



Country context paper – Hungary

Irina Molodikova, Attila Melegh and Judith Tóth,
Central European University
October 2011
I-H

With financial support from the European Commission



Contents

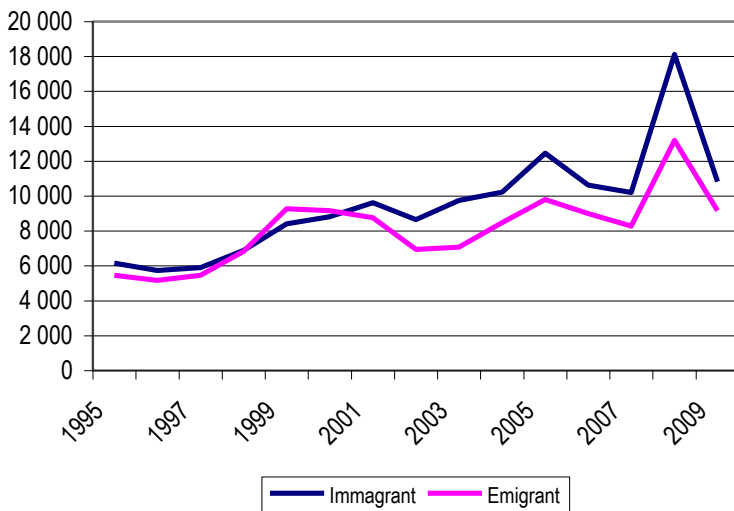
a. Broad overview of migration profile in each country (1 page).....	3
b. Broad overview of migration/integration policy in each country	6
c. Overview of what we know about attitudes to migrants in each country	8
d. Broad overview of governance structures in each country – layers of governance and relevant powers	10

a. Broad overview of migration profile in each country (1 page)

Hungary in its migratory history is somewhat tied to the regional history of Eastern and Central Europe, but in some ways it is different. In the late 19th and early 20th century, as all other East European agrarian semi-periphery countries, it was a major emigrant country involved in the relevant European and transatlantic migratory systems. At the same time it lost major areas of its territory to neighboring countries, which meant that one third of its population was lost at the Trianon peace treaty closing the first world war (1920). Among them very importantly there was a substantial Hungarian population, which even today represents a population of appr 2.5 million.

Hungary can be put into the category of low intensity out and in migration, and has a special attraction toward a larger number of ethnic Hungarians living in neighboring countries. From the late 1980s Hungary has had a somewhat positive migratory balance although out-migration figures are highly unreliable.

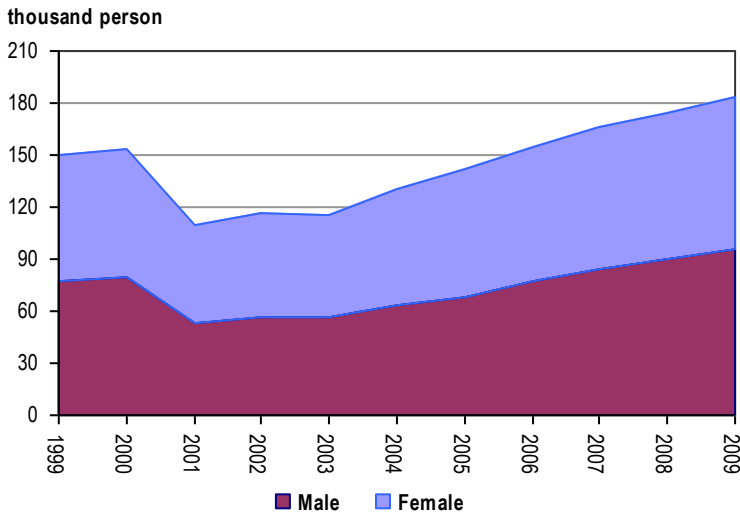
Table 1. Migration balance in Hungary 1995- 2009



Source: HCSO migration statistics

On the basis of the above graph 1 it is not surprising that the stock of foreign residents is increasing, but just reaching the level of 2% of the total population (197 819 out of a population of 10 million) (for the details see table 5 in Appendix).

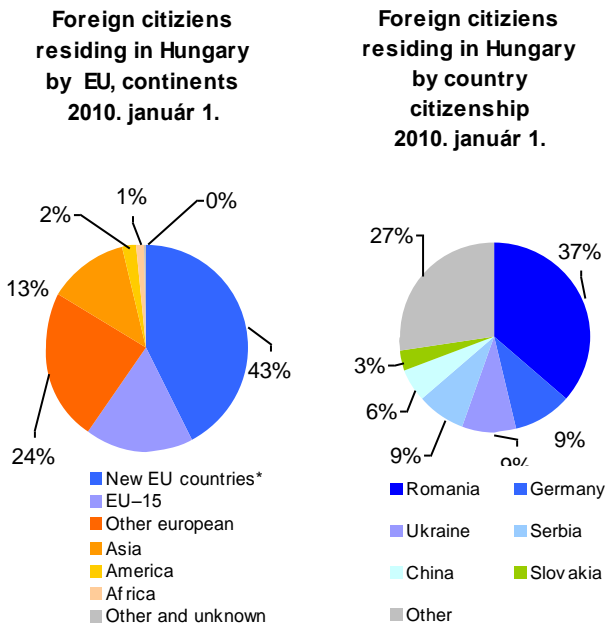
Figure 1 The stock of foreign residents in Hungary



Source: HCSO migration statistics

In terms of countries and major areas Hungary receives migrants mostly from Europe, and most importantly from neighboring countries mainly from the stock of Hungarians living in those countries. There is only a sizable immigrant population coming from Germany, China and Vietnam which is clearly not linked to co-ethnics living in neighboring countries (fig. 2).

Figure 2 Foreign citizens residing in Hungary



Source: HCSO migration statistics

It is important to note that regionally the immigrants mainly reside in the central region containing Budapest. In addition there are only some regions in the South (the border with Serbia) and the North

East (border with Ukraine and Romania) where there are a relatively high proportion of foreign residents.

In terms of different legal statuses it can be clearly seen that out of the 2% immigrant population Hungary mainly has immigrant persons holding different forms of residence permits (registration certificate EEA residence permit or other ones provided by the Hungarian state). Around 7000 people is a third country national or a Hungarian citizen. Less than two thousand people have applied for refugee status. Thus in these respects the country is also a low intensity country as compared most European states. (HCSO migration statistics)

Due to the EU membership of Slovakia and Romania, only a small group of third country nationals hold labor permit (20 thousand) of whom some hold residence permits. On the basis of census evidence (the latest completed in 2001) and some other survey sources, immigrants have a somewhat higher labor force participation rate than the local population, which national ratio is one of the lowest in Europe (53-55% in the active age group) The educational level of the immigrant population is substantially higher than that of the local population. In the 2001 census in the local population 38% of the people have secondary school education while among the foreign residents it is above 60 percent. We have the same gap when looking at higher educational level (12 to 32 percent). Concerning migration intentions among the immigrants around 40% state labor intention. 16% state settlement purpose, 10% study, 14% family reunification, while we do not have data for 22 percent of the immigrants (Immigration and Naturalization Office statistical data 2009-2010)

There is no data about first and second generation immigrants. If we compare the foreign born population and the foreign citizen population, then we can see that at least 100 thousand extra people were born outside the country (i.e. 3%). In the two decades after 1990 around 130 thousand people have been naturalized, mainly of Hungarian origin.

b. Broad overview of migration/integration policy in each country

Since the 1960s the region has been going through a transition from emigrant to immigrant countries, which process has certainly not reached its end. Therefore Hungary has had a limited amount of time to develop strategies and institutional frameworks for handling political and social problems related to larger scale immigration.

Hungary does not have any overall policy document on migration policy and the integration of migrants. In Hungary there was an attempt in 2007 to produce at least a white paper, but the leaking of the document led to a public scandal raised by right wing politicians in opposition. The scandal was based on the false claim that the socialist government was actively looking for the immigration of millions of Chinese immigrants. Right now a new policy document is formulated which has not been made public yet.

As an institutional practice (based on the evidence of several qualitative studies), Hungarian migration policy can be understood as being built on three pillars. The country is supporting the free movement of people within the European Union and it fully respects Schengen laws. This has been made clear even during the last debates on North African immigrants, but it is also clear in its visa policy. It actively pushes aside would-be migrants coming from certain areas and countries (e.g. Sub-Saharan Africa). It follows a rather hard and non-supportive policy toward third country nationals of non-Hungarian origin. It handles them mainly as a security risk; it provides little legal or linguistic support; it is biased against non-European and/or lower class immigrants and basically those migrants manage without greater difficulties that have family members in Hungary.

The Hungarian state clearly endorses migratory or any kind of a link with the Hungarian minorities living in neighboring countries. A special legislation has been established for incoming Hungarians from neighboring countries being extended as far as now offering citizenship without residing in the country itself (2010 amendment of citizenship law of 1993). In terms of ethnic privileges the country has been a pioneer, where opinion polls are sharply divided in attitudes toward immigrants of Hungarian ethnic background or that of outside the region. In the early 2000s in national policy there was the offer of Hungarian cards to ethnic Hungarians containing some privileges in maintaining relationship with the country (including help in visa issuance in countries termed as third countries, e.g. Ukraine). Now the country offers full citizenship to all Hungarians who can claim some ethnic background and/or one ancestor living on Hungarian territories.

Concerning public discourses, different types can be identified which then could be linked to each other showing a very interesting discursive framework of public discussions. First there was a clear pattern of a **nationalist discourse**, which discussed the relevant laws as a national collective act for the rise and the virtual “reunification” of the nation across borders. Second we can identify a **liberal discourse**, which defined its main themes as a fight against discrimination, the extension of rights to wider groups, the acceptance of multiple identities and transnational rights, fight against the racism of the majority. The next major discourse based on **social exclusion** is based on the need for the defense of domestic employees and the social protection of the state against „Eastern” flood. This finding also shows that migration policies are embedded into a civilizational and very importantly an ethnic discourse.

Concerning integration policy, it can be clearly stated that the country is lagging behind some other regional countries like Austria, Czech Republic and Slovakia in developing an integration policy. Hungary scores 45 overall on the MIPEx scale in 2010. It is around the halfway mark on best practice in labour market access, family reunion and long-term residence policies for legally-resident third-

country nationals. Political participation and access to nationality scores are even lower. In contrast to these five MIPEX strands, anti-discrimination stands out as a definite area of strength and the third best in the 28 MIPEX countries. (www.mipex.org)

- **Labour Market Mobility**- Without immediate labour market access, non-EU workers and families wait longer to access and change jobs. The public sector can only hire long-term residents. Many may now think about starting businesses to employ themselves
- **Family Reunion** - Once legal residents secure basic income and housing, they can immediately apply for most of their family members, and now receive quick responses
- **Education** - Hungary's limited strategies and budgets for intercultural education are of little use for newcomer children. Hungary denies undocumented migrants access to not only the full education system. Intercultural education scores zero.
- **Political Participation**- For including newcomers in democratic life, Hungary leads. The constitution grants voting rights locally. Hungary stands out as the only Central European country without outdated laws denying foreigners their basic political liberties for associations, parties and media. However, it has not encouraged immigrant civil society to emerge.
- **Long Term Residence**- Non-EU residents in Hungary and across the region face similar problems for long-term residence as for family reunion. They confront discretionary, though shorter (see earlier), procedures to obtain basic security rights. HU offers 'classical' national residence permits and EU long-term residence permits (with little difference in MIPEX scores). Only those eligible temporary residents can apply. They prove basic income but face procedures with vague grounds for rejection and withdrawal (as in only 12 other countries). They can access legal remedies, as in family reunion.
- **Access to Nationality**- Hungary has so far focused on preferential naturalisation for its co-ethnics abroad. Citizenship paths remain long and uncertain across Central Europe. The very few eligible for naturalisation in Hungary undergo discretionary procedures with even more vague and burdensome conditions. They can also keep their previous citizenship, a European-wide trend.

Hungary's seemingly standard residence requirements are the most critically restrictive of all 31 MIPEX countries. The first generation must count 8 *continuous* years of long-term residence, which can mean 11 years in reality. Spouses of Hungarian nationals have to prove 3 years' marriage plus 3 years' residence. As in many European countries, applicants in Hungary cannot fully prepare or trust the naturalisation procedure and conditions, because authorities reject them with wide discretion.

c. Overview of what we know about attitudes to migrants in each country

On the basis of the 2006 ESS database we can see how the perception of foreigners being ethnically-racially similar or different can vary among countries showing the position of Hungary (table 2,3).

Table 2. Attitudes toward immigrants in some countries of the region. ESS 2006

			Allow many/few immigrants of <u>same</u> race/ethnic group as majority				Total
			Allow many to come and live here	Allow some	Allow a few	Allow none	
Country	Austria	Count	416	1076	663	130	2285
		% within Country	18,2%	47,1%	29,0%	5,7%	100,0%
	Bulgaria	Count	510	370	153	157	1190
		% within Country	42,9%	31,1%	12,9%	13,2%	100,0%
	Hungary	Count	338	404	469	249	1460
		% within Country	23,2%	27,7%	32,1%	17,1%	100,0%
	Poland	Count	501	835	267	78	1681
		% within Country	29,8%	49,7%	15,9%	4,6%	100,0%
	Romania	Count	710	590	409	229	1938
		% within Country	36,6%	30,4%	21,1%	11,8%	100,0%
	Slovakia	Count	507	674	359	156	1696
		% within Country	29,9%	39,7%	21,2%	9,2%	100,0%
Total (25 European countries)		Count	10958	19373	10877	4124	45332
		% within Country	24,2%	42,7%	24,0%	9,1%	100,0%

Source ESS 2006

On the basis of this data we can very clearly see that Hungary seems to be the least positive among all the analyzed countries regardless of generally favoring co-ethnics. In the 25 countries in the database only Spain, Cyprus and Portugal showed less enthusiasm (also being rather recent switchers from emigrant to immigrant countries along similar lines of our analysis).

Table 3. Attitudes toward immigrants in some countries of the region. ESS 2006

			Allow many/few immigrants of <u>different</u> race/ethnic group from majority				Total
			Allow many to come and live here	Allow some	Allow a few	Allow none	
Country	Austria	Count	202	752	1035	301	2290
		% within Country	8,8%	32,8%	45,2%	13,1%	100,0%
	Bulgaria	Count	317	360	222	278	1177
		% within Country	26,9%	30,6%	18,9%	23,6%	100,0%
	Hungary	Count	70	191	623	575	1459

	% within Country	4,8%	13,1%	42,7%	39,4%	100,0%
Poland	Count	403	756	386	130	1675
	% within Country	24,1%	45,1%	23,0%	7,8%	100,0%
Romania	Count	596	536	519	301	1952
	% within Country	30,5%	27,5%	26,6%	15,4%	100,0%
Slovakia	Count	346	668	448	242	1704
	% within Country	20,3%	39,2%	26,3%	14,2%	100,0%
Total	Count	6134	16511	15185	7379	45209
	% within Country	13,6%	36,5%	33,6%	16,3%	100,0%

Source ESS 2006

Hungary is once again less receptive among other countries in the region. Only 5 percent of the people would welcome many “different” immigrants, while almost 40 percent would see none of them. Using a 2009 of the Institute of Sociology, Corvinus University clearly indicate selective exclusion attitude toward certain immigrant groups. Around 70% of the population approves the coming of Hungarians, while almost proportion rejects the coming of Roma living outside Hungary. Almost 60% of the population also reject Africans, Arabs, Ukrainians, Chinese and Serbians. Unfortunately there are only national surveys and no special regional research that could show the difference from place to place in attitude to migrants¹. The recent survey made by TÁRKI Zrt., financed by the European Integration Fund, 2011, proves that only 3-8 percent of respondent persons would employ non-ethnic Hungarian foreigners in Hungary.

Concerning anti-immigrant political movements in Hungary, there are several such groups, one of them being already in the Parliament. This group called Jobbik is outspokenly racist, ultra-nationalist, anti-Semitic and most importantly anti-Roma. This group makes also clear references that Hungary is for Hungarians and the linked websites regularly express hatred towards immigrants, most notably Chinese and Arabic ones. Actually this movement also reflects the very negative attitudes of Hungarians toward immigrants.

¹ http://hvg.hu/itthon/20111017_kulfoldi_alkalmazott_magyarok_tarki (17 October 2011, HVG)

d. Broad overview of governance structures in each country – layers of governance and relevant powers

Hungary is a unitarian but decentralised state because the sub-national units (statistical-development regions, counties, cities, towns, the capital with 23 districts and villages in totality of 3169 entities) have own competence and constitutionally determined legal positions, both horizontally (equal constitutional rights in property, own rights to issue binding decrees, to establish own offices and staff, to start referendum, to own budget with incomes, eight common, statutory tasks, their autonomy is protected by the Constitutional Court and tribunals) and vertically (without hierarchy among the sub-national units legality of self-governments' decision and operation are controlled by the government office, Audit Office). In finances the state budget contributes to eight common, statutory tasks and public services.

The sub-national units in NUTS III², LAU I-II³ are entitled to associate with each other in order to joint manage public services and statutory tasks and to co-operate with other national and international organisations concerning the interests of locality. This association is sometimes the only way to fulfil the statutory tasks common for all sub-national units (elementary schooling, basic social supports, basic health care, drinking water supply, electricity in public places, cemetery, public roads, protection of minorities), while different for developed units (counties, cities and town, e.g. public library, archive, theatre, elderly home, hospital) in comparison to rural settlements) (table 4. Appendix).

What are the main characters of their tasks from the perspective of migrants' integration? The majority of 3169 units have migrant residents but have neither explicit nor implicit migration policy because there is a migrant population only in cities and in the capital in a visible size. Furthermore, only county, city and town self-government has specific migration-relevant competences (e.g. pedagogical services with psychologist for traumatised minors, polyclinic with staff in foreign communication) beyond the common statutory tasks. Consequently a future policy must concentrate on about 200 units. We have to add that rural settlements are not attractive for migrants and available data prove that attracting power of the capital and cities with university, cultural and commercial centres (Budapest, Debrecen, Szeged etc.) for migrants has been detected while rural areas have not.⁴ The employment in public sector as public servant and public official by the self-government institutions (e.g. as teacher, medical doctor, librarian, administrator) is available only for long-term migrants in practice, so the role of the self-government is no more than to implement the national labour laws fairly for non-nationals. Otherwise, the employment offices and labour authority may consult with municipals that have no entitlement to impact on labour market, employment conditions and policy.

Directive 2004/38/EC means administration of address card at local registrar office and regulation on decree how to provide equal treatment in taxation for non-national residents. The competence of municipalities is minimal in keeping up public order: police, law enforcement is a state owned service in towns and cities in which the self-government may request information and consultation with the local head of law enforcement. The local public order can be strengthened by decrees on specific minor offences (e.g. begging is prohibited, and migrating/Roma/Romanian beggars are forced to remove imposing fine, rummaging is also prohibited for homeless persons in garbage) or decrees may ensure

² The nomenclature of territorial units for statistics (NUTS), which was established by Eurostat more than 30 years ago to provide a single uniform breakdown of territorial units for the production of regional statistics at the EU level.²

³ Local Authority Unit

⁴ Kőszeghy Lea: Külföldiek magyarországi városokban, MTA NKI 2010

http://www.mtaki.hu/kutatasi_programok/bevandozlok_magyarorszagon/03_onkormanyzatok_Koszeghy.pdf

exceptions (how to use a public place for social events, cultural festivals). Naturally, villages may request police patrolling if they contribute to its expenditures by contract. Moreover, the mayor is responsible for goods and security in emergency cases in co-operation with state catastrophe services in relief and evacuation of all inhabitants.

Free movement of services and capital means that municipalities have their own assets and companies providing public services (drinking water, drainage, road keeping, garbage collection). Consequently their accession for all inhabitants, their price and conditions in public contracts are determined by decrees, administration and financial power of municipalities. We have to add that generally non-national residents are not considered by municipalities to be good local taxpayers and contractors (for garbage gathering, drainage or drinking water) if they are not permanent residents, so discriminative treatment can be detected towards non-nationals. The resident migrants have not been considered also as part of political community because there is no statistics on their activity at local elections since 1990.⁵

From the local self-government perspective, EU citizenship requires that conditions (administratively and through the local regulation) shall be ensured to the right for EU citizens residing in the municipality to vote in municipal elections, to stand for election (e.g. as mayor) in municipal elections; the right to nominate, implement and manage European elections; representation of the population in local democratic life (referenda, petitions, associations, assemblies, guarantees of transparent operations). The voting organs include the registrar office (clerk in mayor office).

Fundamental rights' protection means that public administration (in each mayoral office) shall respect non-discrimination and fair procedure requirements including the right of non-native applicants to use their own language and accelerated procedure for minors (Code of Public Administration, 2004). Other components of fundamental rights are nationalised gradually, so municipalities may consult with national or regional authorities in consumers' rights.

Access to justice indirectly relates to municipalities providing reduction of fees; free translation for non-native persons in fundamental rights issues inside public administrative cases; applicants in need must be informed how to access to remedy including the cooperation among the administrative organisations.

Immigration and asylum issues are centralised. However, the municipalities with eight common tasks as public service provider must ensure certain elements of reception conditions for asylum seekers (e.g. hospital medical treatment for inmates in Debrecen refugee camp in the east of the country), and in case of a mass influx of displaced persons also public services shall be made available by the self-government, for family reunification (e.g. coordination and consultation with the refugee authority). Municipalities do not necessary feel their involvement in other migration policies as stakeholders (through coordination, consultation or own regulatory powers) because refugee and immigration issue (including stateless, displaced, internationally protected and apprehended, removal persons) have been considered as security and public order domain belonging to law enforcement.

Finally, the integration of migrants is partly related to municipalities through consultation, responsibility for the provision of public services, regulatory power or administrative entitlement, along with nursery, public education and vocational training; social housing; social allowances and benefits as well as health care. Migrant specific services (e.g. language training) are available only in cities. It is

⁵ Although long-term migrants and refugees have voting rights the list of nominating organisations (N=64 in 2010) contains no representation for residing migrants, migration communities.

http://www.valasztas.hu/hu/onkval2010/509/509_1.html (December 2010)

visible that support to the long-term settlement, unification of migrant's family or recruitment of skilled migrant worker is out of the public service supplier role of self-governments.

In brief, the most important step will be raising awareness in municipals how and why they are stakeholders in migration and migrants' integration. For instance, the Budapest Capital would establish – together with five NGOs supporting migrants on the pattern of social, civic, sport joint body – a consultative forum on migration and integration policy. The LECIM project (AT, IT, HU in 2010-11) prepared an initiative on it, and the first reaction of the Capital Council (April 2011) was positive. This forum would institutionalise the dialogue between the municipal and NGOS in particular in a transitional period because the characters of past 20 years (Act LXV of 1990 on self-governments) will be reformed due to the Basic Law (25 April 2011) and a new Bill on municipals.

Table 4. Breakdown of competences in AFSJ-related policies (Area of Freedom, Security and Justice)

	(1) Employment	(2) Directive 2004/38/EC	(3) Public order exceptions	(4) Free movement of services & capital	(5) EU citizenship	(6) Fundamental rights' protection	(7) Immigration and asylum	(8) Integration of migrants	(9) Public order	(10) Access to justice
Hungary										
NUTS ⁶ I (3)	–	–	–	–	–	–	–	–	–	–
NUTS II (7)	Admin.	–	–	–	–	a-c: Admin.	a-f: Admin. Public Service	e-g: Admin.	a: Consultative	a-b: Admin.
NUTS III (20)	Admin. Public Service	Admin.	Admin. Public Service	Admin. Public Service	–	a-c, e: Public Service	–	–	a-d: Consultative	a-d: Admin.
LAU ⁷ I (174)	Admin. Consultative	–	Consultative Public Service	Consultative Public Service	–	a: Consultative	–	–	–	–
LAU II (3,169)	Regulatory Public Service	Regulatory Admin.	Regulatory Public Service	Regulatory Public Service	a-c: Public Service e: Consultative f: Admin. g: Consultative	a-c, e: Consultative Public Service	a-f: Admin. Public Service	c-g: Admin. Public Service	a-e: Consultative Public Service	a-d: Admin. Consulta tive Public Service

⁶ The nomenclature of territorial units for statistics (NUTS), which was established by Eurostat more than 30 years ago to provide a single uniform breakdown of territorial units for the production of regional statistics at the EU level.⁶

⁷ Local Authority Unit

Table 5.

Foreign citizens residing in Hungary by country of citizenship									
Country	1995.04	2001.	2004.	2005.	2006.	2007.	2008.	2009.	2010.
	.01	01.jan							
Europe									
Austria	616	694	780	544	1 494	2 225	2 571	2 956	3 705
Belgium	113	113	171	107	270	375	375	510	536
Denmark	41	41	85	57	146	146	140	243	192
United Kingdom	631	624	963	440	1 451	1 911	2 107	2 419	2 427
Finland	100	243	213	105	380	429	375	618	406
France	364	511	765	330	1 316	1 506	1 481	2 185	1 922
Greece	1 362	710	357	299	372	421	409	499	463
Netherlands	191	324	415	236	666	1 096	1 201	1 375	1 734
Ireland	22	38	71	27	173	227	231	308	359
Luxembourg	3	5	8	6	10	20	17	19	30
Germany	7 427	7 493	7 393	6 908	10 504	15 037	14 436	16 744	18 691
Italy	514	542	551	404	777	1 020	1 207	1 512	1 598
Portugal	28	22	28	20	63	94	82	128	178
Spain	54	64	64	50	181	200	199	287	438
Sweden	319	299	279	181	554	687	659	859	937
EU-15	11 785	11 723	12 143	9 714	18 357	25 394	25 490	30 662	33 616
Poland	4 628	2 279	2 196	2 178	2 364	2 681	2 645	2 776	2 515
Romania	68 439	41 561	55 676	67 529	66 183	66 951	65 836	66 368	72 720
Slovakia	231	1 576	2 472	1 225	3 597	4 276	4 944	6 106	6 424
EU-27	86 999	58 895	74 141	82 066	92 202	101 044	100 739	108 050	117 353
Croatia	305	917	902	837	778	813	852	914	916
Norway	77	607	395	73	505	393	329	790	774
Russia	277	1 893	2 244	2 642	2 759	2 760	2 787	2 923	3 275
Switzerland	186	330	443	440	446	548	587	646	842
Serbia	15 297	12 664	12 367	13 643	12 111	12 638	17 186	17 015	17 197
Turkey	483	455	557	615	756	886	1 120	1 145	1 662
Ukraine	3 501	8 947	13 096	13 933	15 337	15 866	17 289	17 610	17 241
Other European	15 801	8 489	6 770	8 012	5 641	5 879	5 256	5 259	11 169
Together	122 926	93 197	110 915	122 261	130 535	140 827	146 145	154 352	164 744
Asia									
Israel	518	781	692	732	825	1 063	1 142	1 169	1 250
Japan	314	431	614	582	745	871	1 185	1 190	1 366
China	3 470	5 819	6 790	6 856	8 584	8 979	10 218	10 709	11 173
Mongolia	528	738	860	856	1 064	1 057	1 188	1 208	1 240
Syria	680	583	686	674	766	765	776	810	802
Vietnam	1 276	1 893	2 368	2 521	3 146	3 095	3 045	3 282	3 056
Other Asian	2 848	2 358	2 705	2 900	3 413	3 903	4 802	5 153	6 240
Together	9 634	12 603	14 715	15 121	18 543	19 733	22 356	23 521	25 127
America									
United States	1 700	1 636	1 703	1 679	1 929	1 931	2 343	2 379	3 088
Canada	277	235	226	262	269	269	296	306	457
Other American	918	617	606	726	791	875	918	932	1 242
Together	2 895	2 488	2 535	2 667	2 989	3 075	3 557	3 617	4 787
Africa									
Nigeria	178	144	206	230	351	390	504	521	739
Other African	1 903	1 089	1 249	1 326	1 449	1 393	1 409	1 477	1 774
Together	2 081	1 233	1 455	1 556	1 800	1 783	1 913	1 998	2 513
Other and unknown	565	507	489	548	563	612	726	870	648
Total	138 101	110 028	130 109	142 153	154 430	166 030	174 697	184 358	197 819

Source: HCSO migration statistics