

ABSTRACTS

ESSAYS

Boldizsár Nagy provides ten theoretical and practical arguments for states to protect refugees. The author combines philosophy with international relations and international law, creating thereby a comprehensive moral framework for the right to be protected as an asylum seeker.

Judit Tóth describes how the rule of non-refoulement and exceptional restrictions of free movement for asylum seekers have been developed in the international and EU law including the case law of the ECHR (Art.5). Comparing the provisions in Act on Asylum (2007) and Act on Entry and Residence of Third Country Nationals (2007) to the international standards there are certain shortages in guarantees for applicants in detention. The recent cases against Hungary at ECtHR, the critiques of the UNHCR, civil organisations as well as reports made by the ombudsman are drawing the attention to the fragile position of unaccompanied minors and undocumented asylum seekers in detention. Accordingly, the asylum law has been recognised not as a human right in Hungary but rather as an abusive instrument of irregular migrants in detention in order to reach their final destination without in merit decision. In this spirit the ongoing legislative work will introduce a specific detention for asylum seekers in near future despite of theoretical objections.

FORUM

Experts on refugee law have been asked to comment on recent changes in EU law, the UN's perspective, challenges in adjudicating refugee cases, family unification, the case of unaccompanied minor asylum-seekers, and the experiences of the state authorities.

INTERVIEW

Experts discuss how the Hungarian Migration Strategy and recent legislative amendments affect the rights and the situation of refugees. The participants of the roundtable and contributors (scholars, civil rights defenders from NGOs and the Office of the Commissioner for Fundamental Rights, public officials etc.) from the audience critically addressed, among others, the detainment of asylum seekers, the obligations of Hungary in light of the relevant international and European requirements and human rights standards, homelessness among refugees, employment, refugees in the press, possible tension between policy goals and practical recommendations.

DOCUMENTS AND COMMENTARIES

Zsuzsa Kerekes analyses the amendment to the act on the informational self-determination and freedom of information, criticising both its content and the immediate procedure, with which it was enacted.

AFTER DECISION

In this column summaries of some of the recent decisions of the Hungarian Constitutional Court and the European Court of Human Rights are presented.

PROTECTORS OF RIGHTS

Gábor Gyulai examines the credibility assessment practice in asylum cases in Hungary. He identifies many hurdles, myths and traps in this regard, but still elaborates a few principles which should guide the procedure, and which would enhance the chance of an adequate assessment.