 **or to the serious harm** as defined in Subsection (1) of Section 12 [of the Asylum Act, defining refugee and subsidiary protection status] or if **an adequate level of protection is provided in the country** through which she had arrived to Hungary.”

## Counter-arguments

- 1) **Circumvents the guarantees** surrounding the application of the „**safe third country**” concept as codified in Articles 37 and 38 of the Procedures Directive and sections 2 (i) and 51 (2) e) of the Hungarian Asylum Act
- 2) The PD only allows deviation from it in favour of the asylum seeker. This is to the detriment – it is prohibited
- 3) No issuance of doc in the language of the safe country – no requirement of connection to it
- 4) Uncertainties are incompatible with the rule of law: does it only apply to a neighbouring country? When is protection „adequate”?
- 5) Only three days to challenge the finding – no suspensive effect = no effective remedy
- 6) Breaches the Geneva Convention, Article 31

# THE SECOND BLOCK: NO INTEGRATION ASSISTANCE

## Commission, evaluating the first QD

„As a rule, beneficiaries of international protection are expected to reach a **satisfactory level of** self-sufficiency and integration **more or less 2 years** following the granting of protection.

**Integration support is provided in most MS for approximately 1-1,5 years.**

Taking into account, in addition, their **disadvantaged position** in the labour market and the **specific challenges** they face, as well as the fact that a significant percentage **are victims of violence or torture** and that an even larger share of this population are persons who have been **subject to severe traumas, extreme risks and poor social and health conditions**, it can be assumed that it make take them **even longer to reach such a milestone** (significantly, in France the integration period lasts 5 years).

# Integration in the Qualification Directive

(Directive 2011/95/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011)

## Article 34

### Access to integration facilities

„In order to facilitate the integration of beneficiaries of international protection into society, Member States shall ensure access to integration programmes which they consider to be appropriate so as to take into account the specific needs of beneficiaries of refugee status or of subsidiary protection status, or create pre-conditions which guarantee access to such programmes.”

Integration is a goal

It is compulsory

Specifically designed, not separate measures, but a coherent program

Must be tailor-made to the needs of the actual group of protected persons

If the programs are offered by others (e.g. civil society) the state must guarantee that protected persons can participate

Strengthened integration of beneficiaries of subsid. Prot. compared to 2004

## Abolishing integration in Hungary

Act XXXIX of 2016 removed integration from the Asylum Act

The justification was:

„the purpose of the restrictions is to decrease the social services to . . . those granted international protection as by this measure it can be avoided that the so called economic migrants submit asylum applications in Hungary, exclusively in hope of a better life.”

Bill T/9634, at 46.



**THE THIRD BLOCK: NON-ACCESS OF THE  
HELPERS TO THE ASYLUM SEEKERS AND  
THOSE IN NEED OF INTEGRATION**

# FACILITATING ILLEGAL IMMIGRATION – THE TEXT OF THE LAW

## "Facilitating illegal immigration

Section 353/A.

(1) Anyone who conducts organizational activities

in order to allow the initiating of an asylum procedure in Hungary by a person who in their country of origin or in the country of their habitual residence or another country via which they had arrived, was not subjected to persecution for reasons of race, nationality, membership of a particular social group, religion or political opinion, or their fear of indirect persecution is not well-founded,

or in order for the person entering Hungary illegally or residing in Hungary illegally, to obtain a residence permit, if a more serious criminal offense is not committed, is punishable by confinement for the misdemeanour.

Anyone who provides financial means for committing the criminal offence specified in Subsection (1), or who regularly carries out such organisational activities, is punishable by a term of imprisonment of up to one year.

Those shall be punishable according to Subsection (2), who commit the criminal offence specified in Subsection (1) for the purposes of financial gain

or providing support for more than one person

commits the criminal offence within an 8 kilometre area from the external borders of Hungary as specified in point 2 of article 2 of the Schengen Border Code or from the border signs.

The punishment may be relieved without limits - and may be lifted in cases of special justification - against the perpetrator of the offence specified in Subsection (1) if the perpetrator reveals the circumstances of the offence before the indictment has been brought.

For the purposes of Section 353/A., it shall be regarded as organisational activity especially if with the purpose specified in Subsection (1)

the person organises border monitoring at the external borderlines of Hungary as specified in point 2 of Article 2 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons in the territory of Hungary, prepares or distributes information materials or commissions such activities, builds or operates a network."

(2) Section 364. of Criminal Code shall be replaced by the following provision:

"Section 364. Banishment may also be imposed against perpetrators of human smuggling, illegal crossing of the border barrier, the obstruction of the construction work on the border barrier, the facilitation of illegal residence, the facilitation of illegal immigration and the organization of unlawful gambling."

Unofficial translation, occasionally revised in the following analysis

# FACILITATING ILLEGAL IMMIGRATION

"Facilitating illegal immigration

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(1) Anyone who conducts **organizational** activities

a) in order to allow the **initiation of an asylum procedure** in Hungary by a person who in her/his country of origin or in the country of her/his habitual residence or **another country through which s/he had arrived, is not subjected to persecution** for reasons of race, nationality, membership of a particular social group, religion or political opinion, or her/his **fear of direct persecution is not founded,** or

b) in order for **the person entering Hungary illegally or residing in Hungary illegally,** to obtain a **legal title to reside,** if a more serious criminal offense is not committed, is punishable by confinement for the misdemeanour if a more severe crimes has not been committed."

Translation by BN

Title speaks about immigration (bevándorlás) but gives a totally different meaning than the tax law on immigration tax.

It comprises 4 groups

- 1) Asylum seekers who came from a safe country of origin
- 2) Asylum seekers who „arrived through” a country which is safe (not safe third country in the Procedures Directive sense!)
- 3) Any person entering Hungary (at any border, including air) „illegally”
- 4) Any person staying /residing illegally (Tartózkodó)

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Two goals must not be assisted

The **making it possible to initiate an asylum procedure** in Hungary (menedékjogi eljárás kezdeményezését tegye lehetővé)

This applies to group 1 and 2

Acquiring a **title to stay/reside** (tartózkodási jogcím)

This applies to 3 and 4

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Confinement for misdemeanour = max 90 days  
"elzárás")

## Groups who can be helped

Those asylum seekers who come from an **unsafe country of origin** and **do not arrive in Hungary through a „safe“** country

Those who **are not threatened with** persecution but **serious harm**. (Syria!)

Paradoxically the **fear from indirect persecution** also exempts people from the exclusion. (Can be used **to strengthen the argument** that assisting those threatened with **serious harm**, but not persecution is **outside the scope of the law**)

So: **People from Afghanistan, Iraq, Syria etc.** do not come from a safe country of origin.

„Arrived (in Hungary) through the country“ - ambivalent, literally **can only mean the neighbouring countries** as it does not say „came“ or „travelled“

## Further limits to the law

- **Legal representation is allowed** (based on a formal power of attorney)
- **Legal bodies** (Civil society organisations NGO-s) are **not subject** to the law, **only humans**. (But note Act CIV of 2001 – sanctions against a legal person)
- **Only intentional commitment** of the crime is punishable (negligent is not!)
- Non-organisatory activity (**simple assistance**) to anyone is **allowed**
- „Those **whose fear of direct persecution is (well) founded are NOT excluded**.

There is a possible conflict: those whose fear of direct persecution is (well) founded can be assisted, but if they came through a country in which they are not persecuted they can not. But **what if both are true?**

- The excluded group IS not exposed to persecution - what about those who **MAY be exposed** ?! Can they be assisted?

# Organizational activity (in the context of this law!)

„The person

- \* organises **border monitoring on /sic/ the borderline or border mark** of the external border of Hungary as specified in [the Schengen Codex]
- \* **Produces (készít) or distributes** information materials or commissions such activities [or material – the law is unclear –BN]
- \* builds or operates a network.”

Whereas para 3 makes the act a crime punishable with 1 year imprisonment **if committed within 8 km-s of the external border, border monitoring (as an „organisatory activity”) can be committed only right at the border line** (which is beyond the fence...)

**So border monitoring 100 metres from the border must not be punished.**

The content of the information material, the preparing, manufacturing or commissioning of which is prohibited is not defined – but contextually it ought to refer to the two prohibited activities.

**So any material related to phases of the asylum procedure after the initiation should be permitted.**

**Who is the „producer/manufacturer” of a leaflet – the printing house?!**

## Another crime and the more serious version

Anyone who **provides financial means for committing the criminal offence specified in subsection (1), or who regularly carries out such organisational activities,** is punishable by a term of imprisonment of up to one year.

The criminal here is **not the helper,** but the sponsor of the helper. So the **support is punished more seriously** than the facilitation itself.

But, again: this may **only be a natural person,** not an institution

Providing financial (material) means for committing the crimes – **is intent presupposed on the side of the donor?** („elkövetéséhez szolgált”)

Must the donor know, what the support is used for? How can the authority prove that the support was not dedicated for another purpose.

# Unclear points

Can the authority also extend to asylum seekers the „illegal entry + acquiring the legal title to reside” clause? (tartózkodási jogcím)? /Justification of the bill suggests not – speaks of fake marriages/

One can argue that

- the humanitarian permit issued in the normal procedure is not a „title to reside”
- those in the transit zone are considered as not having entered (and do not get a humanitarian permit) – so they are certainly not affected.

Not every assistance to initiating a procedure or acquiring a title to reside is punishable, only

„organisatory” activities committed

- non-regularly (max. 90 days)
  - regularly:
  - for financial gain:
  - assisting several persons
  - within 8 kms from the Schengen external borders
- } max 1 year

The punishment may be relieved without limits - and may be lifted in cases of special justification - against the perpetrator of the offence specified in Subsection (1) if the perpetrator reveals the circumstances of the offence before the indictment has been brought



ACT. XLI OF 2018 MODIFYING CERTAIN TAX LAWS AND RELATED LAWS AND  
ON THE SPECIAL IMMIGRATION TAX

**Taxable activity** is an **immigration supporting activity** „that is directly or indirectly aimed at promoting immigration (*the permanent relocation [or: resettlement BN] of people from their country of residence to another country*)” (excluding persons enjoying EU rights)

and takes the form of

- a) **media campaigns** and media seminars and participating in such activities;
- b) **organising education**;
- c) building and operating **networks** or
- d) propaganda activities that **portray immigration in a positive light**. (Orwell!)

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The tax is 25 % and the **supporting organization must pay it**.  
**If it does not, then the supported organisation must pay.**

## THE IMMIGRATION TAX

There are two bases of the tax:

- a) the **financial contribution** to the **immigration supporting activity** of any organisation **if the immigration supporting activity takes place in Hungary**
- b) the **support to the operation** of an immigration supporting **organisation** that has its **seat in Hungary**.

Limitations: only support to organisations – **any support to an individual** is not within the scope of the law.

Only support by organisations is taxable – **support by individuals is tax free**.

Presumably **only financial support** – so other material support (human resource, facility, service, movable items) is not covered (**uncertain**) – The Ministry of Finance issued a communication on 25 August which considered **other material support also taxable**

Any activity **in Serbia or elsewhere** outside Hungary conducted by an organisation with no seat in Hungary is exempt

Further: **intergovernmental organisations** (enjoying immunity), **parties and party-foundations** are exempt -So UNCR, OECD, OSCE, the EU, the UN Friedrich Ebert, or Konrad Adenauer or Heinrich Böll Stiftungs may support without tax.

## WHAT ARE THE TAXED ACTIVITIES - QUESTIONS

- media campaigns or seminars (so not an interview, or even a series of documentaries),
- organising education, (that is tricky: are „education” and „organising education” as activities different? One may argue, they are. What is clear that educators themselves (professors, trainers are not subject to any type of tax for teaching. )
- building and operating a network (it is nowhere defined what that means, but the criminal law on enhancing and assisting illegal immigration uses it as one form of „organisation”,)
- presenting immigration in „positive light”. That means any balanced presentation of immigration presenting positive and negative aspects ought to be outside of the scope of the tax.

## INTERPRETING THE TAX LAW – NON-TAXABLE ACTIVITIES

No activity related to asylum seekers and those recognised as in need of protection is within the scope of the Act. Protection by definition is temporary and by definition can not entail the intention of a permanent settlement

Guestworkers, studies, research etc. are NOT immigrants as defined by the Act, so promoting them is not an activity, the support of which is subject to taxation.

The tax only applies to external support. If the „immigration supporting organisation” has its own income/resources then self-financing is not taxable. So if it sells products, offers services, or sells its assets, then that income devoted to the promotion of immigration is not taxable.

## UNCERTAINTY

Teaching refugee law, migration law or their social, anthropological etc. aspects of migration are probably not within the scope of the law.

The law did not use the term „education”, so ought not to cover courses in a large educational institution. It chose the term „organisation of education” (oktatásszervezés).

Therefore it may be understood as covering ad hoc courses, trainings where not the teaching, but the organising element is decisive. But then the cost of teaching should be exempt only the cost of getting to the teaching could be seen as organising. Tax authority will hardly accept this tight interpretation

The amendment to the bill adding „organisation of education” to the activities was introduced on 13 July in the summarising proposal of amendments submitted by the legislative committee (T/626/22) and in its explanatory note mentions the addition but does not explain why that was deemed necessary.

## UNCERTAINTY

What if the organisation has immigrations supporting activities and other activities?

Is **any** support given to that organisation taxable **or only that which is directly earmarked for the immigration supporting activity?** (The law is not clear: on the one hand it speaks about support to the operation of the organisation on the other it refers to the costs of immigration supporting activity of the supported organisation as the basis of the tax, obviously not extending to the costs of any other activity of the organisation.)

The tax authority's guidance states that if the supported organisation pays the tax (because the donor did not) then it only has to pay after its **on cost of the immigration supporting activity** (that is the tax base)

[http://en.nav.gov.hu/taxation/taxinfo/Information\\_on\\_the\\_Im20180823.html?query=bevka](http://en.nav.gov.hu/taxation/taxinfo/Information_on_the_Im20180823.html?query=bevka)

## STIGMATISING THE CSO SECTOR

The (Putinist) law on organisations receiving foreign funding from abroad

**Stigmatising the civil sector** (NGOs ) Obligation to register as such and indicate on every publication that the NGO is an „**organisation receiving foreign funding**” (2017)

The broad and vague net caught CSO-s of all sorts and denominations from wildlife protection to religious activities

# REMOVING THE BLOCKS



# REMOVING THE BLOCKS

## International law

### *Geneva Convention*

- **Articles 31 and 33 of the Geneva Convention** relating to the Status of Refugees (No punishment for irregular entry, non-refoulement)

### *European Convention of Human Rights*

- **Article 3** (Inhuman treatment) and **5** (rules on detention)
- **Articles 10 and 11** (Freedom of expression and of association) complaints  
HHC submitted complaint to the ECtHR, late September 2018

## EU law

- **Infringement procedures** started:
- 2015, extended in 2017: **procedural matters, reception conditions, rules on return** - Referred to the CJEU in July 2018
- 2017: Non performance of the **relocation** decisions - Referred to the CJEU in December 2017
- 2017: Hungarian law on **foreign-funded NGOs** – breaches freedom of association, private life and freedom of movement of capital
- 2018: Criminalising assistance to asylum seekers – letter of formal notice July 2018 – Hungarian Government response: September 2018 –rejecting the Commission’s views

## Domestic law:

- Constitutional law complaint - Hungarian Helsinki Committee submitted re laws punishing CSOs

## REMOVING THE BLOCKS

Protest – pressure

**CSO alliance** („Civilizáció”)

**Challenging the propaganda** interpretation of the laws - willing to go to court against state offices, including the tax authority  
(HHC, Amnesty, - foreign funded CSO rule, immigration tax rule)

**UNHCR** – may be an even **more vocal** and continuous **presence in the public sphere**

Creating a **fund to finance legal challenge and suit** against any defamatory statement against CSOs or their members

## RELEVANT DOCUMENTS - SELECTION

Open Society Justice Initiative analysis of the anti-CSO law:

<https://www.opensocietyfoundations.org/briefing-papers/legal-analysis-hungary-s-anti-ngo-bill>

HHC Constitutional Court Submission: <https://www.helsinki.hu/wp-content/uploads/HHC-alkjogi-panasz.pdf>

HHC ECtHR submission on immigration tax:

[https://www.helsinki.hu/wp-content/uploads/Application\\_HHC\\_SS3.pdf](https://www.helsinki.hu/wp-content/uploads/Application_HHC_SS3.pdf)

and

[https://www.helsinki.hu/wp-content/uploads/Application\\_HHC\\_25\\_percent.pdf](https://www.helsinki.hu/wp-content/uploads/Application_HHC_25_percent.pdf)