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## Abstract

While the securitisation of migration has been widely discussed by prominent security scholars, the negative implications of this process for individuals seeking international protection remain limited. Using Hungary as a case study, this study presents an analysis of the entire process of securitisation of asylum seekers in that country during 2015, but goes a step further by also analysing and demonstrating the negative implications of that process in relation to asylum applicants' right to seek international protection foreseen in international law. The main aims of this study were, firstly, to contribute to the existing academic literature on the topic; secondly, by utilising international law, to offer broader framework applicability; and thirdly, to instigate further research on the topic, including the exploration of ways to de-securitise migration in Hungary. The main finding of this study was that asylum seekers' right to seek protection was, significantly, undermined by the Hungarian state after a successful securitisation process and the adoption of extraordinary measures to contain the influx of individuals seeking asylum in that country, in a clear violation of international law.

## Introduction

*[We should] be reminded that migrants, refugees and asylum seekers are human beings who are entitled to the protection which international human rights law establishes. In the 1990s the UN human rights system adopted the mantra that “Women’s Rights Are Human Rights”. Within the emotive and controversial arena of migration and refugees we would do well to remind ourselves that “migrant and refugee rights are human rights” too’* Omar Grech (2014, p. 40).

As Grech’s quote reflects, migrants, refugees and asylum seekers are entitled to protection foreseen in international law. Yet, despite such legislation, since the end of the Cold War and after the 9/11 attacks, migration as a category has been securitised by Western political and security elites (despite some scholars arguing otherwise; see, for instance, *Bowell, 2007*), thereby overlooking such rights (*Ibrahim, 2005, pp. 167-168; Watson, 2009, p. 15*). The securitisation process at its core involves the elevation of an ordinary issue to the realm of security by a speech act, urging the adoption of extraordinary measures to tackle it (*Buzan et al., 1998, p. 32*). Specifically, with the securitisation of migration, all migrants are framed equally, and, for instance, individuals who are in search for a better life, looking for a family reunion, or in need of protection, are all depicted as threats to the receiving state and its population, regardless of their reasons for migrating, elevating them from a normal political matter to a security issue (*Ibrahim, 2005, p. 167, 169; Karyotis and Skleparis, 2013, p. 684*). Hence, in an attempt to keep migrants out of their territories, states implement, for example, stricter measures such as border controls, new surveillance devices, strict visa requirements, among others (*Saunders, 2014, p. 70; Karyotis, 2007, pp. 6-8; McDonald, 2008, p. 567*).

Since the beginning of the civil war in Syria, countries such as Lebanon, Jordan and Turkey have accepted millions of Syrian refugees and asylum seekers, a number far greater than that received by the entire European continent (*UNHCR, 2017*). However, overpopulated refugee camps led Syrian refugees and asylum seekers to flee in dangerous conditions to Europe in 2015 (*The Guardian, 2015; UNHCR, 2017*). Likewise, in Afghanistan, the war between the Taliban and the government forces led thousands of Afghans to flee the country towards Europe in search of protection (*Human Rights Watch, 2015d*). According to the Human Rights Watch (2015d),

Afghans who reached Europe in 2015 represented the second biggest nationality group, behind only Syrians (Human Rights Watch, 2015d). In Iraq, the ongoing internal conflicts led to more than 3 million Iraqis being displaced and almost 250,000 refugees spread across neighbouring countries, with many of those who managed to flee the country also attempting to reach Europe in search of protection (UNHCR, 2017c). In total, according to the UNHCR (2015c), in 2015, ‘one-in-every-two of those crossing the Mediterranean - half a million people - were Syrians. Afghans accounted for 20 per cent and Iraqis for seven per cent’. During the entire year of 2015, over one million people reached the European continent by sea in search of protection from persecution and war (UNHCR, 2015c).

Despite being a transit country rather than a destination, Hungary received more than 160,000 asylum applications in the first semester of 2015, with the individuals claiming asylum coming mainly from Syria, Afghanistan and Iraq (Amnesty International, 2015). Nevertheless, even though this number represented a major challenge for the Hungarian authorities, their response broadly consisted of transforming the country into what Amnesty International (2015, p. 4) called a “refugee protection free zone”. Instead of developing policies to upgrade and ameliorate the process of analysis and protection of asylum seekers and refugees, as well as accepting aid from the United Nations and other European countries, the Hungarian government adopted some of the previously-mentioned stricter measures and framed those individuals seeking asylum as sources of threat to the Hungarian nation-state (Amnesty International, 2015). To do that, the Hungarian political elites spread fear among the population, linking asylum seekers with terrorist acts and focusing on how culturally and religiously different from them, the “others” (i.e., the asylum seekers) were, requesting that extraordinary measures falling outside the rule of law to be implemented to keep them out of the country, and disregarding these individuals’ right to seek asylum (Amnesty International, 2015).

Having said that, this dissertation intends to answer the following research questions:

- *How did the process of the securitisation of asylum seekers occur in Hungary in 2015?*



- *Within the international refugee law regime framework, to what extent did the process of securitisation of asylum seekers undermine their right to seek protection in Hungary in 2015?*

Although many prominent scholars have previously studied migration through the lens of securitisation (see: Bigo, 2002; Bourbeau, 2015; Ceyhan & Tsoukala, 2002; Huysmans, 2000; Sasse, 2005; Karyotis, 2007; Balzacq, 2008), and others have studied the negative impacts that strict migration policies have on refugees (see, for instance, Ibrahim, 2005; Farny, 2016), academic papers focusing on the combination of both variables remain scarce. In the specific literature which explores the securitisation of migration in Hungary, reports, for example, have described the measures adopted by the Hungarian government, but have not portrayed these as a securitisation process (see accurate reports, all from 2015, from the Hungarian Helsinki Committee, Human Rights Watch, and Amnesty International), while academic articles have demonstrated and explained the securitisation process and the reasons for it, but have not demonstrated the implications for asylum seekers' rights (see Szalai and Göbl, 2015; Blazek, 2015). In order to fill this literary gap, this dissertation will adopt a holistic approach, aiming to contribute to the existing literature on the securitisation of migration by both focusing on the process, as has conventionally been done, but also by taking a step further and exploring the implications of the process for its subjects' right to seek international protection. Likewise, another contribution this dissertation intends to make is to offer an approach that can be utilised in similar cases by applying the international refugee law regime, and thus to provide an innovative framework to understand the further implications of securitisation, not solely its process. Finally, this research seeks to instigate further research on the negative impacts and consequences of the process of securitisation of migration for asylum seekers which covers all the features embedded in the matter, such as the evolution of smugglers' *modus operandi*, the intensification of human trafficking, the increased use of more dangerous migration routes, the growth of public insecurities, social tensions, racism and xenophobia in receiving states, and, lastly, ways to bring receiving states who violate international law to account.

In terms of structure, this dissertation is divided into four chapters. In the first chapter, the theoretical framework applied in the first empirical chapter of the paper will be illustrated. Securitisation theory, as proposed in its early stages by the Copenhagen School, and its further developments will be synthesized. The following

chapter will introduce the methodology employed in this dissertation: this is a case study design applying two qualitative methods, critical discourse analysis, and document analysis. After outlining the theoretical and methodological frameworks, the third chapter will contain an empirical analysis of the Hungarian government's securitisation move with regard to asylum seekers, followed by the adoption of extraordinary measures and a snapshot of Hungarian public opinion reflected in different opinion polls conducted thorough 2015 relating to the topic. The final empirical chapter will demonstrate that, to a great extent, the securitisation of asylum seekers in Hungary during 2015 undermined their right to seek protection foreseen in international law, based on a vast document analysis of reports elaborated by internationally-recognised organisations.

# 1. Theoretical Framework

Before and during the Cold War, the field of security studies almost exclusively involved threats to states and the use of military means to contain such threats (Waever, 1995, p. 50). After the end of the Cold War, the concept of security broadened and was reconceptualised, with some security specialists and academics also arguing that non-military threats should be regarded as security threats (Buzan *et al.*, 1998, p. 7; Balzacq *et al.*, 2016, p. 496). Scholars such as Barry Buzan, Ole Waever and Jaap de Wilde, also known as the Copenhagen School (CS) of security studies, suggest a continuous focus on the state, but also, in contrast with a more realist position, the addition of threats to other sectors, such as societal, economic, political and environmental sectors, and to individuals themselves (Waever, 1995, pp. 47-48). Due to that, the securitisation theory developed by the CS can be considered as among the most innovative and influential developments in security studies in recent times (Karyotis, 2012, p. 391; Bourbeau, 2014, p. 205; Balzacq *et al.*, 2016, p. 496; McDonald, 2008, p. 565). Yet, despite its innovative framework, the field of securitisation theory has since further evolved, challenging and upgrading its former format. This chapter will therefore illustrate the securitisation theory proposed by the CS, followed by its limitations, and then consideration of further developments by prominent academics.

## 1.1 Securitisation Theory

Securitisation theory, as proposed on its early stages by the CS, focuses mainly on the elevation of a determined issue from the realm of “normal politics” into the security sphere through discursive practices, particularly speech acts (Peoples and Vaughan-Williams, 2010, p. 76). For a securitisation process to be formed, certain units must be present, such as securitising actors, functional actors and referent objects (Buzan *et al.*, 1998, p. 36). A referent object is the unit being threatened; the one that needs to survive. A securitising actor is the one (or ones) who declares an issue to be an existential threat to the referent object, and functional actor(s) are those who can affect the outcome of the securitisation process, i.e., its success or failure, for instance, the media or the judiciary (Buzan *et al.*, 1998, p. 36). It is vital to add the unit “referent subject”, which refers to the entity or issue that is considered to be threatening the

referent object (Balzacq *et al.*, 2016, p. 495). In these conditions, a securitising actor will perform a speech act, also known as a “securitising move”, which occurs when an issue, not previously thought of as a security threat, is presented to a specific audience as an existential threat to the survival of a referent object, and which requires emergency measures to tackle (Buzan *et al.*, 1998, p. 24, 25; Peoples and Vaughan-Williams, 2010, p. 78; McDonald, 2008, p. 566). With regard to the relationship between securitising actor and audience, it is imperative to note that, for the CS, this securitisation process is intersubjective; i.e., it is socially constructed; it will only be successful with the approval of a certain audience, and if not, it will remain solely a securitisation move (Buzan *et al.*, 1998, p. 25, 31; Bourbeau, 2014, p. 190).

Based on speech act theory developed by John L. Austin (see Austin, J. L., *How to do things with words*, 1962), Waeber (1995, p. 55) argues for a linguistic approach in security studies: ‘What is then security? With the help of language theory, we can regard ‘security’ as a “speech act”. The utterance itself is the act. By saying the words something is done (like betting, giving a promise, naming a ship’. Hitherto, not everyone can utter “security”; Waeber (1995, p. 54) notes that individuals in positions of power, such as heads of state and other political elites, are the ones who can “say security”. Further, ‘traditionally, by saying “security”, a state representative declares an emergency condition, thus claiming a right to use whatever means are necessary to block a threatening development’ (Buzan *et al.*, 1998, p. 21). If an issue is successfully securitised, the securitising actor then claims powers to ‘curtail rights and liberties that might otherwise apply’ (Waeber, 1995, p. 51), and to legitimately use extraordinary measures, usually breaking free of the rules (Bourbeau, 2014, pp. 189-190; Peoples and Vaughan-Williams, 2010, p. 76; Buzan *et al.*, 1998, p. 26). Certain conditions, best known as “felicity conditions” or “facilitating conditions”, must be met for the process to occur (Buzan *et al.*, 1998, p. 31). For instance, a favourable environment, the correct frame and features of the construction of the threat, and a position of authority to conquer the audience’s trust are required so that the speech act is successful (Peoples and Vaughan-Williams, 2010, p. 77; Buzan *et al.*, 1998, pp. 32-33).

Yet, while developments were brought to the security studies field by the core ideas of the CS, security studies scholars have critically addressed the perceived theoretical insufficiency and narrowness of the CS securitisation focus on speech acts, and its failure to explain key aspects of this complex process (see for instance, Balzacq,

2010; Huysmans, 2006; Bigo, 2002). Although it is not the focus of this dissertation to illustrate the work of all these critics and the developments presented by prominent security scholars with regard to the CS securitisation framework, acknowledgement of the key criticisms of the CS is needed in order to make sense of the further analysis presented in the empirical chapter that follows. For instance, these scholars challenge the CS's framework, arguing that by focusing too much on speech acts, it fails to address relevant features such as the existence of a security issue prior to a speech act, a more complex role played by the audience, the context in which the process occurs, and non-discursive practices. With regard to the audience, Balzacq *et al.* (2016, p. 499), Salter (2008, p. 324) and Williams (2011, p. 213) all argue that, despite being part of the process of securitisation in its core form, the CS failed to further develop the concept. Balzacq (2005, p. 172) firmly criticises the CS framework by arguing that: 'the assumption of a speech act approach ultimately reduces security to a conventional procedure such as marriage or betting in which the 'felicity circumstances' must fully prevail for the act to go through'. Balzacq (2010, p. 3) goes on to argue that securitisation is better understood as:

*'An articulated assemblage of practices whereby heuristic artefacts (metaphors, policy tools, image repertoires, analogies, stereotypes, emotions, etc.) are contextually mobilized by a securitizing actor, who works to prompt an audience to build a coherent network of implications (feelings, sensations, thoughts, and intuitions), about the critical vulnerability of a referent object, that occurs with the securitizing actor's reasons for choices and actions, by investing the referent subject with such an aura of unprecedented threatening complexion that a customized policy must be undertaken immediately undertaken to block it'.*

A prominent scholar who also further developed the CS framework, Bigo (2002), argues for a definition of security based on 'mundane bureaucratic decisions and practices that create a sense of insecurity and unease', instead of on survival or the sense of urgency (Bourbeau, 2014, p. 190). Bigo (2002, quoted in McDonald, 2008, p. 570) also argues for a routine of practices, rather than 'only through specific speech acts'. With regard to the routine of practices as argued by Bigo (2002), McDonald (2008, p. 571) also claims that by focusing too much on speech acts, the CS fails to address the importance of routinised practices and their context to the process of securitisation.

With the aforementioned criticisms in mind, the theoretical framework adopted in this dissertation is that which was developed and proposed by security scholar Philippe Bourbeau (2014) in his article '*Moving forward together: logics of the securitisation process*', which contains the main features of the CS but also some key ideas of its critics. Bourbeau (2014, pp. 187-188) clarifies that securitisation theory in general relies mainly on "two logics": the logic of exception (i.e. 'postulates that security is a process designed to combat existential threats via exceptional measures'), and the logic of routine (i.e., it 'views securitisation as a collection of routinized and patterned practices, typically carried out by bureaucrats and security professionals'). He goes on to say that:

*'We might postulate that security speech acts initiate the securitisation process, while security practices 'lock in' the securitisation. Seen in this light, the logic of exception is useful in its ability to pinpoint securitising discourses that spring up at particular points in time, while the logic of routine is able to underscore the reproductive mechanisms of securitisation once the process has been started'* (Bourbeau, 2014, p. 195).

For Bourbeau, both processes alone are incomplete forms by which to address a securitisation process, and, therefore, by utilizing both frameworks, academics and researchers may better connect 'theory with contemporary security politics' (Bourbeau, 2014, p. 188).

## Conclusion

The present chapter has illustrated the theoretical framework that will be utilised in the first empirical chapter of this dissertation. Securitisation theory has been outlined from its core foundations up to its later critics and developments. Finally, the choice of Bourbeau's approach to securitisation theory was justified and explained.

## 2. Methodology

This chapter will illustrate the research design and the research methods chosen to develop the claims of this dissertation and to achieve its goals.

### 2.1 Research Design: *Case study*

The research design chosen for application in this dissertation is that of a single case study, of a single country. A case study is an ‘empirical inquiry about a contemporary phenomenon (e.g., a ‘case’), set within its real-world context – especially when boundaries between the phenomenon and context are not clearly evident’ (Yin, 2009, p. 18). According to Balzacq (2010, p. 32), this design constitutes the primary research strategy in the empirical securitisation literature. However, single case study designs have been criticised for not allowing further generalisations to be made (Yin, 2012, p. 18). To overcome that, this dissertation intends to follow Yin’s (2012, p. 18) analytic generalisation process: in other words, to use this study’s theoretical framework to ‘establish a logic that might be applicable to other situations’. Therefore, due to the distinctive way in which the dissertation will analyse the implications of securitisation for asylum seekers’ right to seek protection by applying international law instead of European asylum legislation, the logic can be further applied to other cases of the securitisation of asylum seekers and refugees in other locations, such as Australia, Canada or the United States of America (USA), as well as to any European country.

The units of analysis of this dissertation are: The Hungarian government’s securitisation move, the further application of extraordinary measures to contain the influx of asylum seekers in that country, Hungarian public attitudes regarding migrants and the adoption of extraordinary measures, and the implications of this process for the protection of individuals seeking asylum. Having said that, the choice of Hungary and the period to be covered were based on the unique features of that country, and the particular set of events which occurred in that year, such as the extreme extraordinary measures adopted by the Hungarian Prime Minister, which will be illustrated and analysed in chapter three. It is imperative to highlight that the Hungarian government elites’ xenophobic policies were not new in the Hungarian political scene prior to 2015;

however, the elements of extremity in migration discourses and policies throughout the year of 2015 were more pronounced than in previous years, as will also be demonstrated in chapter three, as well as the level of Hungarian public support for these extreme features. Additionally, Hungary was chosen as the single case study in this dissertation due to its unique and relevant geographical location in the so-called “Western Balkans refugees’ route”, as because Hungary is part of the European Union (EU), thousands of individuals seeking asylum and aiming to reach Western European countries such as Germany and Sweden apply for asylum there for merely formal reasons, with the intention of later reaching those Western countries via Hungary.

In this context, a key figure to be considered is that, according to Eurostat data, during 2015, Hungary was the EU member-state with the highest rate of asylum applications (Juhász et al., 2015). Figure 1 illustrates the asylum application rates per

Asylum applicants per 100,000 citizens, January-September 2015  
Source: Eurostat

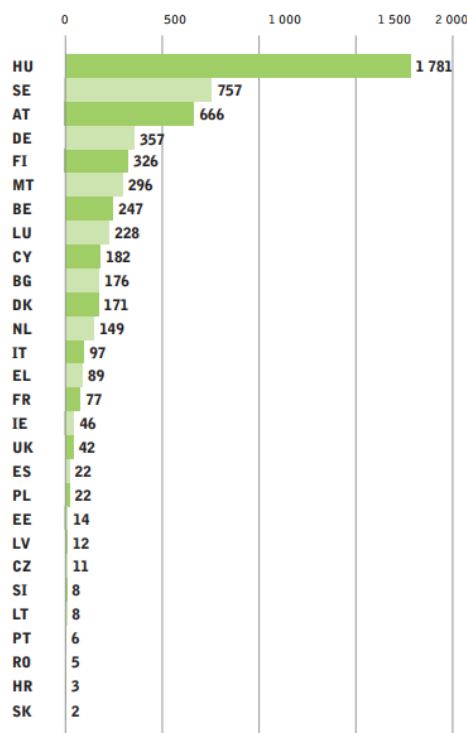


Figure 1 Source: Juhász et al., 2015.

100,000 from January 2015 to September 2015 in the EU member states. Yet, as is illustrated in Figure 2, the rates of granting of refugee status in Hungary, that were already not high in 2014, dropped during 2015, and the cancellation rates increased by almost 20 per cent. These rates are vital in explaining the selection of Hungary as a case study, because they demonstrate that despite being solely a transit country, not a final destination, the Hungarian government insisted on framing asylum seekers as dangerous and threatening to its nation-state. Moreover, in contrast with the averages of other EU member states, the Hungarian authorities were not granting refugee status to most of the individuals seeking asylum in that country, regardless of the substantial grounds that those individuals were in fear of their lives (Eurostat, 2015). In summary, according to Juhász et al., (2015, p. 5):

*‘The example of Hungary is extreme in many ways. We have not yet seen such a systemic, ideological, and programmatic attempt to close the EU’s external borders*



by building a fence in order to keep refugees out, to deny basic European values, including human rights, and to refuse to fulfil humanitarian obligations’.

**Table 2: Number of decisions issued by the immigration authority and proportion of applications granted each status**

Source: Office of Immigration and Nationality

Kinds of decisions issued (in numbers)	I-XI, 2014	I-XI, 2015	Change	Change in %
Recognized refugee	232	132	-100	-43%
Recognized subsidiary protected person	205	318	113	55%
Independent determination of non-refoulement	4	5	1	25%
Cancellation	17,473	135,963	118,490	678%
Rejection	3,965	2,579	-1,386	-35 %
<b>TOTAL</b>	<b>21,879</b>	<b>138,997</b>		

Kinds of decisions issued (percentage of all applications)	I-XI, 2014	I-XI, 2015		
Recognized refugee	1.1%	0.1%		
Recognized subsidiary protected person	0.9%	0.2%		
Independent determination of non-refoulement	0.0%	0.0%		
Cancellation	79.9%	97.8%		
Rejection	18.1%	1.9%		
<b>TOTAL</b>	<b>100.0%</b>	<b>100.0%</b>		

Figure 2 - Number of decisions issued by the Immigration Authority and proportion of applications granted each statuses. Source: Juhász et al., 2015.

## 2.2 Methods

Because this paper will analyse the construction and the implications of a social phenomenon, it will employ a qualitative methodology. According to Lichtman (2014, p. 12), qualitative research can be described as ‘a way to study the social interactions of humans in naturally occurring situations’. Two qualitative methods, as well as the application of securitisation theory, will be applied in this dissertation to answer the research questions, and to reach its objectives: document analysis, and critical discourse analysis. These are now discussed in turn in the next sub-sections.

### 2.2.1 Document Analysis

To be able to assess the negative implications of the securitisation process for asylum seekers’ right to seek protection, a large-scale document analysis of reports that denounced and demonstrated Orbán’s government’s violation of international law was utilised. As has been argued by Bryman (2008, p. 515), the term “documents” covers ‘a very wide range of different kinds of sources’. Therefore, following Scott’s (1990, p. 6,

quoted in Bryman, 2008, p. 516) four criteria for assessing the quality of documents (authenticity, credibility, representativeness and meaning), this research was extremely careful in selecting the sources and the documents for analysis. Only official documents derived from the Hungarian government's official website, along with reports and analysis produced by reliable international organisations such as the United Nations, Amnesty International, Human Rights Watch (HRW), Heinrich Boll Stiftung, and Hungarian organisations such as the Hungarian Helsinki Committee (HHC) and MIGSZOL, as well as credible newspapers and media sources, such as The Guardian, the BBC, and Politico, were utilised. Moreover, primary sources, such as amendments to Hungarian asylum policy and legislation, and international law with regard to refugees, were also included. With regard to the latter, as was previously mentioned in the research design section, it is imperative to justify the researcher's choice for not utilising European legislation, but international law instead. According to Baele and Sterck (2015), 'the impressive quantity of more or less legally-binding documents that constitutes the EU's immigration policy illustrates this multifaceted reality', which means that dozens of different documents, policies, and pieces of legislation exist relating to immigration, refugees and asylum seekers within the EU system. To name only a few: the 1986 Single European Act, the 1990 Dublin Convention, the 1990 Schengen Convention, the 1992 London Resolutions, and the 1997 Treaty of Amsterdam (UNHCR, 2000, p. 159).

Additionally, EU legislation depends on the EU power politics of the moment, while international law, in contrast, consists of documents elaborated within the United Nations framework which allow countries outside the European continent to be signatories; thus, this dissertation's logic can be applied elsewhere and not be restricted to the EU scope, thus avoiding any incompleteness. Likewise, the criteria for the selection of all the materials mentioned above were set after extensive readings of previous relevant investigations into the topic, and based on their availability. A limitation encountered by the researcher while collecting these documents was the language barrier; most Hungarian government speeches and policies had been translated to English, but it is unclear whether or not any vital document was missed due to a lack of translation. The same happened with Hungarian online newspapers, in that some contained translations to English, but many did not. Fortunately, this issue was not encountered with international organisations' reports, or with international legislation.

### 2.2.2 Discourse analysis

According to Balzacq (2010, p. 39), when utilising securitisation theory, discourse analysis is one of the most common methods applied. For Buzan et al. (1998, p. 176), ‘the obvious method [to study a securitisation case] is discourse analysis, since we are interested in when and how something is established by whom as a security threat’, and ‘the defining criterion of security is textual: a specific rhetorical structure that has to be located in discourse’. Yet, this dissertation will not only analyse the key speech act made by the Hungarian prime minister and other linguistic tools to highlight the implications for asylum seekers’ rights; it will also focus on the extraordinary measures adopted by the Hungarian government. Therefore, the most suitable discourse analysis method is that of critical discourse analysis (CDA) proposed by Fairclough (1995). As explained by Balzacq (2010, p. 41), CDA offers a ‘thick description of the social practices associated with the construction and evolution of threat images’. This type of discourse analysis is an approach based on Foucault’s relationship of ‘the exercise of power through the construction of disciplinary practices’ (Bryman, 2008, p. 508). Phillips and Hardy (2003 quoted in Bryman, 2008, p. 508) describe CDA as ‘an interrelated set of texts, and the practices of their production, dissemination, and reception, that brings an object into being’. CDA thus focuses not only on texts, but also on bureaucratic procedures and practices, and textual and non-textual activities (Balzacq, 2010, p. 41). In summary, because one of the aims of this study is to demonstrate the implications of securitisation for asylum seekers’ right to seek protection, it is necessary to analyse the measures adopted by the Hungarian government, not solely political speeches. Therefore, selecting CDA was the best option to enable a deep and critical analysis, as it not only looks into texts, but also securitising measures.

### Conclusion

This chapter has illustrated the methodology applied in this study. In order to answer the proposed research questions, a single case study design was chosen. In terms of the nature and methods of data analysis, this dissertation takes a qualitative approach and applies document analysis and critical discourse analysis.

### 3. Securitisation of Asylum Seekers in Hungary

This dissertation seeks to understand the process (e.g. the steps and extraordinary measures taken) that led to the success of the specific securitisation of asylum seekers in Hungary; hence, the implications of this phenomena for individuals seeking protection in that country can be explored. The present chapter will provide an empirical analysis of the Hungarian government's rhetoric on asylum seekers during 2015. It will support, and be based on, the claims made by academics such as András Szalai and Gabriella Göbl (2015), and Jan Blazek (2015), that the Hungarian Prime Minister, Viktor Orbán's securitisation move ended up being successful, and that therefore, the FIDESZ government adopted extraordinary measures to contain the influx of asylum seekers entering Hungary.

To illustrate the successful securitisation case of asylum seekers in Hungary during 2015, following the guideline proposed by Bourbeau's (2014) securitisation framework, the first sub-section will analyse a key speech act made by the Hungarian prime minister that framed asylum seekers as a matter of national security. It will include its heuristic artifacts, as well as two other tools: The National Consultation on Immigration and Terrorism, and the elaboration of an anti-immigration billboard campaign. Additionally, after making a successful securitisation move, the adoption of extraordinary measures to counter the influx of asylum seekers entering Hungary will be explained in order to prepare the ground for the second empirical chapter, focusing on the implications of these measures for asylum seekers' right to seek protection. Lastly, the third sub-section will examine Hungarian public attitudes towards the securitisation of asylum seekers during 2015 based on surveys from both European and Hungarian agencies.

#### 3.1 Securitisation Move

Since the end of the Cold War, and despite the changing political parties in charge of the Hungarian government (which were not always conservative, such as FIDESZ), Hungarian asylum policies have generally always been strict, including the use of detention centres, the return of asylum seekers back to Serbia or Macedonia, and low rates of granted refugee status (Fajth, 2015). It therefore follows that after the

Hungarian accession to the EU in 2004, and its integration into the Schengen area in 2007, one might have expected that new regulations would be put in place to fit EU standards. However, as a prominent international law scholar, Boldizsar Nagy, argues, Hungarian legislators were actually more influenced by the institution of the Hungarian government itself, which, as has been discussed, supported more restrictive asylum regulations than those set out in the principles of EU law (Nagy, quoted in Fajth, 2015). For instance, in 2012, the UNHCR (2012c, p. 3) while reporting on asylum seekers' conditions in Hungary, concluded that instead of allocating resources to improve conditions during its asylum procedures, the Hungarian government had focused on the fight against *illegal* migrants, with government resources being spent on detention centres:

*“In amendments to legislation on asylum and foreigners, as well as in the respective implementing measures, the human rights and protection needs of asylum-seekers and refugees [in Hungary] have been accorded lesser priority than security and law enforcement objectives”* (UNHCR, 2012c, p. 3).

Bearing this observation in mind, it is possible to conclude that a poor asylum system which granted just a few hundred asylum claims per year, and presided over degrading treatment conditions for asylum seekers did not represent a new approach in Hungary in 2015 (MIGSZOL, 2015). Yet, what set 2015 apart from previous years with regard to asylum seekers in that country was the way in which those individuals were portrayed and dealt with by the political elites: not solely as an issue to be dealt with, but as an immediate existential threat to Hungarian national security, culture and identity. From this perspective, at the beginning of 2015, in the context of the aftermath of the Charlie Hebdo attacks in Paris, and despite not yet being affected by the massive influx of asylum seekers that would come a few months later, Orbán gave a powerful speech to Hungarian state television addressing *economic* migrants, which included in its rhetoric all types of migrants as well as asylum seekers as threats to the Hungarian nation-state and to the European way of life (Szalai and Göbl, 2015, p.2). For analysts, this episode was a ‘turning point for the Hungarian government, who right thereafter [the speech] began a campaign that made illegal immigration the number one topic of domestic discourse’ (Rácz, 2015). The next three quotations, below, are taken from Orbán’s Charlie Hebdo speech and illustrate the beginning of the elevation of asylum seekers in Hungary from normal politics, as defined by the CS, to the security realm,

and the beginning of FIDESZ's storyline that, together with other tools, would result in a successful case of securitisation.

*"What we have at stake today is Europe, the European way of life, the **survival or disappearance of European values and nations**, or their transformation beyond recognition... We would like Europe to be preserved for the Europeans. But there is something we would not just like but we want because it only depends on us: **we want to preserve a Hungarian Hungary**"* (Orbán's speech, quoted in The Guardian, 2015).

In the excerpt above, a word such as "survival" linked with values and the nation, and "preservation" also linked to the survival of the Hungarian nation are emphasised, highlighting what Balzacq (2010, p. 36) calls the "strategy" of a securitisation move: the use of emotions and stereotypes to invoke fear and insecurity towards a specific issue. The next sentence states what is threatening the survival of both Europe and Hungary: *economic* migrants. They are linked with an immediate danger to the European people in general, and the development of the frame "us", meaning the Hungarian people more precisely and the European people in general, and "them", the *economic* migrants, begins to be highlighted. In this context, the migrant was portrayed as the 'cultural other' (Ceyhan and Tsoukala, 2002, p. 29), and by doing that, the Hungarian Prime Minister established a conflicted line between the already-existing European identity and culture and the new, strange, and threatening "other".

*"**Economic immigration is a bad thing in Europe**, it should not be seen as having any benefits, because it only brings **trouble and danger** to the peoples of Europe. Immigration and **cultural questions** related to that must be discussed in a much more open, honest and straightforward manner than until now. I hope that a composed, calm analysis of the recent events will guide European leaders and Brussels towards a **tough policy restricting immigration**"* (Orbán's speech, quoted in EU Observer, 2015).

In this excerpt, besides once again emphasising the dangers that *economic* migrants pose to Europe, Orbán proposed a solution for the threat of the "outside other": tougher immigration policies.

*"While I am PM, Hungary will definitely not become an immigration destination. We don't want to see significantly sized minorities with **different cultural characteristics and backgrounds** among us. We want to keep Hungary as Hungary"* (Orbán's speech, quoted in EU Observer, 2015).

In the above excerpt, Orbán emphasised the frame of “us” versus “them” once again by referring to cultural differences, positing migrants as a threat to the Hungarian nation.

By conducting a critical discursive analysis of his speech act, it can be concluded that Orbán linked national security to matters such as identity and culture; migrants were framed as both economic and cultural burdens, likely to steal European and Hungarian jobs and undermine their culture and identity, thus causing conflict. Moreover, a vital detail worthy of emphasis here is that Orbán and his FIDESZ counterparts failed to properly address the phenomena that immigration encompasses, and instead used the same terms for economic migrants, asylum seekers, and irregular and regular migrants, thereby not distinguishing them at all (in Hungary, migrants are often labelled as “*bevándorló*”, which means “migrant” in Hungarian, but with negative connotations of being illegal, even if one is not), blurring the lines and excessively generalising between those seeking protection/asylum, those seeking a better life in terms of job and opportunities, and those trying to cross a border illegally (Szalai and Göbl, 2015, p.19; Fajth, 2015). From this angle, as Stein (2017) claims, Orbán capitalised upon the “us” and “them” discourse to spread ‘fears of terrorism among the general public, since the Islamic State (IS) has claimed that it has infiltrated the refugee and migrant populations’, which resulted in the Charlie Hebdo attacks – even though that particular attack was conducted by two French nationals who were not immigrants themselves (Hungarian Spectrum, 2015). Moreover, Szalai and Göbl (2015, p. 19) argue that Orbán’s Charlie Hebdo speech reveals a ‘strong, hostile, and radicalized language towards migrants, which served as the major legitimizing factor in introducing restrictive policies’.

Regarding this specific speech act, the referent object being threatened by immigrants in general was built around the Hungarian nation-state, encompassing both the state (seen as facing terrorism) and the Hungarian nation (including its traditions, religion, language, identity and culture), and at the same time that Orbán criticised Brussels for its decisions and policies regarding immigration, he emphasised the threat that immigrants would pose to the European way of life, e.g., the ‘European civilization’ (Szalai and Göbl, 2015, p.20). Further, as was mentioned earlier, Orbán made use of heuristic artefacts such as emotions, traditions and cultural factors to target his audience which, in this speech act, was the Hungarian population. Yet, a puzzling fact is that ‘in

early 2015, against government politicians’ rhetoric of an “invasion”, Hungary was experiencing limited, transitory migration’ (Szalai and Göbl, 2015, p.2), as shown in figure 4. Hence, to construct an image of threat from zero (i.e., something that was not that relevant before) could be considered as what Szalai and Göbl (2015, p.14) termed an “easy target”, as once the Hungarian government had taken control of what information to send to its audience with regard to the new threat it could also present the image that only a ‘strong government could repel it [the threat]’. For Rácz (2015), ‘it is important to stress that the [Charlie Hebdo] attack did not in any way change the migration challenges Hungary was facing; it was only a *casus belli* allowing the government to launch its anti-immigration campaign’.

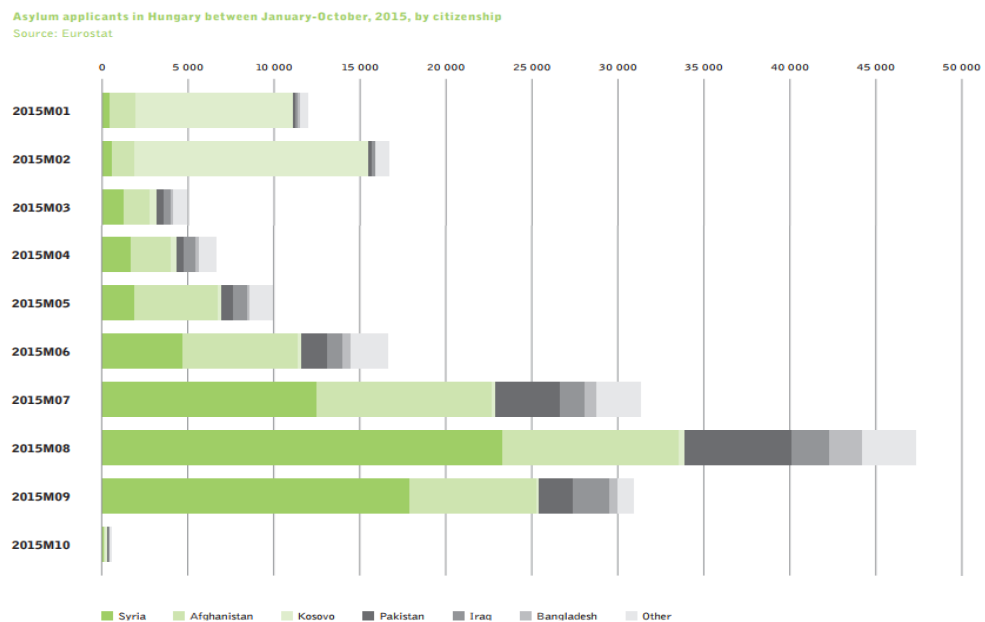


Figure 3 - Asylum applicants in Hungary between January-October, 2015. Source: Henrich Boll Stiftung (2015, p. 11)

To add support to FIDESZ’s campaign, Orbán ensured that his party colleagues were on side regarding his plan to undermine migration into Hungary: As stated by Antal Rogan, the leader of the FIDESZ parliamentary group a few days after Orbán’s Charlie Hebdo speech, ‘economic immigrants bring traditions different from our own into the country, which makes immigration something that is not in the country’s interest’ (Rogan, quoted in Jambor, 2015), and FIDESZ spokesperson Bence Tuzson claimed that the country had ‘no necessity for economic immigrants’ (Tuzson, quoted in Jambor, 2015). In light of this, after the Charlie Hebdo speech, according to Blazek (2015), a ‘series of systematic anti-migration measures’ were put into play, such as the National Consultation on Immigration and Terrorism, and anti-immigration billboards.



In May 2015, the FIDESZ government decided to launch the aforementioned National Consultation on Immigration and Terrorism. According to the Hungarian Spectrum (2015), in parallel with the Consultation, ‘state-owned media and government-friendly private media started intensively pushing the issue of “economic refugees” and how they would take Hungarians’ jobs away’. Here, it is possible to add a functional actor in the form of the Hungarian mainstream media which was in some ways manipulated by the FIDESZ government, consequently supporting its claims. That said, by the title of the Consultation itself, the aim of Orbán’s administration was already clear: to link (all) migrants to terrorism. As Blazek (2015) observed, ‘this deliberate artificial link between the movement of people and violence is without doubt one of the most overtly xenophobic acts of European elites in power, and replicates a “certified” way of constructing the threatening figure of a migrant-terrorist’.

At the beginning of the questionnaire, the imposition made by Orbán’s words that, specifically, *asylum seekers* are really *economic* migrants trying to take advantage of the system is, to say the least, disturbing:

*“Economic migrants cross our borders illegally, and while they present themselves as asylum-seekers, in fact they are coming to enjoy our welfare systems and the employment opportunities our countries have to offer”* (Kormany, 2015).

Once again, his words drew no distinction between *economic* migrants, *illegal* migrants, *legal* migrants, and *asylum seekers*. Another aggravating fact is that Orbán affirmed that *asylum seekers* would come to Hungary and take people’s jobs, thus arousing insecurity and fear among the Hungarian population, without mentioning that they are actually seeking protection, which is a right they have guaranteed by international law. A question (entire questionnaire can be found on Appendix) from the government questionnaire asked:

*5] We hear different views on the issue of immigration. There are some who think that economic migrants jeopardise the jobs and livelihoods of Hungarians. Do you agree?*

*I fully agree I tend to agree I do not agree*

What is also concerning is the fact that most of the questions associate these individuals with terrorism:

*“3] There are some who think that mismanagement of the immigration question by Brussels may have something to do with increased terrorism. Do you agree with this view?*

*I fully agree I tend to agree I do not agree*

*6] There are some who believe that Brussels’ policy on immigration and terrorism has failed, and that we therefore need a new approach to these questions. Do you agree?*

*I fully agree I tend to agree I do not agree”* (Kormany, 2015b).

The suggested answers as quoted above to the questionnaire present no real choice, as they represent a kind of black and white decision. Moreover, if one deeply analyses the last questions, it is possible to conclude that Orbán and his administration were seeking, through gathering these answers, legitimacy for their future immigration-restricting policies, and thus to consolidate their securitisation move. In this respect, Szalai and Göbl (2015, p. 18) claim that: “It [the questionnaire design] legitimates political decisions through invoking threats and dangers, and also governs role-taking by the actors”. For the Hungarian Helsinki Committee (2016), this National Consultation was a ‘politically motivated propaganda act’ and, according to Amnesty International (2015), the government spent more than 3 million euros producing and distributing the 8 million questionnaires – money that could have been used to improve conditions in its asylum system or to deal with other social issues.

Immediately after the Consultation questionnaire, in June 2015, the FIDESZ government launched an anti-immigration marketing campaign in which billboards containing emphatic slogans relating to migrants were distributed across the country. According to the BBC (2015), ‘the billboard campaign [was] part of a government effort to win public support for tough new laws, expected after the summer break, aimed at limiting migration to Hungary’. The picture below illustrates one from the billboards in the Hungarian government-sponsored anti-immigration campaign. It reads: *“If you come to Hungary, do not take the jobs of Hungarians”* (BBC, 2015).



Figure 4- Billboard stating in Hungarian: “If you come to Hungary, do not take the jobs of Hungarians” - Source: BBC, 2015.

Zoltán Kovács, the Hungarian government spokesman, said at the time that the aim of the billboards was to know what Hungarians thought about immigration: ‘We are simply curious about what people think about this political question because, whether we like it or not, immigration is a political issue, both on a Hungarian and European level’ (Euro News, 2015). The key detail here is that the billboard sentences were apparently a message to immigrants (even though they were all written in Hungarian to people who did not speak Hungarian), but were directed to another audience: the local population. Once again, with this government-sponsored manoeuvre, millions of Euros were spent, as reported by Amnesty International (2015).

### 3.2 Extraordinary Measures

It is difficult to say with 100 per cent certainty when a securitisation move has achieved success, especially due to the lack of further academic development, despite significant discussion (Balzacq et al., 2016, p. 499). As McDonald (2008, p. 575) argues, ‘it may be at the point when an issue is defined as a security issue (speech act), at the point where an audience ‘backs up’ or acquiesces to that designation of threat, or at the point at which extraordinary measures are implemented’; the Hungarian case is no

different. Yet, for the purposes of this dissertation, as mentioned at the start of this chapter, the following analysis will be based on the assertions made by Szalai and Göbl (2015) and Blazek (2015) that the FIDESZ anti-immigration campaign was indeed successful after Orbán's speech act, the National Consultation, and the billboard campaign, and that therefore, the securitisation of asylum seekers was concretised. After acceptance by its audience and a successful securitisation, the adoption of extraordinary measures by Orbán and his administration had started.

In the summer of 2015, as well as the discursive practices illustrated and analysed in the previous sub-section, after six months of an intensive anti-immigration campaign the FIDESZ administration began to put in practice measures to counter the influx of asylum seekers reaching Hungarian borders by adding new elements to its security strategy. It initiated construction of a 175-kilometre long two-layered razor-wire "security fence" on its southern border with Serbia (a non-EU state), and later on with Croatia, implemented new legislation that made any attempt to cross the security fence illegal, and established "transit zones" at its borders to process asylum claims (Amnesty International, 2016, p. 4).

It is important to note that soon after the adoption of every extraordinary measure, the Hungarian government used linguistic tools, i.e., official statements, to support and, in a way, to legitimise its actions. For instance, Kovács (2015b), speaking on behalf of the Hungarian government, declared a state of emergency in two Hungarian counties, Bács-Kiskun and Csongrád, due to "mass migration", stating that 'the construction of the temporary border security fence, the statutory amendments, and the reinforcement of border protection will serve to minimise illegal migration'. This declaration of a state of emergency was possible due to an amendment (forming part of the extraordinary measures taken by the FIDESZ administration) to Hungarian law that stated: 'a state of crisis due to mass migration may be declared if the number of asylum seekers arriving in Hungary exceeds an average of 500 per day over a month' (Kovács, 2015b).





Figure 5 - Border Fence at the Hungarian-Serbian border. Source: Hungary Today, 2016.



Figure 6- Border Fence at the Hungarian-Serbian border. Source: Business Insider, 2015.

Another incident occurred when the construction of the fence with Serbia was finalised in mid-September, at which point Kovács (2015) stated that: ‘The border closure works well, and border-crossing by illegal migrants has effectively ceased’. In

this small excerpt, once again, it is evident that the Hungarian government blurred the lines between asylum seekers and illegal migrants and attempted to present an image as the population's saviour. Szalai and Göbl (2015, p. 21) argue that 'it [the fence] clear signals about government intentions and reflects the promoted frame of danger, an invasion and a hostile/alien out-group' and that 'this physical border serves as an excellent securitisation tool'. Further, following the construction of the fences, the Hungarian government adopted legal measures in its national asylum policy by passing amendments to its Criminal Code, Asylum Law, Police Act and Act of National Defence (Amnesty International, 2015). For instance, any individual attempting to cross the border fence into Hungary would be deemed as having committed criminal offences under the new law, punishable either by mandatory expulsion or imprisonment for up to three years, as stated in Section 352/A to Section 323/C of Act C of 2012 of the Criminal Code (UNHCR, 2016b). As the UNHCR (2016) database shows, in 2015 alone, 8,562 people were detained for immigration-related issues in Hungary, and almost 2,500 of them were asylum seekers. Moreover, in this process, before the finalisation of the construction of the border fences, in August 2015, the FIDESZ administration elaborated an amendment to its Asylum Law (Section 51(7)(b) and Section 51 (2) (b) - amendments entered in force on 1 August 2015), authorising itself to issue a list of safe third countries of origin and safe third countries of transit for asylum seekers (Amnesty International, 2015). Back in 2012, the Hungarian government had already amended its asylum legislation and issued a list of safe third countries to which to return asylum seekers, which included Serbia and Macedonia (UNHCR, 2012c). That said, in 2015 in Section 51 (2) and Section (4) of the new amendments, not only was Serbia considered a safe third country to which to return asylum seekers, but applicants who had travelled through or stayed in Serbia were assumed to have conditions to stay and apply for asylum there (Amnesty International, 2015, Human Rights Watch, 2015).

In addition, according to the new regime, all EU member states were considered safe by the FIDESZ administration, including Greece, and added to the list of safe third countries. Therefore, asylum applicants who came from one of those countries would not be allowed entry into Hungary, and would consequently be sent back to the country from where they had come (Amnesty International, 2015). By September 2015, these amendments were causing chaos at the Hungarian-Serbian border, and would give way to the next measure elaborated by Orbán's administration (Human Rights Watch,



2015e). After declaring a “crisis situation caused by mass immigration”, the establishment of “transit zones”, i.e. an “Act on Asylum”, and the criminalisation of illegal entry by asylum seekers entered in force (Amnesty, 2015, UNHCR, 2016).

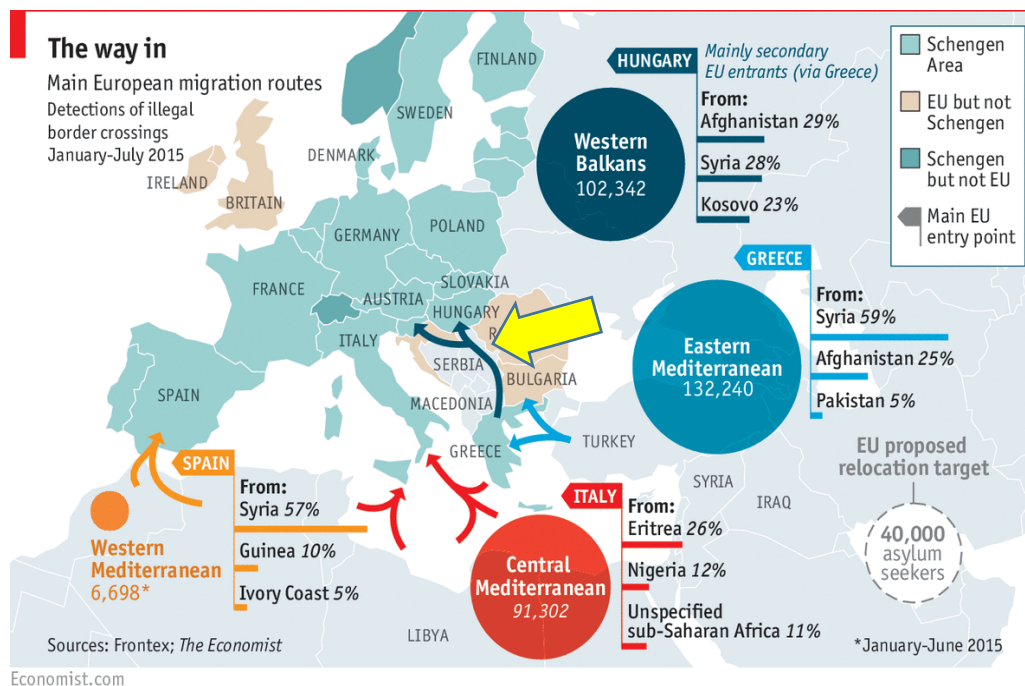


Figure 7 – Map showing the routes asylum seekers took to reach Western Europe, mainly Germany, between January and June, 2015. Dark blue signs show the route through Hungary. Source: The Economist, 2015.

These transit zones were installed despite previous alerts from FRONTEX (see: Frontex, 2015a; Frontex, 2015b), the EU agency that manages the cooperation of national border guard services, regarding a growth in the number of arrivals of individuals seeking asylum in that country. Instead of working to improve its facilities, the process of analysis of asylum claims, and meeting European standards of reception for asylum seekers, Orbán’s government did exactly the opposite, pursuing what Szalai and Göbl (2015, p. 21, 22) call a “non-policy”: more specifically, ‘the conscious neglect of a policy issue for short term benefits in terms of securitisation’. The FIDESZ administration let the situation at the Hungarian borders reach a situation of chaos, and both by lacking effective policies and by addressing the Hungarian population through public speeches embedded in an anti-asylum (and more generally anti-immigration) campaign, it built an apparatus to keep asylum seekers outside its borders and attempted to legitimise its rhetoric (Amnesty, 2015; MIGZOL, 2015). Szalai and Göbl (2015, p. 22) argue that ‘this spectacular failure of the Hungarian government, [...] represents a

particular form of securitisation tools'; e.g., an absence of policy. Amnesty International (2015) added that:

*'Though the [Hungarian] government possessed detailed information on the waves of illegal immigrants and asylum seekers coming, it did not take any preparatory measures. [...] Orbán's motivation was only to make the domestic audience increasingly insecure allowing the government to assume a rescuing role, as they pledge to save them from this threat'.*

Two major transit zones were established at the Hungarian border with Serbia, one in Röszke/Horgoš, and the other in Tompa, along with two others on its border with Croatia, one at Beremend, the other at Letenye (UNHCR, 2016b). As stated by Amnesty International (2015), these transit zones consisted of a 'set of containers in which the refugee authority mad[e] decisions on admissibility of the asylum applications, and in which rejected applicants could stay in case they decide[d] to appeal the decision'. These applicants had to wait at the transit zones while their request was being processed; they were not allowed to enter Hungarian territory per se until then, as stated in Section 71/A (2) of the Act of Asylum (UNHCR, 2016b; Amnesty International, 2015). György Bakondi, Chief Advisor to the Hungarian Prime Minister, who was speaking with regard to the transit zones at the time, declared that 'the Hungarian state will provide for the care of people in transit zones: if no decision is taken on an asylum seeker's application within 24 hours, they are provided with temporary accommodation on the premises', and that 'in the event of refusal, migrants are sent back to Serbia, however, this cannot be regarded as deportation, as in a legal sense applicants are not on Hungarian territory when they are within the transit zone' (Kormany, 2015). By a critical analysis of the establishment of these transit zones, one can conclude that this measure was another of Orbán's non-policies: instead of ameliorating its asylum system, the FIDESZ government established transit zones where only a small number of applicants could be received each day, causing turmoil on the Hungarian border with Serbia, and consequently "fast-tracking" claims, resulting in a majority of negative decisions being made, and thousands of people being sent back to Serbia (UNHCR, 2016b).

As was previously mentioned, further amendments were made to other Hungarian laws, such as the Police Act and the Act on National Defence. As explained



by Amnesty International (2015), these new amendments gave powers to the Hungarian police in cases of “crisis caused by mass immigration” to ‘block roads, ban or restrain the operations of public institutions, shut down areas and buildings and restrain or ban the entering and leaving of such places’. Moreover, the Hungarian army was given authority to ‘support the police securing the border in the crisis situation and to use rubber bullets, tear gas grenades and pyrotechnical devices’ (Amnesty International, 2015). In mid-September, the Hungarian Parliament passed a resolution stating that the state should defend its border by ‘every necessary means’ against ‘waves of illegal immigration’, explaining that: ‘We cannot allow illegal immigrants to endanger the jobs and social security of the Hungarian people. We have the right to defend our culture, language and values’ (Hungarian resolution, quoted by Amnesty International, 2015). In the context of these legal measures adopted by the Hungarian government to criminalise and securitise asylum seekers, individuals could be detained in three ways: detained and criminalised for crossing the border-fence, detained in the transit zones while waiting for their processes to be analysed, or detained and expelled as rejected asylum seekers (Human Rights Watch, 2015b). Finally, as summarised by the European Stability Initiative (2015), ‘Orbán declared the issue [asylum seekers] a matter of national security, ordered a fence to be built, deployed the military. Used teargas and passed legislation to criminalize irregular migration’.

### 3.3 Public Attitudes

Historically, the Hungarian population had never previously witnessed such a high level of immigrants (including asylum seekers and refugees) as that seen in 2015, even temporarily; usually it is more common for Hungarians to emigrate than the other way around (Juhász *et al.*, 2015, p. 14). According to Juhász *et al.* (2015, p. 14), ‘Hungarian society has no realistic picture of immigrants and no first-hand experience with them, and [therefore] the government did not have to face punishment by immigrant voters’. To demonstrate the point just mentioned, the following graphic illustrates the enormous difference between previous years and 2015 in applications for asylum in Hungary.

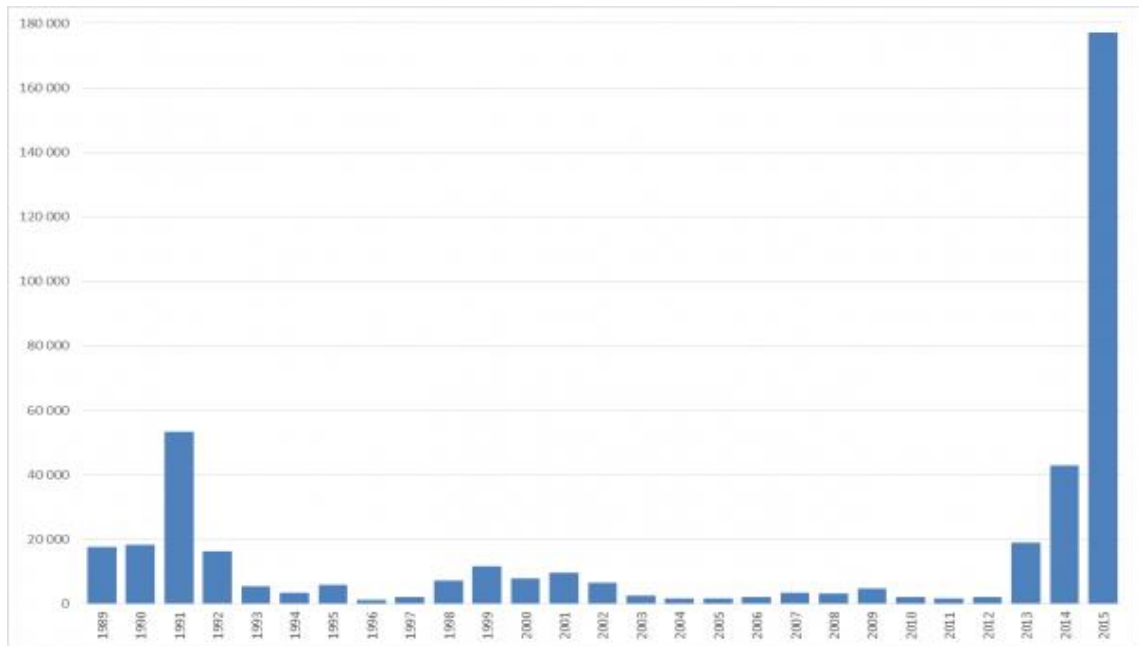


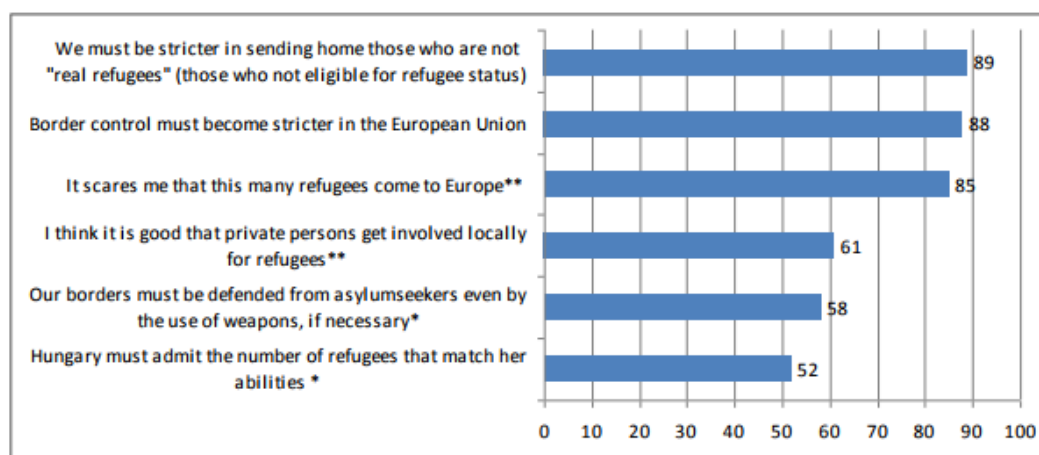
Figure 8 - Number of asylum seekers in Hungary from 1989 to 2015. Source of data: KSH quoted in Juhász, 2016.

At the beginning of the 1990s, after the collapse of the Soviet Union and communist satellite states, Hungary received a relatively significant number of immigrants but they were almost all (97 per cent) ethnic Hungarians; therefore, their reception by the Hungarian nation was welcoming (Fajth, 2015). However, when individuals from other nationalities started to immigrate and others, due to civil wars in their countries of origin, attempted to claim asylum in Hungary in 1995, national surveys concluded that Hungarians were less welcoming and comprehensive of immigrants and asylum seekers, since they were no longer predominantly ethnic Hungarians, but, for instance, Bosnians and non-Europeans (Fajth, 2015). In light of this, and due to its history of being conquered by other nations, the Hungarian nation could be argued to have a strongly xenophobic position and prejudice towards anyone who might, in its view, challenge its existence and identity, including minority groups (Juhász *et al.*, 2015, p. 17). Thus, for Juhász *et al.* (2015, p. 17), the major influx of non-European asylum seekers in Hungary during 2015 meant that the Hungarian's population xenophobic views on minority groups focused on those individuals seeking protection, linking them with specific fears of terrorism and crime.

From this perspective, different polls with distinct measurements were conducted throughout 2015 to try to assess Hungarian public opinion on the massive influx of asylum seekers and their approval (or otherwise) of the FIDESZ government's measures, with results capturing a xenophobic mood amongst the Hungarian population

(Jambor, 2015). For instance, a poll conducted by the Hungarian government-associated Századvég Foundation right after Orbán’s Charlie Hebdo speech showed that 70 per cent of Hungarian citizens ‘would support tougher restrictions on immigration, and there was no significant difference between the views of different parties’ supporters on this question’ (Jambor, 2015). At around the same time, Tarki (2016, pp. 17-18), a Hungarian research platform, conducted a poll throughout the 28 EU member states also regarding the adoption of stricter measures on immigration: the result was that Hungary had the highest (together with Denmark and Estonia) percentage of support among its population for the adoption of harsher policies towards *illegal* immigration. The following figure illustrates different statements set by Tarki (2016, p. 28) to assess Hungarian views on immigration.

**Figure 24 Attitudes towards immigration policies (the proportion of those who (rather) agree<sup>16</sup>, in per cent)**



\*Source of the questions: Publicus survey, asked in 10-14 September 2015<sup>17</sup>

\*\* Source of questions: ARD-Deutschland Trend survey

Figure 9 - Source: Tarki (2016, p. 28).

In September 2015 the European Parliament developed field work in all EU member states using a distinctive measure to collect information on opinions in each country with regard to the main challenges the EU was facing. One of questions was: ‘*In your opinion, what are the main challenges facing the EU and its Member States in order to face the future? And Secondly? And thirdly?*’ (European Parliament, 2015). In Hungary, in June 2013, what worried Hungarians the most was “Unemployment”, with only 8 per cent of the answers stating “Immigration” (including asylum seekers). In contrast, in September 2015, the main challenge in Hungarians’ view was “Immigration”, with 65 per cent of the answers, a result that went hand-in-hand with

Orbán’s securitisation of asylum seekers. The next figure illustrates the comparative results between all the EU member states.

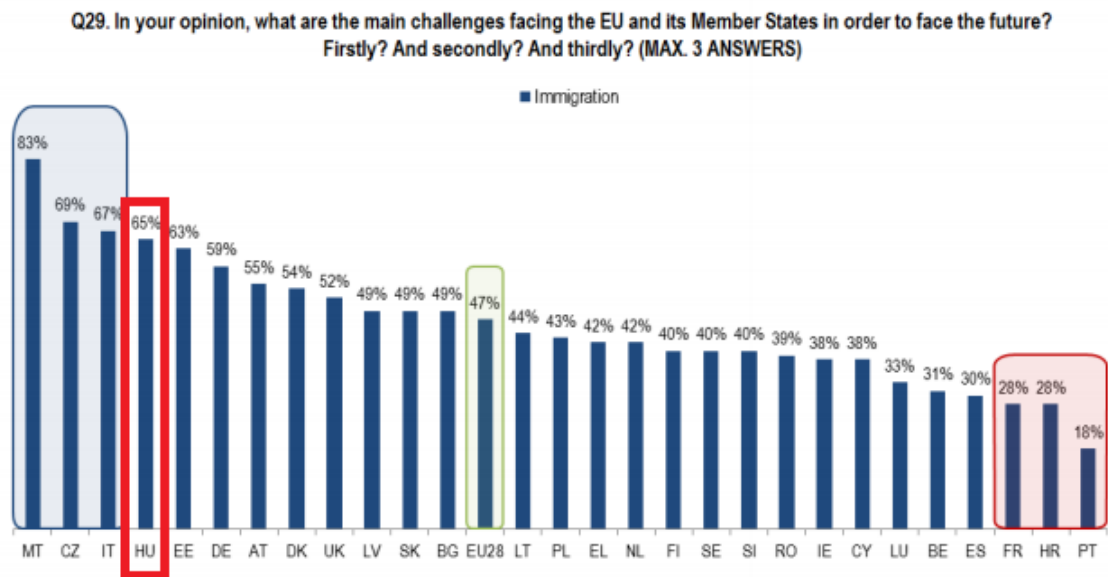


Figure 10 - Source: European Parliament Eurobarometer (September, 2015), 2015.

Moreover, in a different poll conducted by the Eurobarometer statistics in November 2014 investigating the main concerns of Europeans, “Immigration” appeared as significant among only 3 per cent of the Hungarian population, showing how, in a short period of time, the Hungarian population’s opinion on immigration had suddenly changed (Jambor, 2015). In this case, is it important to stress that research polls are not evidence of a successful securitisation, but, rather, can be seen as indicators of the prominence of a specific issue (Balzacq, 2011, p. 42). Thus, as argued by Fajth (2015), the polls are an indicator that FIDESZ’s strategy was going the right way with its target audience, as these polls show a high level of concern with immigration and support for stricter policies among the participants, which is markedly different from previous years.

## Conclusion

By applying securitisation theory as proposed by Bourbeau (2014), this empirical chapter has demonstrated that asylum seekers wishing to apply for protection in Hungary during 2015 were successfully securitised by the FIDESZ government. Orbán and his counterparts portrayed asylum applicants as a matter of national security, urging extraordinary measures outside the normal rule of law to contain their entry into

Hungary. They did so throughout a key speech act, the National Consultation on Immigration and Terrorism questionnaire, a nationwide billboard campaign, and by focusing on the specific frame of threat to survival and alleged dangers that those individuals might pose to the Hungarian nation-state. After what this research considers to be a successful securitisation move (as is supported by the relevant academic literature, for instance, Szalai and Göbl, 2015; Blazek, 2015), the political elites in Hungary pushed the adoption of extraordinary measures including stricter border controls, the construction of a massive fence on the border with Serbia and Croatia, the installation of transit zones to prevent the entry of asylum seekers into Hungary, and many amendments to Hungarian laws, such as the criminalisation of illegal entry. Further, the absence of any policy to ameliorate the situation at the border with Serbia has been emphasised and described as a “non-policy” practice, suggesting that FIDESZ’s plan was always to contain the entry of asylum seekers into Hungary (Szalai and Göbl, 2015). Finally, a successful securitisation move was indicated through different opinion polls conducted throughout 2015 which revealed that the wider Hungarian public feared immigration and supported Orbán’s extraordinary measures.

## 4. Legal Context and Discussion of the Negative Implications of Extraordinary Measures

This chapter will clarify the definition of “asylum seeker” and “refugee” and illustrate asylum seekers’ rights as foreseen in international law in order to demonstrate how, to a great extent, the Orbán administration’s extraordinary measures regarding asylum seekers in Hungary during 2015 undermined those individuals’ right to seek asylum and to be protected significantly. The first-subsection will illustrate the main international legal aspects with regard to asylum seekers, as presented on Article 14 (1) of the 1948 Universal Declaration of Human Rights (UDHR), the main aspects of the 1951 United Nations Convention on Refugees (CSR51), and its Additional Protocol of 1967 (CSR67). Then, an analysis will be presented of how these laws were broken or disregarded by the Hungarian government, preventing asylum seekers from enjoying their rights, thus going against international law.

### 4.1 International Refugee Regime

The main legal instrument regarding individuals’ right to seek asylum is Article 14 (1) of the UDHR (1948) which states that: *“Everyone has the right to seek and to enjoy in other countries asylum from persecution”*. According to the UNHCR Executive Committee (UNHCR, 2011, p. 44), the asylum framework has two main purposes: to protect individuals who are fleeing from persecution, and to encourage the pursuit of permanent and durable solutions. Nonetheless, it is vital to highlight that the terms “asylum” and “asylum seeker”, are not defined in international law. Despite this omission, they have become the most common references to a status that guarantees individuals the right to seek protection and to enjoy their full human rights in another country, different from their own (UNHCR, 2001, p. 15; UNHCR, 2012d). The UNHCR glossary (2006, p. 4), gives an “unofficial” definition of “asylum seeker” as:

*“An individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every refugee is initially an asylum-seeker”*.

It also defines “asylum” as:

*“The grant, by a State, of protection on its territory to persons from another State who are fleeing persecution or serious danger. Asylum encompasses a variety of elements, including non-refoulement, permission to remain on the territory of the asylum country, and humane standards of treatment”.*

After the end of World War II, the number of displaced people throughout Europe was extremely high, so the newly-created UN General Assembly created the Office of the United Nations High Commissioner for Refugees (UNHCR) with the ‘mandate to protect and find durable solutions for refugees’ grounded in the aforementioned Article 14 (1) of the UDHR in addition to the principle that human beings ‘shall enjoy fundamental rights and freedoms without discrimination’ (UNHCR, 2001, p.8). Soon after that, the UN state-members began to draft a Convention intended to protect the rights of people fleeing persecution, and to ensure that they would receive adequate treatment (CSR51, 1951, p.13). In these conditions, the CSR51 was concluded in 1951 with the main objective of protecting Europeans displaced by the World War II. Later, in 1967, an Additional Protocol was added to include, among other things, nationalities other than Europeans, spreading protection to cover all people (it omitted the ‘as a result of events occurring before 1 January 1951’ and ‘a result of such events’ from Article 1 (2)) (UNHCR, 2011, p. 1). For the UNHCR (2011, p. 1, 2), the ‘1951 Convention and 1967 Protocol together remain the cornerstone of refugee protection, and their provisions are as relevant now as when they were drafted’, and, most importantly, it stated that, ‘according to their provisions, refugees deserve, as a minimum, the same standards of treatment enjoyed by other foreign nationals in a given country, and, in many cases, the same treatment as nationals’. In summary, the CSR51, in addition to defining the term “refugee”, ‘outlines the rights of the displaced, as well as the legal obligations of states to protect them’ (UNHCR, 2016). Within its scope, CSR51 is both a ‘status and a rights-based instrument’ containing both definitions and fundamental principles such as non-discrimination, non-penalisation, and non-refoulement (CSR51, 1951, p. 3).

Yet, Watson (2009, pp. 45-46) claims that both documents (CSR51 and CSRP67) have the weakness that they focus on already-recognised refugees, therefore lacking attention and legislation covering people seeking refugee status, i.e., asylum seekers (or

other sources of temporary protection given by a state to a foreign individual). In this situation, according to Watson (2009, p. 46), in order to protect individuals who were not yet recognised as refugees, the international refugee regime built up a set of expectations that a state should fulfil, based on the principle that ‘receiving states should cause no further harm for refugees’. States cannot, for instance, restrict the definition of who qualifies as a refugee due to their nationality (UNHCR, 2001, p. 51). The following paragraphs illustrate the definitions in CSR51 that are vital to the analysis that follows in the next sub-section.

- Article 1 (2) (CSR51, 1951, p. 14) states that a refugee is a person who:

*‘As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it’.*

- Article 3 (CSR51, 1951, p. 17) stipulates non-discrimination:

*‘The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin’.*

- Article 4 (CSR51, 1951, p. 17), on religion, states that:

*‘The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children’.*

- Article 16 (1) (CSR51, 1951, p. 21), on access to courts, says:

*‘A refugee shall have free access to the courts of law on the territory of all Contracting States’.*

- Article 31 (CSR51, 1951, p. 29), concerning refugees unlawfully in the country, states that:

*‘The Contracting States shall not impose penalties, on account of their **illegal entry** or presence, on refugees who, coming directly from a territory where their life or freedom*



*was threatened in the sense of Article 1, enter or are present in their territory **without authorization**, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence’.*

- Article 32 (1) (CSR51, 1951, p. 29), on expulsion, clearly states that:

*‘The Contracting States **shall not expel a refugee lawfully in their territory save on grounds of national security or public order’.***

- Article 33 (1) (CSR51, 1951, p. 30), on the prohibition of expulsion or return (“refoulement”) makes clear that:

*‘No Contracting State **shall expel or return (“refouler”)** a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion’.*

A total of 148 countries are presently signatories to one or both instruments; 145 countries are state-parties to the 1951 Convention, and 146 are state-parties to the 1967 Protocol (UNHCR, 2015, p. 1). It is imperative to note that in international law, when a state signs an international treaty, it binds itself to it, and is expected to act in accordance with it, and in good faith. In this specific case, states that ratified both the CSR51 and the additional Protocol must comply with them and protect asylum seekers and refugees trying to reach safety (UNHCR, 2001, p. 11). Hungary acceded to both instruments in March 1989 (UNHCR, 2015, p. 3). Nonetheless, despite being a signatory to both documents, as this dissertation will demonstrate in the next sub-section, after a successful securitisation move and the further adoption of extraordinary measures, Hungary violated the main content of both these legal structures. For instance, for the Böell Institute (2015), ‘the amended laws [in Hungary] and their enforcement thus violate the rights of refugees to such an extent that it is no exaggeration to characterise them as multitudinous human rights violations’.

## 4.2 Discussion

Based on official reports by internationally-recognised organisations, this sub-section will demonstrate and discuss how, to a large extent, the FIDESZ

administration's measures in relation to asylum seekers did not comply with international law, and thus undermined those individuals' right to seek protection. The discussion will demonstrate four main violations resulting from those procedures: irregular and illegal detention in humiliating conditions, the criminalisation of illegal entry, involuntary return, i.e. refoulement, and a lack of accessible information.

Starting with irregular/illegal detention, by constructing the so-called "transit zones", the Hungarian government ensured that asylum seekers would not be allowed to move freely, nor could they access Hungarian territory per se until a decision on their application was made: they were detained and confined within those transit zones in the meantime (HHC, 2015). The UNHCR (2001, p. 81) states the following:

*"Detention does not just involve jails. Detention is confinement within a narrowly bounded or restricted location, which includes prisons, closed camps, public or privately operated detention facilities, hotel rooms, or airport transit zones, where freedom of movement is substantially curtailed and where the only opportunity to leave this limited area is to leave the territory of the asylum country".*

It is vital to note here that it is not illegal to detain asylum seekers, but detention should be a last resort, should only occur in extraordinary circumstances, and should be made in a non-discriminatory manner (Watson, 2009, p. 49; UNHCR, 2001, p. 81). Furthermore, the national law of the country detaining asylum seekers must comply with the CSR51 and international law in general (UNHCR, 2001, p. 81). As stipulated by the UN Executive Committee Conclusion No. 44, 'detention is an extraordinary measure and should be applied only in particular circumstances' (Watson, 2009, p. 49). Nonetheless, as argued by Watson (2009, p. 50), the main issue surrounding detention is that its meaning is not clearly defined in international law, leaving local authorities to determine what they think detention is, and is not. For the UNHCR (2001, p. 6, 7), because of the lack of a clear international legal definition, governments can make use of their political power to detain a large number of individuals in order to discourage other asylum seekers to attempt to travel on the same route, and to gain better control of the situation. This scenario is against international law, as detention should not be 'used as a punitive or disciplinary measure for illegal entry or presence' (UNHCR, 2001, p. 82).

In the Hungarian case, Orbán's administration made use of unlawful detention within the transit zones' premises at the Hungarian-Serbian border, with those subject to it including unaccompanied children (Amnesty International, 2016; HHC, 2015). In a case where an individual decided to leave that specific area, her/his process would have been cancelled, thus he/she would have had to start all over again, or would have had to return to Serbia (HHC, 2015). For the UNHCR (2015), since those individuals were not allowed entry into Hungarian territory, this situation harshly restricted their freedom of movement, so it can be said to qualify as illegal detention and as undermining asylum seekers' right to a fair procedure and freedom of movement: 'Although those who enter the transit zones may be free to leave via the routes through which they entered, the restrictions placed on their movement effectively limit access for asylum-seekers to the asylum procedure'.

Additionally, one of the main issues with the areas at the Hungarian border was that they were not adequate for the reception of individuals seeking asylum. According to a report issued by Amnesty International (2016) regarding the conditions at the Hungarian transit zones, asylum seekers were left in degrading conditions within the zones, many waiting not just a few days, but weeks for a final answer, and many others were unlawfully detained and confined to improvised cells. Peter Bouckaert, Human Rights Watch's emergencies director, claimed at the time that 'they [asylum seekers] are blocked here [transit zones], they are suffering in the heat, we see children all over the place collapsed in absolute exhaustion' (Bouckaert, quoted by Al Jazeera, 2015). He added that: 'Hungary cannot cope with this influx of asylum seekers, they are not properly treating these people, and they either have to meet their international obligations and their obligations towards the EU or they have to let these people go to where they want to go, which certainly is not Hungary' (Bouckaert, quoted by Al Jazeera, 2015). Lydia Gall, a Human Rights Watch Balkans and Eastern Europe researcher, also observed that 'people seeking protection in Europe should not be detained in Hungary unless their detention is justified by exceptional circumstances' (Gall, quoted in Human Rights Watch, 2015). Gall added that 'Hungary should immediately release vulnerable people, including families with children, unaccompanied children awaiting age determination, people with disabilities, and anyone awaiting deportation who cannot be removed within a reasonable time frame' (Gall, quoted in Human Rights Watch, 2015). Amnesty International (2016) further

revealed that individuals detained by the Hungarian authorities had no access to basic sanitation, nor was any source of assistance offered, and that food and water were provided by charities and local volunteers rather than by the Hungarian state. The report also observed that the majority of detained asylum seekers were men travelling alone whose applications were declared ‘inadmissible on the grounds that they came through Serbia, a safe third country’ according to the Hungarian law (Amnesty, 2016). The same was reported by the UNHCR (2016b), which also stated that entire families were not allowed inside the transit zones, forcing them to camp outside the premises without shelter, food, or water. Human Rights Watch (2015c) claimed that ‘the detention conditions are shocking: detained asylum seekers are kept in yards, enclosed by fences, often severely overcrowded, and... many camps do not even have mattresses or blankets to sleep on’.



*Figure 11 - Detained asylum seekers and migrants inside a fenced enclosure at a Roszke temporary detention facility on the Hungarian border with Serbia. September 9, 2015. Source: Human Rights Watch, 2015c.*





Figure 12 - Asylum seekers behind a metal fence in the 'Hangar 1' detention centre, in Röszke, Hungary. Source: Human Rights Watch, 2015c.



Figure 13 - Detained women with infants inside a fenced enclosure at a Roszke temporary detention camp on the Hungarian border with Serbia. Both infants suffered from fever and were vomiting. September 9, 2015. Source: Human Rights Watch, 2015c.



*Figure 14 - A girl breaks down in tears after waiting for hours in a line of thousands of newly arrived asylum seekers and migrants at the Hungarian border with Serbia, to board buses to temporary detention camps. Roszke, Hungary. September 8, 2015. Source: Human Rights Watch, 2015c.*

Besides the unlawful detention of asylum seekers, and the degrading conditions they were exposed to within the transit zones, as illustrated in chapter three, during the summer of 2015 the Hungarian government amended its national legislation on asylum, including the criminalisation and the unlawful detention of asylum seekers arriving in Hungary illegally, in an apparent conflict with Article 31 of the CSR51 (Amnesty, 2015, Human Rights Watch, 2015, Böell, 2015; UNHCR, 2015c). Zeid Ra'ad Al Hussein, UN Human Rights Commissioner, speaking about Orbán's measures concerning asylum seekers, stated that the new amendments to the Hungarian Criminal Code and Asylum Law were incompatible with the international human rights regime which Hungary is bound by: 'This is an entirely unacceptable infringement of the human rights of refugees and migrants. Seeking asylum is not a crime, and neither is entering a country irregularly' (Al Hussein, quoted by the OHCHR, 2015). According to Amnesty International (2015c, p. 55), individuals seeking asylum who had reached Hungarian territory illegally were immediately arrested and taken to the nearest police station, where they usually suffered degrading treatment and humiliation, and were charged with criminal offences. For the UNHCR (2016b), after Hungary made illegal crossing a criminal offence, asylum seekers were deterred 'from making an application for international protection' as foreseen in the CSR51. In addition, those who did not wish

to stay in Hungary, which was the case for almost all those individuals, therefore did not want to have their fingerprints taken by the Hungarian authorities, were, in almost all cases, immediately sent back to Serbia (Amnesty International, 2015c, p. 55).

Another amended element of Hungarian legislation was the issue of a list of safe third countries, including all EU member states, and reiterating Serbia as a safe third country. By doing so, the FIDESZ administration went against the UNHCR position which states that Serbia is not a safe third country for asylum seekers: ‘Given the state of Serbia's asylum system, Serbia should not be considered a safe third country, and in this respect, UNHCR urges States not to return asylum-seekers to Serbia on this basis’ (UNHCR, 2012). Regarding this matter, both the HHC (2012) and Amnesty International (2015b) conducted research on the Serbian asylum seeker system, and like UNHCR, both concluded that Serbia cannot be considered a safe third country due to its inadequate reception conditions, inefficiency in the application of its asylum law, the lack of protection while the analysis of asylum claims is conducted, and a failure to allow access to asylum procedures. Due to the safe third country list, the Hungarian Office of Immigration and Nationality (OIN) has the right to reject as inadmissible ‘all asylum claims lodged by applicants who came through a safe third country’, which includes Serbia (HHC, 2015b). As stated by the HHC (2015b): ‘As over 99% of asylum-seekers enter Hungary at the Serbian-Hungarian border section, this will mean the quasi-automatic rejection at first glance of over 99% of asylum claims, without any consideration of protection needs’. The list also violates Article 33 (1) of the CSR51, and undermines asylum seekers’ right to find protection (HHC, 2015b; Asylum Europe, 2015), in addition to Article 33 (1) CSR51 that prohibits the return of a refugee, according to the UNHCR (2001, p. 14):

*“Refoulement is also prohibited explicitly or through interpretation by the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Article 3), the Fourth Geneva Convention of 1949 (Art. 45, para. 4), the International Covenant on Civil and Political Rights (Article 7), the Declaration on the Protection of All Persons from Enforced Disappearance (Article 8), and the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (Principle 5)”.*



Nonetheless, the Hungarian government asserted at the time that the transit zones at its borders were to be regarded as “no man’s land”, which meant that they were not Hungarian territory *per se*; therefore, when returning asylum seekers to Serbia, the FIDESZ administration argued that it was not a refoulement because those individuals had never entered Hungary in the first place (HHC, 2015). The HHC (2015) refuted this argument, stating that the transit zones were actually within Hungarian territory: ‘as also evidenced by border stones clearly indicating the exact border between the two states’. Speaking on the matter, Montserrat Feixas Vihe, UNHCR Regional Representative for Central Europe in Budapest, claimed that Hungary, as a signatory to the CSR51, had to respect the international laws which ‘it voluntarily pledged to honour’, and that ‘Hungary simply cannot return refugees to countries where they would face threats to their lives’ (UNHCR, 2015b).

In addition to the issues discussed above, another problem is linked to the right of asylum seekers to seek protection in Hungary: the lack of accessible information, and in many cases the lack of any information at all. Amnesty International (2015), in reporting on this matter, argued that most asylum seekers did not know about their right to apply for asylum within the transit zones at the Hungarian border, nor how long the process would take, or that they had the right to appeal in cases of rejection. Human Rights Watch (2015c) and UNHCR (2016b) reported the same, arguing that asylum seekers were given no information on the analysis process, and that the conditions at the transit zones were deplorable. Those who had at some point managed to enter the transit zones were eventually refused entry to Hungary on the grounds that Serbia was a safe country. Moreover, asylum seekers reported to Amnesty International at the time that the document stating that their claim had been rejected was written in Hungarian only, with no translation available (Amnesty International, 2015). These documents also stated that asylum seekers had the right to a minimum level of legal assistance; however, contacting a lawyer within the transit zones was almost impossible since lawyers did not have access to those areas, making an appeal an unavailable option on a practical level (HHC, 2015b). UNHCR (2016b) reported that during 2015, only nine individuals requested a review on their asylum decision: seven withdrew a few days later, and the other two were rejected and sent back to Serbia. In general, no signs and no guidelines were made available to people waiting at the border (Amnesty International, 2015). Watson (2009, p. 49) argues that these ‘efforts to refuse or expedite



refugee determination processes by reducing access to the legal system is a clear indicator of a securitising move, as it violates the normal decision-making procedure of liberal democracies’.

Asylum seekers should have their application processes analysed individually and fairly. Only in extraordinary circumstances, such as when a large number of individuals claim asylum at the same time, can a host country examine the claims as a group, or as *prima facie* (UNHCR, 2001, p. 54). As stated by the UNHCR (2001, p. 54), the group analysis must not undermine in any way the fairness of the process: asylum seekers should still receive ‘basic protection and assistance to be extended to those in need’. In Hungary, however, the great influx of asylum seekers arriving at its border made the processes at the transit zones harsh, unfair, unclear, and complicated, violating Article 3, CSR51. According to the HHC (2015b), instead of making a full and deep analysis of each claim that should take at least a week, the local responsible authorities were issuing their verdicts in less than an hour, immediately returning those individuals back to Serbia and banning them from re-entering the EU zone for a year or two. As the Böell Institute (2015) claimed at the time, ‘in Hungary the right to asylum has practically ceased to exist, while the right to due process and the right to counsel are also being violated’.

## Conclusion

In summary, with a successful securitisation and the adoption of extraordinary measures, Orbán’s administration greatly undermined asylum seekers’ rights to seek international protection as foreseen in international law. Claiming to be protecting their nation-state, the FIDESZ leader and his counterparts ignored the binding effect of international legislation and their obligation to protect those fleeing persecution. This meant that thousands of asylum seekers were left in limbo without options, having either to return to Serbia to try a different route, or to walk hundreds of kilometres to the next EU destination from the Hungarian border. Those affected included children, elderly individuals, and pregnant women. People fleeing persecution are entitled to seek asylum, as it is a guaranteed human right of every human being enshrined in international law.

## Conclusion

The present study has aimed to answer two questions. The first was related to how the process of securitisation of asylum seekers occurred in Hungary during 2015. Through critical discourse analysis and document analysis, the process of securitisation of asylum seekers in Hungary during 2015 was illustrated in the first sub-section of empirical chapter three. It was demonstrated that the securitisation move orchestrated by the FIDEZS administration, which began with a key speech in the aftermath of the Charlie Hebdo attacks in Paris, the development of a National Immigration and Terrorism Consultation questionnaire, and an anti-immigration billboard campaign, was successful. To support this affirmation, different opinion polls were illustrated in the third sub-section of chapter three. After a successful securitisation move, extraordinary measures such as the construction of the wire fence, the many amendments to Hungarian legislation, among others, were adopted.

The second question which this study aimed to answer was the extent to which the extraordinary measures adopted by Orbán's administration violated international law related to asylum seekers, which Hungary has signed up to and is therefore bound by. After a wide document analysis of reports elaborated during 2015 by internationally-recognised organisations, the main finding was that, to a great extent, the Hungarian government violated international law, including Article 14 of UDHR, and undermined asylum seekers' right to seek asylum.

By applying Bourbeau's theoretical framework with regard to securitisation theory, highlighting aspects from the foundations of securitisation theory as proposed by the Copenhagen School, and discussing key aspects of its main critics and developers, this dissertation has aimed to add value to, and contribute theoretically to, the research field of the securitisation of migration. It has shown that, by applying features from its core foundation as well as its further development, one can reach a more complete assessment of a social phenomenon that is recurrent in present times. Moreover, by adopting a more holistic approach, this study went a step further than solely analysing the securitisation process, by being concerned with, and by demonstrating, the negative implications of that process for asylum seekers' right to seek international protection. In that sense, it intended to build a linkage between the securitisation process elaborated by the Hungarian elites and asylum applicants' rights being undermined in that country

as a direct consequence of that process. This linkage is of extremely high importance not just for the Hungarian or European scenario, but for the current process-building of global asylum and refugee policies, and for the scholarship related to this theme due to the ongoing “refugee crisis”, and because of scarce international legislation specific to asylum seekers (as sub-section 4.1 mentioned, the asylum legislation is mostly based on the refugee legislation).

Yet, despite this study’s intention to contribute to the existing literature on the securitisation of migration, it possessed some limitations. For instance, it did not focus on solutions for a possible de-securitisation, a topic that has a great potential for exploration in further research. Moreover, it did not utilise EU legislation, such as the Dublin Convention, despite its vital significance in the distribution of asylum quotas throughout the EU member states. Thus, a worthwhile option for future study would be to analyse the negative implications for asylum seekers, once securitised, but applying EU legislation instead, and even to elaborate a comparison between member states’ approaches with regard to the reception of asylum seekers based on the EU quota system. If more space was possible in the present work, a deeper focus would have been added to the Hungarian historical and political context as well as its internal dynamics with regard to migrants and refugees, so that it would be possible to more fully comprehend the reasons behind the securitisation of asylum seekers in that country, and ideally, the analysis could have been expanded into 2016. Finally, a holistic study applying a human security approach would be of high interest as it would both allow a more complete assessment of human rights violations and, at the same time, would still take into consideration states’ security concerns.

Finally, after extensive research on the present topic, it is the researcher’s position that Hungary or any other state’s securitisation of individuals fleeing persecution and war should be contested, refuted and denounced, in order that asylum seekers can be properly protected, and those responsible for such violations be held accountable. Likewise, it is crucial to highlight that, besides the massive negative impact on their human rights, the securitisation of asylum seekers also ignores what those individuals are really looking for, which is safety and protection; therefore, the process itself and their erroneous categorisation should also be refuted.

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## Appendix

The Hungarian National Consultation on Immigration and Terrorism Questionnaire.  
(Kormany, 2015c).

### **Dear Hungarian Citizen,**

In 2010 we Hungarians decided to discuss every important issue before decisions are taken. This is why we launched national consultations on issues which have included Hungary's new Fundamental Law, social security as a matter concerning us all, and the improvement of the situation of pensioners. And this is why we are now launching another national consultation, this time on the issue of economic immigration.

I am sure you will remember that at the beginning of the year Europe was shaken by an unprecedented act of terror. In Paris the lives of innocent people were extinguished, in cold blood and with terrifying brutality. We were all shocked by what happened. At the same time, this incomprehensible act of horror also demonstrated that Brussels and the European Union are unable to adequately deal with the issue of immigration.

Economic migrants cross our borders illegally, and while they present themselves as asylum-seekers, in fact they are coming to enjoy our welfare systems and the employment opportunities our countries have to offer. In the last few months alone, in Hungary the number of economic migrants has increased approximately twentyfold. This represents a new type of threat – a threat which we must stop in its tracks.

As Brussels has failed to address immigration appropriately, Hungary must follow its own path. We shall not allow economic migrants to jeopardise the jobs and livelihoods of Hungarians.

We must make a decision on how Hungary should defend itself against illegal immigrants. We must make a decision on how to limit rapidly rising economic immigration.

Please contact us and give us your response to the questions we are asking. Please complete and return the questionnaire. I am counting on your opinion.

With regards,

**Viktor Orbán**

## **NATIONAL CONSULTATION on immigration and terrorism**

Published by the Prime Minister's Office

**Please complete this questionnaire.**

**1] We hear different views on increasing levels of terrorism. How relevant do you think the spread of terrorism (the bloodshed in France, the shocking acts of ISIS) is to your own life?**

Very relevant

Relevant

Not relevant

**2] Do you think that Hungary could be the target of an act of terror in the next few years?**

There is a very real chance

It could occur

Out of the question

**3] There are some who think that mismanagement of the immigration question by Brussels may have something to do with increased terrorism. Do you agree with this view?**

I fully agree

I tend to agree

I do not agree

**4] Did you know that economic migrants cross the Hungarian border illegally, and that recently the number of immigrants in Hungary has increased twentyfold?**

Yes

I have heard about it

I did not know

**5] We hear different views on the issue of immigration. There are some who think that economic migrants jeopardise the jobs and livelihoods of Hungarians. Do you agree?**

I fully agree

I tend to agree

I do not agree

**6] There are some who believe that Brussels' policy on immigration and terrorism has failed, and that we therefore need a new approach to these questions. Do you agree?**

I fully agree

I tend to agree

I do not agree

**7] Would you support the Hungarian Government in the introduction of more stringent immigration regulations, in contrast to Brussels' lenient policy?**

Yes, I would fully support the Government

I would partially support the Government

I would not support the Government

**8] Would you support the Hungarian government in the introduction of more stringent regulations, according to which migrants illegally crossing the Hungarian border could be taken into custody?**

Yes, I would fully support the Government

I would partially support the Government

I would not support the Government

**9] Do you agree with the view that migrants illegally crossing the Hungarian border should be returned to their own countries within the shortest possible time?**

I fully agree

I tend to agree

I do not agree

**10] Do you agree with the concept that economic migrants themselves should cover the costs associated with their time in Hungary?**

I fully agree

I tend to agree

I do not agree

**11] Do you agree that the best means of combating immigration is for Member States of the European Union to assist in the development of the countries from which migrants arrive?**

I fully agree

I tend to agree

I do not agree

**12] Do you agree with the Hungarian government that support should be focused more on Hungarian families and the children they can have, rather than on immigration?**

I fully agree

I tend to agree

I do not agree