

Ref: CommHR/DM/sf 019-2022

Mr Sándor PINTÉR

Minister of the Interior of Hungary

Strasbourg, 10 June 2022

Dear Minister,

I would like to begin this letter by expressing my deep appreciation for the solidarity and generosity shown by the Hungarian authorities and people in maintaining an open border policy and welcoming all those fleeing the war in Ukraine. This is indeed a fundamental first step toward ensuring the safety of many highly vulnerable individuals, most of whom are women and children.

I am writing to you about the longer-term protection perspective of persons wishing to remain in Hungary while not able to return to their home country. I understand that the vast majority of those fleeing Ukraine have merely transited Hungary and that only some 23,000 registrations for temporary protection had been received by 1 June. This constitutes a rather low proportion of the almost 700,000 entries from Ukraine that were reported by your authorities in that same time period, and raises the concern that those fleeing may be receiving insufficient information about the protection options available to them in Hungary. As I pointed out already in [March 2022](#), it is crucial that all those entering Hungary are not only provided with short-term humanitarian assistance but also with clear information and legal assistance, in particular related to the recent temporary protection schemes made available specifically to persons fleeing the war in Ukraine. Hungarian civil society organisations are playing an essential role in that effort, and I call on you and your authorities to acknowledge, value and support their activities in every possible way to ensure that essential legal advice and information is provided to all those in need.

I further take note of the fact that many of those fleeing Ukraine and deciding to stay in Hungary are of Roma origin, including many Hungarian-speaking Roma with dual Ukrainian-Hungarian citizenship. There have been several complaints raised by Roma rights organisations and representatives about discriminatory attitudes in the provision of temporary accommodation and humanitarian assistance experienced by Roma in municipalities near the border and in Budapest. I would like to [reiterate](#) that the provision of assistance and effective access to rights must be ensured to everyone in a non-discriminatory manner and encourage you to strengthen your efforts to guarantee that the specific vulnerabilities and difficulties of Roma are adequately taken into account. In this context, I welcome the decision of your authorities to extend the accessibility of benefits provided to temporary protection holders also to Hungarian citizens fleeing the war in Ukraine who, due to their lack of legal residence in Hungary, are otherwise not able to obtain social security benefits.

I am deeply concerned, however, by the situation of third country nationals and stateless persons who are excluded from the temporary protection scheme and have, owing to the continued 'state of mass migration crisis' announced in September 2015, no possibility to apply for international protection or asylum in Hungary. While they have been issued with humanitarian residence permits for 30 days, which so far appear to have been extended in most cases, this status does not provide them with benefits, and they have no legal certainty of a lasting protection perspective. In fact, the current legislative framework would oblige them to travel to Kyiv and seek an appointment with the Hungarian Embassy there to register their intent to apply for asylum in Hungary, if they are not to be expelled to Serbia.

This situation demonstrates, in my view, the inadequacy and unsustainability of the legislative framework related to asylum currently in place in Hungary. Between January and March 2022 alone, the Hungarian border police [reported](#) close to 19,300 removals to Serbia of persons found on the territory without legal title. Despite most of them coming from war-torn countries such as Syria, Afghanistan, or Iraq, those pushed back have no opportunity to challenge their expulsion or apply for international protection in Hungary. The sustained rhetoric by government officials of differentiating Ukrainians as 'real refugees' and portraying those fleeing atrocities and war elsewhere as economic migrants is regrettable and particularly problematic in the absence of a fair and effective asylum procedure, which would precisely have the function of assessing, in each individual case, whether there is a protection need. The rhetoric is further contradictory to the [core principle](#) that human rights exist to protect everyone, in the same way, whatever their national or ethnic origin, colour, or belief.

I therefore urge you to pursue the establishment of an asylum system in line with the country's international protection obligations, for the benefit of all persons fleeing Ukraine who do not fall under the scope of the temporary protection scheme in place and for everyone else who seeks the fair and thorough assessment of their eligibility for asylum in Hungary.

Finally, I note that your portfolio following the formation of the new government on 24 May 2022 comprises the remits of public education, welfare, and health policies. I wish you every success with these new and very important responsibilities and would like to take this opportunity to draw your attention to the guidance for Council of Europe member states prepared by my Office to assist with the implementation of fundamental social rights, including, notably, the [position paper on inclusive education](#) and the [issue paper on the right to health](#).

Your sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a large, stylized initial 'D'.

Dunja Mijatović