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Dynamics of European migration. A comparative assessment of Croatia, Bulgaria and Hungary

ABOUT THE PROJECT

This study was commissioned by the Europe Zone Office of the International Federation of Red Cross and Red Crescent Societies (IFRC), Budapest. It was conducted and recognized in partial fulfillment for the “Policy Labs” course within the Department of Public Policy at Central European University. Policy Labs are part of the MA curriculum. They give an opportunity for small teams to work for external clients producing and presenting policy relevant research that will be used for advocacy, assessment and development. Clients are civic organizations, donors, research centers and international organizations. The Policy Lab focusing on this project for the IFRC was mentored by Andreas Goldthau, Associate Professor at CEU’s Department of Public Policy.

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Policy Research Reports are occasional studies that provide support or background information for wider research projects. They include reviews of scientific literature, state of the art reports, and country studies. They are works in progress and offer practical combinations of academic and policy writing.

Blagovesta Chonkova, Andras Horvath, and Gorana Misic were students in the Master of Arts program of the Department of Public Policy at Central European University during the 2010-2011 Academic Year.

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DYNAMICS OF EUROPEAN MIGRATION.

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1. EXECUTIVE SUMMARY

Through the quantitative analysis of migration statistics and the qualitative assessment of relevant domestic regulations in Croatia, Bulgaria and Hungary, this study outlines a common analytical narrative to underpin the relationship between migratory trends and regulation. It establishes that the number of asylum applications and illegal border crossings can be meaningfully explained by domestic regulations which are, in turn, induced by the process of EU integration. Based on these findings, we recommend the IFRC Europe Zone office to:

- Exert work on enhancing the conditions in detention centers and on easing the process of asylum applications, especially, in pre-accession countries. Despite the probably decreasing number of applications (due to stronger border control), the number of applicants is likely to grow with the country's accession to the EU.
- Play an active role in providing irregular migrants and asylum seekers physical and also, socio-psychological help. These migrants are the most prone to human rights violations.

2. INTRODUCTION

In the past ten years Central and Eastern Europe (CEE) underwent significant structural changes, both political and economic. In particular, the process of accession to the European Union (EU) induced extensive changes in the region as countries had to comply with the requirements for EU membership (the so-called *acquis communautaire*). One of the important consequences of the EU accession was the increased attractiveness of new member states for third country nationals looking for protection and better lives within the EU. Once being source countries of immigrants to Western Europe, the CEE region has now itself become a destination or preferred transit region for migration flows. In particular, the expansion of the Schengen area, allowing for free cross-border movement among participating countries, has marked an important change in migratory flows. Now, when third country nationals enter the Schengen area, they have a relatively easy way to navigate across member states. In turn, joining the Schengen zone requires participating countries with external borders to strengthen border control to fend off against the increasing migratory pressure. Joining the EU and the Schengen area are therefore believed to be “landmark” events which can be considered important “pull factors” for migrants. Above mentioned “landmark events” coincide with extensive changes in new member countries’ regulatory frameworks governing migration and border control. This change in active legislation is induced primarily both by EU directives and by the potential increase in the number of migrants seeking to immigrate or pass through the country, in many cases, illegally.

This policy study investigates the relationship between regulatory change stirred by the processes of accession to the EU and the Schengen area, and the trends in migratory flows. To this end, three case study countries are analyzed: Croatia, Bulgaria and Hungary. With the establishment of a common analytical narrative explaining the phenomena in these three countries, this study contributes to and helps the IFRC design appropriate policies regarding migration and protection of migrants in new and future member states of the EU. The main aim of this study is to identify the changing patterns of migratory flows in correlation with regulatory changes in receiving countries. To this end, we look into the number of asylum-seekers, as well as the attempts of illegal border crossings for the period of 2000 to 2010 in three selected CEE countries. These figures will be juxtaposed with the gradual stages of EU accession and accession to the Schengen area, enabling us to draw conclusions on the nature of the shifts in migratory flows.

The study relies on a thorough review of the legislative changes related to the EU and Schengen accession in the countries of concern and on the assessment of available quantitative data on their relevant migratory patterns. That way, migration dynamics can be traced back and correlated to changes in regulatory frameworks in receiving countries. This study condenses the inferences drawn from the case studies in an analytical narrative that describes the relationship between regulatory changes posed by European integration and the changes in migratory flows. The narratives cannot be translated directly into general (or universal) trends of the European integration process, given the differences between regions, routes and migratory patterns; yet, they offer a valuable insight on how migration has been affected by harmonization with the EU and Schengen *acquis*. Two main findings stand out:

- EU (pre)-accession is characterized by a decreasing number of illegal crossings, due to strengthened border control, also affecting the number of asylum applications;

- Entering the Schengen area coincides with the newly increasing number of illegal border crossings and asylum applications; the reason for this lies in a higher attractiveness of the country due to better access to the rest of the EU/ Schengen zone.

These findings produce relevant policy implications for the IFRC to predict and properly assess the needs of relevant National Societies in coping with the changes in the flow of migrants as a function of the country's EU accession status.

Before we get started, four important clarifications should be made with regards to the scope of the study. First, asylum-seeker and border-crossing figures are used as indicators to measure the extent to which a country attracts third-country nationals. These numbers relate to the demand side of migration only and thus do not take into consideration other factors, such as the capacity or willingness of the state to provide refugee status to the migrants¹. Second, the paper selectively focuses on three countries – Croatia, Bulgaria and Hungary – as they each represent different stages of EU and Schengen accession (for more information on case selection, see the *Methodology* below). Third, the period of investigation includes the stages of EU accession of the three case studies so that changes in migration flows related to the EU and Schengen accession in these countries can be traced. Finally, this study benchmarks migratory flows in the examined countries against the EU average, enabling us to control for events in 'sending countries', such as the outbreak of civil war, natural disasters or else.

3. METHODOLOGY

In order to understand how changes in legislation from 2000 to 2010 in the three Central-Eastern European case study countries affected migration to and through the region, special emphasis is placed on studying whether the “landmark events” of European integration had a significant impact. To that end we investigate and qualitatively analyze the relationship between the causal variable *regulatory change* and the explanandum of *migratory trends*. It is expected – and later confirmed – that regulatory change substantially affects the willingness of migrants to enter a country by imposing different obligations and conferring different rights to them.

For the purpose of this study, *regulatory change* refers to all changes in domestic legislation, which substantially affect the status of migrants, including institutional incentives and obstacles for their entry. EU directives induced most of the regulatory change within the analytical timeframe of 2000-2010. These legal acts have been identified and collected from domestic legal databases and country reports made by the European Commission or other international organizations, in particular, the IOM and the UNHCR. *Migratory trends* refer mainly to the number of migrants and also to their composition by citizenship which, by proxy, hints on the changing routes of transnational migration. Due to the limitations of this policy study, however, not all migrants can be included in the purview of this paper; rather, three sets of migrants were selected based on their relevance to the work of the IFRC Europe Zone Office: *irregular migrants*, *asylum seekers* and *refugees*. While international statutes define

1 Another important reason to focus on these two indicators is the availability of information, which in the case of economic migrants is largely insufficient.

these categories of migrants (*see Appendix I*), it is important to note that not all countries have adopted these definitions in their national statistics. Comparing different domestic sources therefore raises the danger of imprecision. Unfortunately, most inter- and supranational organizations rely on the data supplied by national sources; hence, this imprecision is inherent in all comparative studies, including this one. Moreover, an even bigger challenge is the (non-)availability of data. The Croatian Ministry of Interior, for instance, has only published data on refugees since 2007; the UNHCR's earliest available country report on Croatia dates to 2004 which leads to more uncertainty in the analysis of migratory trends. This inherent imprecision of published numbers and the lack of data is a limitation this study has to live with. We, however, believe that despite the error margin it is feasible to extrapolate general correlations between regulatory change and migratory shifts.

As mentioned above, this study relies on a case study based analysis to assess migration dynamics in three countries: Croatia, Bulgaria and Hungary. These countries were selected because they offer a wide variation in terms of legislative framework and their current stage in the European integration process. The first case study country, Croatia is not a member of the EU and falls outside the Schengen curtain; Bulgaria is an EU member since 2007, but is still outside the Schengen curtain; while Hungary is an EU member within the Schengen curtain. In other words, these three countries stand for the larger population of cases and allow for some robust insights into the situation and challenges of both current and prospective EU members.

In order to correlate migration dynamics with stages of European integration, the predefined ten-year-long timeline will be parsed into three stages according to what we call "landmark events": i) achieving pre-accession status; ii) achieving post-accession status but pre-Schengen; and iii) achieving post-Schengen status. Each case study country can be placed in a different stage outlined above. That way, we control for the unparallel timeline of integration these countries are in, but can still compare across cases.

This study uses aggregate European trends in migration from 2000-2010 as a benchmark for country level data. The benchmark is introduced to control for omitted variables, such as important events in third countries – natural disasters, domestic political turmoil, economic crises or other. In other words, it will clean the national trends from external factors and, thus, allow for a realistic analysis of the correlation between migratory trends and domestic regulatory change.

4. CASE STUDIES

Migration flows in Europe are strongly affected by the European Union's migration policy (for an outline of the EU's migration policy see *Appendix III*). In the context of EU enlargement and enlargement of the Schengen area, candidate and potential candidate countries are especially subject to conditionality imposed by Brussels in certain policy areas, notably migration. In the process of legislative adjustments, all countries in the region are – for instance – required to strengthen border controls, which affect migratory flows and routes. The "Balkan route" (*Figure 1*) neatly illustrates this point. The route refers to an illegal migration path from Western Balkan countries, namely Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia. Furthermore, it also refers to the transit of illegal

migrants from the Eastern Mediterranean: from Asia via Turkey to Greece, southern Bulgaria and Cyprus (Frontex 2010). The Balkan route is indicative for our purposes as it crosses through all three countries analyzed.

Figure 1: The ‘Balkan Route’



Source: Adapted from MoI, 2011

This route experienced a sudden shift in the number of migrants when a visa liberation regime was implemented in 2010, which granted visa-free entry to the EU for Balkan countries, such as Bosnia and Herzegovina and Albania. This is considered to be the main driver behind the 10 per cent increase in border crossings to Hungary and Slovenia as well as in an increased number of asylum seekers, especially from Serbia and Macedonia. According to the European Commission, nevertheless, the asylum system was largely abused and most applications were unfounded and therefore refused. As a consequence, post-visa liberation mechanisms were introduced, namely progress monitoring and abuse prevention (Frontex 2011).

This example demonstrated how EU regulations and enlargement prospects affect migratory patterns, in this case, the Balkan route. To further investigate the effects of EU regulations and the Schengen curtain on migration flows in Europe, the study now proceeds with the abovementioned three cases studies.

4.1. Croatia



Factbook ²	
Population	4,486,881 (July 2010 est.)
Net migration rate	1.59 migrant(s)/1,000 population (2010 est.)
Land boundaries	total 1,982 km
Border countries	Bosnia and Herzegovina 932 km Hungary 329 km Serbia 241 km Montenegro 25 km Slovenia 455 km
European Union accession	expected in July 2013

4.1.1. Pre-accession period

Relevant legislation

- 1995 State Border Act (amended in 2003 and 2007)
- 2003 Asylum Act (amended in 2007 and 2010)
- 2006 Integrated Border Management Action Plan
- 2007 Migration Policy Strategy for 2007-2008
- 2007 Aliens Act (amended in 2010)

Adjusting to the EU regulations, in November 2006 Croatia adopted the Integrated Border Management Action Plan, and revised the State Border Act in 2007. Moreover, in July 2007, the Migration Policy Strategy for 2007-2008 and the Aliens Act were adopted, regulating temporary and permanent residence of non-

Croatian nationals. However, Croatia has one illegal migration deportation centre (Ježevo), which does not have sufficient capacity. In 2006, the first asylum reception centre was opened in Kutina with the capacity of a mere 100 beds. Finally, in July 2007 Croatia also amended the Asylum Act which was implemented in 2008. Asylum seekers are transferred from the border to Ježevo and then to Kutina. Apparently, a considerable number 'take French leave' during the transfer, as reported by the European Commission (European Commission 2005-2010).

Irregular migrants³

In general, and as highlighted by the European Commission (2008), a lack of staff, equipment and capacity prevented effective data gathering on illegal border crossings for the period prior to 2007. In that, it is hard to tell whether changes in regulation adopted in 2006 had an effect. At present,

² Source: CIA World Factbook.

³ For a definition see the appendix.

Croatia is still considered to be a transit country, from which more than 50 percent of asylum seekers leave before their case has been settled (European Commission 2010). *Table 1* (below) summarizes the relevant data of migrants arriving to Croatia.

Table 1: Structure and number of migrants in Croatia

	Asylum seekers	Refugees	Irregular migrants**	Illegal crossings of the border*	Subsidiary protection
2004	162	0	n.a.	n.a.	0
2005	186	0	5,406	n.a.	0
2006	94	1	5,564	n.a.	0
2007	195	0	4,000	3,527	0
2008	155	3	2,013	2,119	3
2009	146	11	3,219	1,495	2
2010	290	5	n.a.	1,757	8
TOTAL	1,228	20	20,202	8,898	13

Source: UNHCR 2011, Ministry of Interior of the Republic of Croatia 2009-2011* and European Commission 2005-2010**

According to data of the Ministry of Interior of the Republic of Croatia, the greatest concentration of **irregular migrants** entering the country (*Figure 2*) can be noted in the eastern part of Croatia, namely Vukovarsko – Srijemska County.

Figure 2: Routes of irregular migration in Croatia



Source: Ministry of Interior, 2011

Although the number of illegal crossings of the border in that area slightly increased in the last three years (from 123 in 2008, 79 in 2009 to 273 in 2010), in comparison with previous years, when it was around 700, there is a significant decrease in illegal entries (Ministry of Interior 2011).

In general, according to the Progress Reports of the European Commission (2006-2010), the overall number of illegal migrants decreased by more than 40% from 2005 to 2009. Moreover, the Ministry of Interior also notes a decrease of illegal crossings of the border. This decrease can be attributed to the EU conditionality in the area of justice freedom and security, which especially refers to both training and increasing the number of staff of the Ministry of Interior and border police, as well as to improvement in equipment for a more effective control of 'green borders' (Ministry of Interior 2011).

Regarding the destination of migrants in 2007, 67 per cent were stopped at the border with Slovenia, which decreased to 54 per cent in 2008. This trend, however, confirms that Croatia is mainly a transit country, where most of the migrants are heading to the countries of the European Union. The transitory status can also be confirmed by a recent case of illegal transfers of migrants discovered by the Croatian police. In the period from February 14th to May 19th 2011, migrants from Serbia were transferred to Vukovar and further to the detention centre for asylum seekers in Kutina. The next step was to transfer them to Rijeka, Istria, and Varaždin and organize their illegal transfer to Slovenia and other EU countries (Ministry of Interior 2011).

Improved conditions at the borders, as well as cooperation with neighboring countries have led to disruption of the Balkan route – the most significant path for illegal migration, especially for migrants from China, Iraq, Iran, Bangladesh and Afghanistan (Frontex).

Asylum seekers and refugees⁴

The number of asylum seekers in Croatia has been increasing since 1997. According to UNHCR statistics, the total number of asylum seekers reached 1,228 in 2010. Unlike in the EU, where the number of asylum seekers exhibits a decreasing trend, the number of asylum seekers in Croatia increased by 15% in 2005. This can be attributed to the beginning of pre-accession negotiations. The biggest change can be observed in 2007, when the number of asylum applications increased for 107% compared to the year before, a trend which however concurs with observed general EU trends (cf. *Appendix II*).

Due to lack of legal regulation, the first refugee status in Croatia was granted only in 2006. Overall, the percentage of asylum seekers who are granted the status of refugee or subsidiary protection is very low in Croatia – around 2 percent. Such a low number of approved refugee statuses can be explained by two factors: restrictive law, as well as complicated and long procedures, and lack of accommodation capacities. The Asylum law was amended in 2010 with the aim to improve the position of migrants. It is yet to be seen how it will be implemented. This lack of accommodation capacity exhibits an additional problem: although EU pre-accession funds were used to improve asylum policy in Croatia, most of the money was invested in highly sophisticated equipment for border control, leaving accommodation capacities undeveloped (CMS 2011).

Although most of the regulations and legislation regarding migration in Croatia is now in the line with the *acquis*, some concerns remain in the practice. Some of them include protection of human rights of migrants, especially irregular migrants applying for asylum. Regardless of the law which prescribes a positive attitude towards irregular migrants, this is often not the case. Further concerns

4 For a definition see the appendix.

exist about human rights of minor asylum seekers regarding accommodation, programmes of protection and socio-psychical help (Bužukić et al. 2010). These are certainly areas where NGOs such as Red Cross can contribute to help properly implement the legislation, but also improve the conditions and human rights of the asylum seekers and irregular migrants.

4.1.2. Key findings for Croatia

1. Adjustment to EU regulations and chapter 24 – Justice, Freedom and Security – led to stricter controls at the borders, and an increased number of staff along with improvement of equipment. As a consequence border control is more effective, and number of **illegal crossings** of the border has decreased. Moreover the ‘Balkan route’ has been disrupted.
2. Regarding **irregular migrants**, although legislation is in place, implementation is still not satisfactory, especially in the area of human rights of irregular migrants and asylum seekers.
3. The number of **asylum seekers** overall increased since 2004, but rates of approved **refugee** statuses are still very low due to:
 - a. restrictive regulations, complicated and long procedures
 - b. lack of accommodation capacities

In this context, implementation of the improved Asylum law, amended in 2010, is lagging behind. The problem of accommodation capacities remains: due to investments in equipment and more effective control, the number of illegal crossings of the border decreased – however, at the expense of funding additional accommodation capacities for asylum seekers.

4.2. Bulgaria



Factbook ⁵	
Population	7,093,635 (July 2011 est.)
Net migration rate	-2.82 migrant(s)/1,000 population (2011 est.)
Land boundaries	total: 1,808 km
Border countries	Greece 494 km Macedonia 148 km Romania 608 km Serbia 318 km Turkey 240 km
European Union accession	2007

5 Source: CIA World Factbook

4.2.1. Pre-accession period

Relevant legislation

1999	Refugee Law
2002	Law on Asylum and Refugees (LAR), replacing the Refugee Law from 1999
2003	Law on Protection against Discrimination
2005	Acquis communautaire incorporated within LAR
2009	Amendments to the Law on Aliens
2010	National Strategy on Migration, Asylum and Integration (2011 – 2020)
	National Action Plan for the Adoption of the Schengen Acquis
	Law on Aliens in the Republic of Bulgaria

In 2002, the main law dealing with asylum-seekers and refugees - the *Law on Asylum and Refugees* (LAR) was adopted, which replaced the 1999 Refugee Law. LAR stipulated the establishment of the *State Agency for Refugees* (SAR), which is the most relevant state organ in charge of asylum policies, asylum applications, and unaccompanied minors. Its main role is to examine all asylum applications and provide public assistance to asylum-

seekers and refugees. In 2005, the Law was amended in order to incorporate the European *acquis communautaire*. The main changes introduced were aimed to accelerate the procedure of asylum-seeking, enhance legal measures to prevent misuse of the asylum system and to introduce fingerprints. It also made a clear distinction between refusal, discontinuation of the procedure, and withdrawal, in line with the Geneva Convention. Another major law adopted in 2003 was the *Law on Protection against Discrimination*. It elaborated on the Constitutional right of aliens in Bulgaria to be free from discrimination on grounds of race, nationality, ethnic identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status.

Despite these legislative changes made in the recent years, there are still gaps within the legislative framework, some of which have been highlighted by UNHRC. It has been pointed out that the definition of a refugee in the Bulgarian legislation is not completely consistent with that of the 1951 Convention (UNHCR 2010). Another terminological issue relates to the lack of definition of a “stateless person”. In addition, the Bulgarian governments are criticized for not having ratified the 1954 Convention relating to the Stateless Persons and the 1961 Convention on the Reduction of Statelessness (ibid). In 2009 a Working Group was established aiming to accelerate the process of accession to these instruments. The process is still ongoing.

Bulgaria has been processing **asylum applications** since 1994. Asylum-seekers mainly enter the country through the Bulgarian-Turkish border on Kapitan Andreevo. The majority of them pass the border illegally (up to 90% according to data of IOM 2008).

Table 2: Structure and number of migrants in Bulgaria

	Asylum seekers	Refugees	Subsidiary Protection
2000	1755	267	65
2001	2428	385	164
2002	2888	75	138
2003	1549	19	7
2004	1127	17	2
2005	822	8	0
2006	639	12	0
2007	975	13	0
2008	746	27	0
2009	853	39	0
2010	1025	20	0

Source: State Agency for Refugees, Bulgaria

Table 2 reveals that the peak in asylum applications was in 2002. After that, a period of sharp decrease can be observed, reaching a minimum in 2006 - a decrease of 78% compared to 2002. The main reason for this is considered to be the relief from the pressure in the beginning of the 2000s from asylum-seekers from the Balkan conflict, as well as the strengthening of the border control on the external borders of the country related to Bulgaria’s accession to the EU in 2007 (Zhelyazkova, et al. 2007). This can also be confirmed by comparing the data to the similar asylum-seeker trends in the EU. Thus, a large share of the migration trends observed in the country can be contributed to external push-factors. Most of the asylum-seekers were from Iraq, Afghanistan, and the Islamic Republic of Iran (UNHCR).

Figure 3: Routes of irregular migration



Although some of the persons seeking refuge apply as asylum-seekers in Bulgaria, many aim to continue their journey to Western Europe and apply for an asylum there. This is illustrated by the great pressure on the Bulgarian-Greek border from migrants passing through the country. The most common transit channels for illegal migration through Bulgaria are Turkey – Bulgaria – Greece; Turkey – Bulgaria – Romania; and Romania – Bulgaria – Greece (IOM 2008).

Most attempts for **illegal crossings** to Bulgaria have been recorded at the Bulgarian-Turkish border (ibid.). Right before its accession to the EU, although Bulgaria was expected to attract more individuals willing to cross the border given the country's accession to the EU, a decrease of the migratory pressure on the Turkish border was recorded. Compared to 2005, in 2006 a 34% decrease of illegal crossings can be identified (ibid). This is considered to be explained by the increased cooperation with Turkish authorities in view of the country's accession to the EU and the increased capacities for border control in the years before the Bulgarian accession to the Union.

4.2.2. After EU Accession

The **legislative framework** related to migration in the country underwent continuous reforms with the country's accession to the EU and the preparations for its entry to the Schengen area. Bulgarian governments had to harmonize the national legislation related to migration with the Schengen *acquis* in order to prepare the country for its admission to the Schengen area, which was envisaged for 2011. Visa and residence permit requirements were amended, e.g. the abolition of visa-free agreements with certain countries, such as Georgia, Russian Federation, Ukraine, and Tunisia (IOM 2008). In addition, in 2009, the Law on Foreigners was amended to limit the maximum time period of retaining individuals illegally entering the country to 18 months, which is in compliance with the EU Directive on Return⁶.

In regards to **asylum-seekers** in Bulgaria, no noticeable trend can be identified since 2007. Similarly to EU migration trends, the number of migrants seeking refuge remained relatively low in comparison to the beginning of the 2000s. The majority of asylum-seekers originated, as in the pre-accession period, from Iraq, Afghanistan, the Islamic Republic of Iran, Syrian Arab Republic, Algeria and Armenia.

In terms of the treatment of asylum-seekers, the country has been criticized because of its lack of capacity to deal with asylum-seekers' registration, which leads to violations of the rights of asylum-seekers to enjoy accommodation, documentation, access to health care and social assistance, education and language training as provided by Articles 29 and 30(a) of the LAR (UNHCR, 2010). Since 2009, due to the lack of capacities in the State Agency for Refugees' registration and reception centers, the asylum-seekers are detained in the Special Center for Temporary Accommodation of Aliens (SCTAF) close to Sofia, where asylum-seekers are mixed with all other illegal migrants subject to deportation. In addition to violation of some of the asylum-seekers' rights, this policy increases the risk of refoulement as there is no clear distinction made in these centers between the two groups.

As seen in the previous section, there has been a significant decrease in migratory pressure on the border mainly because of the strengthened control and the increased cooperation with Turkish authorities (IOM 2008; Zhelyazkova, et al. 2007). After the accession to the EU, no major changes in the trends of illegal trespassing of the Bulgarian borders have been recorded (data provided by the National Statistical Institute, National Strategy on Migration, Asylum and Integration (2011 – 2020) 2010). The pressure continued to be relatively lower in comparison to the beginning of the 2000s, which, as discussed earlier, is mainly related to strengthening of the border control and increased cooperation in the area of border control with the neighboring countries.

6 DIRECTIVE 2008/115/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals

Yet, the border control on the Bulgarian-Turkish border was announced to be the major obstacle for the country joining the Schengen area. The Accession Treaty of the Republic of Bulgaria to the EU stipulates the implementation of the Schengen *acquis*, which is mandatory for every country joining the Union. Bulgarian authorities have been in the process of implementing the *acquis* before joining the EU. All provisions had to be implemented before 2011, when the country was expected to join the Schengen area (Ministry of Interior 2011). Its accession to Schengen, was, however, postponed by a decision of the Council of the European Union. As a main reason given by EU member states' representatives was the need for further strengthening the Bulgarian-Turkish border control, which is still a source of large influx of **illegal migration** and a major route for illegal immigration of third-country nationals to the EU.

4.2.3. Key findings for Bulgaria

1. The number of **illegal crossings** of the Bulgarian borders in the recent years decreased due to the following factors:
 - a. Strengthened capacities for border control in view of the country's accession to the EU in 2007;
 - b. Increased cooperation with the neighboring countries' authorities in order to curb illegal crossings;
 - c. An overall decrease in the number of asylum-seekers to the European Union.

2. Most of the **asylum seekers** in Bulgaria arrive from Turkey. Therefore, there is a strong correlation between the decreasing number of illegal crossings and asylum applications. In the year of EU accession the number of asylum applications decreased by more than 50%.

4.3. Hungary



Factbook ⁷	
Population	9,976,062 (July 2011 est.)
Net migration rate	1.39 migrant(s)/1,000 population (2011 est.)
Land boundaries	Total 2,185 km
Border countries	Austria 366 km Croatia 329 km Romania 443 km Serbia 166 km Slovakia 676 km Slovenia 102 km Ukraine 103 km
European Union accession	May 2004

7 Source: CIA World Factbook.

The first ten years of modern Hungarian democracy were characterized by the resettlement of ethnic Hungarians from neighboring countries – Romania and Yugoslavia in particular. Until 1997, Hungary did not accept non-European refugees, but when this ban was lifted in 1998, within no time, non-Europeans (mainly from Afghanistan, Bangladesh or Iraq) made up half of the asylum applicants (Juhasz 2003). Hungary was categorized as a transit country to which difficult integration, lengthy asylum procedures, ineffective protection of migrants and economic factors also contributed. Consequently, asylum seekers mostly sought protection in the European Union. (Juhasz 2003)

4.3.1. Pre-accession period

Relevant legislation

1998 “old” Asylum Act
 2002 “Legislative package” on migration
 2003 Visa requirements for Ukrainian and Serbian citizens
 2004 Amendments to Alien and Asylum Acts
 2007 Free Movement Act
 2007 “new” Aliens Act
 2008 Border control tasks assumed by police
 2009 Five-year strategy on migration

In 2002, a “legislative package” was passed in order to harmonize Hungarian regulation with that of the European Union. Consequently, the criteria to obtain a settlement permit, i.e. immigrant status, were modified to precondition three-years-long stay with residence permit (Juhasz 2003).

In 2003, the recognition rate for refugee status increased significantly due to better founded applications (EC

2004). The same year, Hungary introduced visa requirements with Serbia and the Ukraine due to EU pressure; interestingly, however, the number of asylum applications more than halved which can be attributed to stronger border control – attested by the sharp drop in illegal border crossings and the share of asylum seekers arriving to Hungary illegally (EU Business 30/11/2003). In fact, the Hungarian Border Control was expecting a rise in the number of irregular migrants with accession to the EU and has thus invested in modernization before formal EU membership. Meanwhile, the EU pledged 148 million Euros to Hungary to improve border control during 2003-2006 and in 2003 the staff of border control grew by 640 staff (EU Business 30/11/2003). As a result of this properly timed investment, the expected growth of illegal border crossings was preempted. And since most asylum applicants arrived to the country illegally, fewer illegal migrants strongly affected asylum applications in 2003. In addition, a significant drop of Middle Eastern and other Asian asylum seekers was observed since 2001 which can be explained by the conflict dynamics in those regions.

Migratory routes to and through Hungary

There are three major international migratory routes passing through Hungary. The first comes from Russia and Ukraine and passes towards Germany (and other Western countries); this one is mainly used by North African and Pakistani citizens. The second can be traced to a Turkey-Bulgaria-Romania route passing Budapest towards either Slovenia–Southern-Austria–Northern-Italy or Austria–Germany–Netherlands–Great Britain. This route is used mainly by Iraqis, Turks, Afghans or nationals of former Southern Soviet Republics, such as Georgians. The third migratory route is the aforementioned “Balkan route” running from Turkey through Bulgaria/Greece towards Serbia and Hungary. The migrants crossing the Serbian border are generally Kosovar Albanese, Serbian, Pakistani, Afghan, Tunisian or Iraqi nationals (EMN Hungary 2011).

These global conflict dynamics are most likely responsible for the observed relationship between the number of asylum seekers and their willingness to stay in Hungary. When the number of applications was high, many of them left Hungary before their refugee status was determined. Since then, the average duration of their stay has multiplied and those granted refugee status increasingly prefer to stay and integrate in Hungary (Szobolits 2005).

In addition, as a result of strengthened border control and strict detention regime, smugglers used Hungary to a lesser extent for their transiting operations and moved their route more towards the north. As a corollary, whereas Hungary experienced lower numbers in asylum applications, Slovakia and the Czech Republic faced growing trends (ERF 2006).

4.3.2. After EU accession and before Schengen curtain

In 2007, the **migration** legislation of Hungary was “completely reformed” by two legislative acts, which implemented relevant EU directives: Act I of 2007 on the Entry and Stay of Persons Enjoying the Right to Free Movement (“Free Movement Act”) and Act II of 2007 on the Entry and Stay of Third-Country Nationals (“new Aliens Act”), which replaced the previous Aliens Act. The Free Movement Act implemented Council Directive 2004/38/EC and regulated the entry and residence of persons enjoying the right to free movement and residence as well as the entry and residence of their family members.

The country witnessed a significant (15%) increase in the number of immigrants from 2004 to 2005, which can be attributed to its accession to the European Union (EMN Hungary 2009). It is noteworthy, however, that this increase is perfectly in line with the trends of previous years. From 2002 to 2003, immigration increased by about 7% and the next year by about 14%. (EMN Hungary 2010b) The trend in **asylum** applications reversed however, and started to increase from 2004. This change can be explained by the pull factor of common asylum protection directives in the EU.

Table 3: Structure and number of migrants in Hungary

	Asylum seekers	Refugees	(Unlawful acts related to) irregular migration	Illegal crossings of the border	Subsidiary Protection
2000	7801	197	n.a.	9110	0
2001	9554	174	n.a.	8451	0
2002	6412	104	n.a.	7797	0
2003	2401	178	n.a.	3501	0
2004	1600	149	13103	n.a.	0
2005	1609	97	17795	n.a.	0
2006	2117	99	15105	n.a.	0
2007	3419	169	8782	2797	0
2008	3118	160	6715	3634	88
2009	4672	177	9888	5948	64
2010	2104	83	n.a.	n.a.	132

Source: See Appendix V. for a more detailed version of this table which also includes the sources.

4.3.3. *After the Schengen curtain*

Following the decision of the European Parliament, Hungary (and six other new member states) acceded to the Schengen area on December 21, 2007 (and March 2008 for airports). The accession of Hungary to the Schengen zone was precluded by important legislative amendments with regards to the regulation of entry and stay. The Schengen Information System (SIS) was implemented with the purpose of effectively filtering migrants and several changes were passed in regards to visa regulation in order to comply with the Schengen *acquis*. For instance, a new type of visa, the “visa for entitlement to receive a residence permit”, was introduced. (EMN Hungary 2009) Institutionally, the police assumed border controlling in 2008, which had been performed by a specialized “Border Control” (Határőrség) body previously.

Furthermore, the new Asylum Act adopted in 2007, entered into force in January 2008.⁸ This legislative change was induced by the EU Qualification Directive and the Procedures Directive, as well as by the new Hungarian Act on the General Rules of Public Proceedings and Services. Among other provisions, this new Asylum Act introduced the concept of subsidiary protection in Hungary, based on the Qualification Directive (EMN Hungary 2009). Recently, a debate has surfaced on the possible amendments of this Act, since the “financial burden” of subsidiary protection, hand in hand with the growing number of asylum seekers, puts pressure on the budget. Mainly NGOs, however, argue that the amendment should expand welfare services to the migrants under subsidiary protection (EMN Hungary 2010a).

The 9% drop in the number of **asylum seekers** in 2008 compared to 2007 can be empirically attributed to the enactment of this new Asylum Law. It is estimated that more than 1000 – mainly Vietnamese and Chinese applicants – rushed to re-apply under the “old Asylum Act” in 2007, which lacked any sanctions against applicants with a record of unfounded applications. The trend of *new* asylum applications, on the other hand, kept its ascent from 2007 to 2008 with about 40% increase (EMN Hungary 2010b).

In regards to **refugees**, until 2008, citizens of certain countries (such as Iraq, Somalia or Afghanistan) were granted this privileged status “quasi-automatically”, but in 2008 a more individualized, case-by-case examination was implemented (EMN Hungary 2010b). Despite this new mechanism, the share of refugee status granted for asylum seekers remained rather constant in 2008 and has decreased significantly from 2009, due to the gradual implementation of this legislation and the process of institutional adaptation.

A significant increase can be observed in the share of **irregular migrants** applying for asylum in 2008. This relates to the changing composition of asylum seekers: in 2007, the majority were Chinese and Vietnamese (who arrived mostly legally); but in 2008 the number of Kosovar, Serbian and Somali asylum seekers increased significantly (who arrived illegally) (EMN Hungary 2010b). Apprehension of illegally resident third-country nationals increased by 83% from 2007 to 2008, which could be explained by the migratory pressures stemming from Hungary’s accession to Schengen. In 2008, the main countries of origin of the apprehended aliens illegally present in the territory of Hungary were Serbia (24%), Ukraine (18%), Moldova (12.5%), Kosovo (9%) and Turkey (6%) with a significant increase of the share of Serbian, Moldovans and Kosovars (EMN Hungary 2010b).

8 The “old” Asylum Act, implemented in 1998, established three categories of refugees based on the 1951 Geneva Convention relating to the Status of Refugees (regardless of geographic origins): “convention” refugee (with practically as wide range of rights as citizens), “asylees” and “refugees given shelter/accepted refugee.” (Juhász 2003)

An important development in Hungarian migration policies was the adoption of decision 1057/2009 (IV.24.) “on the Strategy of the Cooperation in the Area of Freedom, Security and Justice of the Republic of Hungary” in 2009. This five-year strategy is the first of its kind, identifying goals and guidelines to be followed in the field of migration, asylum and integration (EMN Hungary 2010a, 3, 7).

Hungary is still considered to be a transit country (in the European context), but received substantially more **asylum applications** in 2009 – 50% more than in 2008. This change can be mostly attributed to the “radical increase” (EMN Hungary 2010a, 13) of Afghan applicants (1,194 persons, ten times more than in 2008) who constituted one-fourth of all applicants. In terms of Afghan migrants, Hungary is the second largest receiving country among the new EU Member States (EU-12) (EMN Hungary 2010a).

In 2009, more extensive **irregular migration** was experienced, mainly on the borders with non-Schengen members Serbia, Ukraine and Romania (EMN Hungary 2010a, 3). 5,948 persons were apprehended for illegal border-crossing, 63% more than in 2008. More than half of these detentions occurred on the border with Serbia: 20% were Serb citizens, 16% Kosovars and 17% Afghan – arriving from Turkish and Greek refugee camps (EMN Hungary 2010a). Hungary retained its transit character for most irregular migrants tried to reach Western Europe: Germany, Italy or France. There is a “growing illegal migratory pressure since the accession to the Schengen Area” and the Hungarian Police is attempting to further strengthen its border control supported by EU funds (External Borders Fund 2007-2013) (EMN Hungary 2010a).

In 2010, no significant changes occurred in policies regarding illegal entry and stay, with plans to transpose the EU Blue Card Directive or the Sanctions Directive (2009/506EC) in the course of 2010 in order to fully comply with the latest developments of the Community *acquis* (EMN Hungary 2010a and EMN Hungary 2011). On the other hand, the number of **asylum applications** significantly decreased. This can be convincingly explained by the conclusion of EU visa exemption agreements with the countries of the Western-Balkan, including Serbia, Montenegro and FYROM in the end of 2009 and extended to Albania and Bosnia and Herzegovina in the end of 2010. Consequently, the number of Serbian and Kosovar asylum applications dropped by around 70-80% from the previous year, since these migrants can now travel to Hungary visa-free and apply for asylum in their intended “target country”. While the visa-exemption does not apply to Kosovars, they generally take advantage of their Serbian citizenship to travel to Hungary (EMN Hungary 2011, 36-37).

During 2010, Hungary remained a transit country with a further growing number of **irregular migrants** trying to reach Western Europe. In 2010, the average number of migrants held at detention centers more than doubled from 133 in 2009 to 364 in 2010. This change is largely due to the increasing number of migrants passing the Serbian border from Greece without identification (Afghans, Pakistanis etc.) (EMN Hungary 2011).

4.3.4. Key findings for Hungary

1. The EU-accession and even pre-accession period is characterized by the decreasing number of **illegal border crossings** due to changes in legislation, technical enhancements (better equipment) and stronger border control. This process reached its peak with the implementation of the Schengen *acquis*. Then, having entered the Schengen area, Illegal border crossings have started to increase again, most likely due to pull-factor pressure.

2. In regards to **asylum seekers** a gradual decrease can be observed until EU membership, when this tendency reversed and began to increase again.
 - a. The period before EU accession shows an even lower decrease in the number of applications than in the EU-27, while afterwards the increase is (with the exception of 2004) significantly higher than the EU-27 average.
 - b. Strong correlation is found with changes in illegal border crossings, since most applicants arrive to the country illegally. Stronger border control pushed smuggling routes North in 2003.
 - c. 2008 is an outlier case due to the implementation of a stricter, new Asylum Act that year which incentivized asylum seekers present in Hungary to apply still in 2007. The trend of “new asylum seekers” has been growing even from 2007 to 2008
 - d. Changes in visa legislation affect the number of asylum seekers. In 2010, visa-exemption agreements entered into force with Western Balkan countries, leading to a sharp drop in asylum applications. The other relevant change in this regard was that in 2003, when Hungary imposed visa requirements with two of its non-EU-accession members: Serbia and the Ukraine. The logical increase in asylum applications, however, was overshadowed by strengthened border control and changes in world politics (less asylum seekers from the Middle East)

5. FINDINGS AND POLICY IMPLICATIONS

The three case studies investigating the correlation between domestic regulation and migration in Croatia, Bulgaria and Hungary acknowledged the role of the EU in the harmonization of their migration-related legal frameworks. At the same time, the EU is certainly not the sole factor in affecting migration to or through the region; indeed, other push or pull factors such as conflicts in third countries or economic growth contribute to the changing number of immigrants. Hence, this study introduced a basic benchmark to clean the numbers of migration from omitted variables: the general European migration trends (*Appendix II*) which informed the key findings of each case study.

Despite their differences, the study of these three CEE countries outlines an analytical pattern, which relates EU-induced regulatory change with patterns of migration. The following points can be considered the main underpinnings of this analytical narrative as they apply for all three case studies and could be used for inferring more generalized trends in countries with prospect of EU integration.

1. **Illegal crossings:** EU regulations lead to the stricter control of the borders through increased staff and better equipment. Consequently, the number of illegal crossings decreases – as visible in all three case studies. This process is clearly prevalent during EU pre-accession and even post-accession period. Illegal crossings plummet with

the implementation of the Schengen *aquis*, but, having entered the Schengen area, they increase again most probably due to the ever-more tempting pull factors, such as free movement in the Community.

2. **Asylum seekers:** The seemingly illogical fluctuation of asylum applications correlates strongly with the measures taken against illegal crossings, since most asylum-seekers arrive illegally. Furthermore, visa regulations are also very important in determining what type of legal status migrants can apply for and affect their possibilities to travel further. There is some correlation with European trends, but domestic regulation (as a pull factor) has a pivotal role in shaping migration patterns. The cases of Bulgaria and Hungary devise a gradual decrease of asylum application up until EU membership, when this tendency reverses and the number of applications increases.

With the help of this analytical pattern, we can formulate the following **recommendations for the International Federation of the Red Cross and Red Crescent Societies:**

- Exert work on enhancing the conditions in detention centers and on easing the process of asylum applications, especially, in pre-accession countries. Despite the probably decreasing number of applications (due to stronger border control), the number of applicants is likely to grow with the country's accession to the EU.
- Play an active role in providing irregular migrants and asylum seekers physical and also, socio-psychological help. These migrants are the most prone to human rights violations.

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7. APPENDICES

7.1. Appendix I: Definitions

Migrant:

“At the international level, no universally accepted definition for «migrant» exists. The term migrant was usually understood to cover all cases where the decision to migrate was taken freely by the individual concerned for reasons of «personal convenience» and without intervention of an external compelling factor; it therefore applied to persons, and family members, moving to another country or region to better their material or social conditions and improve the prospect for themselves or their family. The United Nations defines migrant as an individual who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate. Under such a definition, those travelling for shorter periods as tourists and businesspersons would not be considered migrants. However, common usage includes certain kinds of shorter-term migrants, such as seasonal farm-workers who travel for short periods to work planting or harvesting farm products” (IOM 2011).

Irregular migrant:

“A person who, owing to unauthorized entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country. The definition covers inter alia those persons who have entered a transit or host country lawfully but have stayed for a longer period than authorized or subsequently taken up unauthorized employment (also called clandestine/undocumented migrant or migrant in an irregular situation). The term «irregular» is preferable to «illegal» because the latter carries a criminal connotation and is seen as denying migrants’ humanity” (IOM 2011).

Asylum seeker:

“A person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments. In case of a negative decision, the person must leave the country and may be expelled, as may any non-national in an irregular or unlawful situation, unless permission to stay is provided on humanitarian or other related grounds” (IOM 2011).

Refugee:

A person who, «owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, 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. (Art. 1(A)(2), Convention relating to the Status of Refugees, Art. 1A(2), 1951 as modified by the 1967 Protocol) (IOM 2011).

Subsidiary protection:

“A third country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15, and to whom Article 17(1) and (2) do not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country (Council Directive 2004/83/EC).

7.2. Appendix II: Benchmarking asylum applications: the three case studies and the EU

Change in the number of asylum applications (t-1)	Croatia	Bulgaria	Hungary	EU (27 countries)
2001	n.a.	38%	22%	4%
2002	n.a.	19%	-33%	-1%
2003	n.a.	-46%	-63%	-18%
2004	n.a.	-27%	-33%	-20%
2005	15%	-27%	1%	-15%
2006	-49%	-22%	32%	-16%
2007	107%	53%	62%	13%
2008	-21%	-23%	-9%	n.a.
2009	-6%	14%	50%	n.a.
2010	99%	20%	-55%	n.a.

7.3. Appendix III: EU Migration Policy

Asylum-seekers

Candidate countries to the European Union should harmonize their legislation with the EU Community Law. The first common EU provisions on asylum seeking were initiated in 1999 with the launch of the Common European Asylum System (CEAS). The main purpose of the EU legislation in the field of asylum was to ensure common minimum standards in all EU member states. Among the most important legislation measures taken in the first phase of the CEAS (2000-2005) were the *Directive on Reception Conditions for asylum-seekers*, on *Qualification for becoming a refugee or a beneficiary of subsidiary protection status* and on *Asylum Procedures*, and the so-called 'Dublin' regulation on which member state should be responsible for examining an asylum application.

The Directive on Reception Conditions for asylum-seekers (*Council Directive 2003/9/EC* of 27 January 2003) lays down the minimum standards of reception conditions for asylum applicants. It aims to ensure dignified standard of living for applicants in all member states. It also limits asylum applicants' secondary movements.

Council Directive 2004/83/EC of 29 April 2004 sets out the minimum standards for the qualification and status of third-country nationals and stateless persons as refugees or as persons who otherwise need international protection. It also establishes the content of the protection to be granted to these persons.

The Dublin regulation - *Council Regulation (EC) No 343/2003* of 18 February 2003 establishes the criteria and mechanisms for determining the Member State responsible for examining an asylum

application lodged in one of the Member States by a third-country national. It aims to facilitate the process of identifying which country is responsible for examining an asylum application, to establish reasonable time limits for each of the phases of determining the Member State responsible, and to prevent abuse of asylum procedures in the form of multiple applications.

With the Commission's Policy Plan on Asylum the future direction of the asylum policy of the European Union was set out in 2008. It suggests, most importantly, reaching higher common standards of protection by further aligning member state asylum legislation and establishing solidarity mechanisms between member states to support Member states which face disproportionate burden.

Schengen acquis

The Schengen Agreement with its legislative principles has been incorporated into the EU legal framework by the Treaty of Amsterdam of 1997. The Schengen acquis include common rules and procedures with regard to visas for short stays, asylum requests and border controls. In order to guarantee security within the Schengen area, the acquis require increased cooperation and coordination between police services and judicial authorities.

The key rules adopted within the Schengen framework include:

- removal of checks on persons at the internal borders;
- common set of rules applying to people crossing the external borders of the EU Member States;
- harmonization of the conditions of entry and of the rules on visas for short stays;
- enhanced police cooperation (including rights of cross-border surveillance and hot pursuit);
- stronger judicial cooperation through a faster extradition system and transfer of enforcement of criminal judgments;
- establishment and development of the Schengen Information System (SIS).

The list of the elements that make up the acquis with the corresponding legal basis for each of them in the Treaties, was adopted by Council Decisions 1999/435/EC and 1999/436/EC of 20 May 1999. In 2006 one of the provisions in the acquis, the Schengen Borders Code was changed. Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 modified the legislation on border checks carried out on people. It is intended to improve the legislative part of the integrated border management policy by setting out the rules on crossing external borders and on reintroducing checks at internal borders.

7.4. Appendix IV: Croatian Red Cross and migrants⁹

Croatian Red Cross (CRC) distinguishes between two major periods in dealing with migrants – from 1991 to 2003, and from 2003 onwards.

In the war period from 1991, Croatian Red Cross was mostly involved in helping people fleeing conflict, especially by meeting them at the border and rendering necessary assistance. At that time CRC had mobile teams which were covering Knin, Sisak, Glina and Lika, especially helping elderly people in remote areas, providing them with meals.

From 2003 onwards CRC got involved in helping **asylum seekers**, providing psycho-social support. At that time CRC was in charge of the only asylum shelter in Croatia - Šašna Greda. In this period the Ministry of Interior was involved only in formal procedures. Croatia got the first law on asylum seekers only in 2004. In the new asylum shelter in Kutina, under jurisdiction of the Ministry of Interior after 2004, 30 people from CRC provide psycho-social support through activities such as language courses, integration in the society and health issues. The majority of asylum seekers come from Afghanistan. However, it is impossible to track their movement after they are once registered. CRC works with the ones who accept their help. Only from informal conversations they get information that some of asylum seekers illegally 'escaped' from Croatia, going mainly to Scandinavian countries. However, there is no official track or data.

The involvement of the CRC with **irregular migration** can be seen through the project MATR, which was designed for irregular migrants in cooperation with Croatian Legal Centre and Dutch Refugee Council. It finished in 2010 and CRC focused mainly on vulnerable groups - women, juveniles and persons with special needs.

Regarding the **victims of trafficking** CRC cooperates with IOM and the Ministry of Health and Social Welfare. The Ministry provides a shelter and three centers for adult victims where CRC cooperates with them. In the area of trafficking, changing patterns can be noted – until three years ago Croatia was considered to be only a transit country for victims from Moldova and Ukraine; however, today it is also a destination country - for victims usually coming from Bosnia and Herzegovina or Serbia.

9 Interview with Selma Golubović, Asylum and Migration Department Croatian Red Cross

7.5. Appendix V: Migration to Hungary in Numbers

Category/Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
1. Total number of immigrants	20.184+	20.308+	19.855* (17.972+)	21.327* (19.365+)	24.298*	27.820*	25.732*	24.361*	37.521*		
2. Asylum applications	7.801++	9.554++	6.412++	2.401++	1.600++	1.609++	2.117++	3.419*/++	3.118*/++	4.672++	2.104**/++
2.1. New asylum seekers	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	2.048*	2.862*	n.a.	n.a.
2.2. Recognized as refugees+++ (in brackets: their share to '2. Asylum applications')	197 (2,5%)	174 (1,8%)	104 (1,6%)	178 (7,4%)	149 (9,3%)	97 (6%)	99 (4,7%)	169 (4,9%)	160 (5,1%)	177 (3,8%)	83 (3,9%)
2.3. Subsidiary protection	-	-	-	-	-	-	-	-	88*/+++	64+++	132+++ (108**)
3. Irregular migration	-	-	-	-	-	-	-	-	-	-	-
3.1. Asylum seekers who entered illegally to the country++ (In brackets: their share to '2. Asylum applications')	6.324 (81%)	8.119 (85%)	5.728 (89%)	1.843 (77%)	1.146 (72%)	1.040 (65%)	1.531 (72%)	2.824 (83%)	2.879 (92%)	4.476 (96%)	2.041 (97%)
3.2. Unlawful acts related to "illegal migration"xx	n.a.	n.a.	n.a.	n.a.	13.103	17.795	15.105	8.782 (8.948)	6.715 (7.597)	9.888	n.a.
3.3. Illegal border crossing	9.110 xxx	8.451 xxx	6.398x / 7.797xxx	3.501x	n.a.	n.a.	n.a.	2.797xx	3.634xx	5.948xx	n.a.

*EMN Hungary 2010b; [Subsidiary protection enters into force with new Asylum Act in 2008.]

** EMN Hungary 2011

*** EMN Hungary 2010a

+ HCSO 2008

++ HCSO 2011a

+++ HCSO 2011b

x EU Business 30/11/2003

xx Police 2009 and Police 2010

xxx Kobilka & Ritecz & Sallai 2003