The Hungarian Asylum System

A case study on how the Hungarian asylum system changed after the European Asylum Crisis in the light of an increased populism
Abstract

The aim with the research is to examine how the Hungarian asylum system has changed since after the asylum crisis that occurred in 2015. This is done by looking at the increased populism within the country as a factor of the changes and responses from the Hungarian government.

In order to see how populist the leading party Fidesz in Hungary is, a definition of populism is taken from Cas Mudde. A definition of radical right parties is also taken from Mudde, in order to see whether or not the leading party Fidesz fit into this description.

The research is a qualitative case study. Information that is used in the research is taken mainly from books and electronical sources, from different European Union institutions and from international organizations such as Amnesty International. The Hungarian national legislation has been a central part of the analysis in order to see how the Hungarian government has responded to the asylum crisis by changing existing laws regarding immigration and asylum.

In the results, what can be found is that the Hungarian asylum system has changed since after 2015 in the light of an increased populism with tightening procedures, criminalization of irregular entry and violations of the rights of refugees. Hungary has been facing critique from the EU and international organizations for how the country has handled the situation with the asylum seekers and refugees. The findings also show that the leading party Fidesz, with its leader Viktor Orbán, can be seen as populistic according to the definition of Cas Mudde.

Key words: Hungary, Hungarian Asylum System, Populism, Common European Asylum System
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1. Introduction

1.1 Introduction and problem formulation

Hungary has been a member of the European Union since 2004\(^1\). Since the communist rule, which ended in the late 1980’s, Hungary has been relatively free and democratic according to Freedom House\(^2\), which is a democratic index, measuring the level of freedom in countries all over the world\(^3\).

Hungary has been seeing democratic downward trends since 2010, when Viktor Orbán got the position as the Prime Minister of the country, leading the country with his party Fidesz. Orbán and his party have been pushing through some constitutional changes, which have made the government gain more control over the democratic institutions\(^4\) and show authoritarian tendencies\(^5\), bringing many to question whether or not the democracy will remain within the country. These changes have been seen as the most radical ones within a European country since the communist regimes fell around the eastern European states in 1989\(^6\). An especially downward trend was seen in 2015-2016, after the asylum crisis, when Hungary implemented laws and policies that would make it harder for asylum seekers to get asylum, and at the same time make it easier for Hungary to reject asylum seekers. This

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\(^1\) European Union, Countries, [https://europa.eu/european-union/about-eu/countries_en#tab-0-1](https://europa.eu/european-union/about-eu/countries_en#tab-0-1)
\(^3\) Freedom House, About us, [https://freedomhouse.org/about-us](https://freedomhouse.org/about-us)
move breached common EU asylum standards that every member state of the EU shall live up to.

In 2019, Hungary went from being ranked as a free to a partly free state, which can be explained due to the politics of the prime minister Viktor Orbán and his populist party Fidesz.

The political party Fidesz was established in 1988, then as a left-liberal movement against communism. In the mid 1990’s, after receiving bad scores in the 1994 elections, Fidesz changed the political agenda and took a turn to the right. Since then, the party has been going far more to the right, and today Fidesz is seen as a nationalistic and populistic party.

After the asylum crisis that occurred in 2015, when Hungary received a lot of asylum seekers and refugees, the support for Fidesz grew due to the party’s restrictive position on receiving asylum seekers and refugees. Since Hungary is the entry into the EU, many refugees came from Greece and the Balkans. Orbán built up fences on the Hungarian borders towards Croatia, Serbia and Slovenia, in order to stop the migration flows that were coming into the country. In 2018, Fidesz’s party campaign was hardly anti-immigrant and clear defending of European values which in turn led to electoral success for the party.

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11 Ibid
12 Ibid
Fidesz has made a coalition with the Christian Democratic People’s Party (KDNP)\(^\text{13}\). Together, they got two thirds of the seats in the parliament in the 2018 elections\(^\text{14}\). The government has led some xenophobic campaigns since after the asylum crisis that occurred in 2015 and defended European Christian values\(^\text{15}\). Hungary has changed their asylum policy which has violated the rights of refugees and asylum seekers in the country, and also violated minimum EU standards\(^\text{16}\), which has been criticised by the EU.

In September 2018, the European Parliament voted for the EU to initiate an Article 7 procedure against Hungary\(^\text{17}\).

The article 7 in the *Treaty on European Union* (TEU) is an article that is made to be used against member states if they breach the values of Article 2; “… the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities …“\(^\text{18}\). The Article 7\(^\text{19}\) is formed to be used against member states who either are at risk of breaching the article, and against member states who are breaching the article. In the former, warning is given out in order to prevent the member state from breaching the article, in the latter sanctions are made against the member state. The article 7 has though never been used so far\(^\text{20}\). The Fidesz party was also suspended from EPP (European People’s Party group) in March 2019, which is the centre-right


\(^{16}\) Ibid


political party group within the European Parliament that Fidesz was a member of. The suspension was due to the violation of EU:s core values such as the rule of law, minority rights and freedom of the press.\textsuperscript{21}

This negative democratic trend has not only been seen in Hungary, but also in other European countries. Populist and right-wing parties have been gaining more support in EU member states, not least since after the asylum crisis in 2015, when the population of the EU member states feared terrorism coming from the massive migration flows. The populist and the right-wing parties took their chance of gaining more voters, during this time of crisis, when the European people started to doubt on the EU as a supranational organization.\textsuperscript{22}

These are some of the main reasons behind why it is of interest and relevance to study how the asylum system has changed in Hungary due to an increased populism within the country.

1.2 Aim and research question

The aim with the research is to analyze how the asylum crisis in 2015 has affected the Hungarian legislation regarding asylum procedures and the status of refugees and migrants within the country. The increased populism within the country since after Viktor Orbán became prime minister in 2010 has been a debated topic around Europe, not least since Hungary is a member state of the European Union.

\textsuperscript{21} European People’s Party group, FIDESZ membership suspended after EPP political Assembly, \url{https://www.epp.eu/press-releases/fidesz-membership-suspended-after-epp-political-assembly/}

\textsuperscript{22} Mudde, Cas. Europe’s populist surge: a long time in the making, 2016 p.25 \url{https://web-b.ebscohost-com.proxy.lnu.se/ehost/pdfviewer/pdfviewer?vid=2&sid=8e04cb09-2598-4d29-b998-0eb660c2b6f7%40pdc-v.sessmgr04}
The research question is as follows; *How did the Hungarian asylum system change after the asylum crisis in 2015 in the light of an increased populism?*

1.3 Outline

This thesis starts with a chapter that presents the current political situation within Hungary, with focus on an increased populism and increased anti-immigrant tendencies within the country since after 2015. The second chapter presents the chosen methodology used for this thesis, including the material that have been used and the strengths and weaknesses with the chosen methodology. The third chapter presents previous research within the area of populism. The fourth chapter introduces the chosen theory for the thesis and the key features that constitutes the grounds for the analysis. The fifth chapter presents the analysis, where the problem statement will be answered. In the sixth chapter, conclusions for the thesis are drawn.

2. Methodology

2.1 Qualitative research and case study

I will do a qualitative research, where I aim at looking into how the Hungarian national asylum system has changed since after the asylum crisis in 2015, in the light of an increased populism. A qualitative research is a
descriptive study\textsuperscript{23} and aims at understanding and describing the studied phenomenon/case as a whole\textsuperscript{24}.

In this research, focus is on the European country Hungary and the changes that have been done within the national legislation regarding asylum, which makes it a case study. In a case study, focus is on analyzing a single unit\textsuperscript{25}. The aim with doing a case study is to gain an in-depth understanding of the chosen case. It is later on the discovery of the case that is of interest\textsuperscript{26}. A case study is a type of a qualitative research. My case is, as mentioned under 1.1, chosen because of the increased support for right-wing populist parties around Europe, especially since after the asylum crisis in 2015.

My hypothesis is that the increased support for, and the increased depth of, right-wing populism in Hungary is the main cause to the responses from Hungary’s side to the noncompliance with the Common European Asylum System and the responses in the changing of the national asylum system and procedures, which is what I am aiming at pointing at and discussing throughout the study.

\textbf{2.2 Strengths, weaknesses and limitations}

There are, of course, both strengths and weaknesses with this chosen method. With focus being on one case, the study will result in a deep focus in one specific case, which makes the study richly descriptive. Hence the reader can construct hypotheses. This can be helpful and useful for future research\textsuperscript{27}.

\begin{flushleft}
\textsuperscript{24} Ibid p.9
\textsuperscript{27} Ibid p.41
\end{flushleft}
As for weaknesses, in a qualitative study, I as the investigator am the one who gathers and analyze all of the data that will be used in the study. The data collected is the data that I have taken out as relevant for this study. Therefore, it is limited by me as a person. Other opportunities can have been missed. Mistakes can also be made, and personal biases can interfere when conducting the study.

In order to be as objective as possible, I have gathered information from sources that are well-known within the research of populism (in example Mudde, Müller) and gathered information from EU institutions, which often are of a general character. This has minimized the risk of missing out on important information in order to conducting the study and minimized my personal biases to control which sources to use. I have used sources that presents very much an overview of the information needed to conduct the study (in example factsheets and legislation on the CEAS), which thus also minimizes the risk of missing out on important information. Other opportunities can still have been missed, but I have compared sources to one another and used information that can be found in two or more, in order to not miss out on information that is relevant for the study.

As for limitations; It would be interesting to look into all of the EU member states and their asylum systems after the asylum crisis that occurred in Europe in 2015, and whether or not populist right-wing parties have gained much influence in other countries, too, and how they have implemented and followed the Common European Asylum System. It would be interesting to see the difference between countries who had a lot of pressure on them, receiving many asylum seekers and refugees, and those who did not, to

28 Ibid p. 20
29 Ibid p. 42–43
30 Ibid p. 43
compare the situation within the countries, too. But due to the length of this study and the time period given, this is not possible.

Since I am using one definition of *populism*, my research consists of a narrow definition\(^\text{31}\). There are both advantages and disadvantages with this. An advantage with having a narrow definition is the easier connection between chosen case and chosen definition. I can easier see whether or not my chosen case meet the criteria of my chosen definition. A disadvantage with choosing a narrow definition is though that other definitions of populism are excluded. A broad definition of populism, taken from different researchers rather than just one, would have broaden the research further. But, this could have made the research too broad and not as focused and clear\(^\text{32}\).

### 2.3 Material and sources

As for the material used in this study, it consist of both printed books and electronical sources which are relevant to the subject. Necessary information is taken from different EU institutions, such as for example the European Commission and the European Council. Factsheets and articles have also been used from EU institutions, in order to gain relevant information regarding the topic. International organizations such as Amnesty International have also been useful during the writing of the research. When looking into the political situation within Hungary, Freedom House has been helpful to see how the political climate has changed over the past years.

In order to define the concept *populism*, a definition have been used from Cas Mudde. A definition of *radical right parties* have also been taken from

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Mudde, in order to analyze the Fidesz party in Hungary. The Hungarian national law has been a central part when conducting this study, and also legislation regarding the Common European Asylum System.

In order to answer the research question, an insight into the Common European asylum system, and the Hungarian national asylum system was needed. Focus was on looking how the Hungarian national asylum system was before, and after, the asylum crisis. Further on this was connected to the Common European Asylum System.

2.4 Source criticism

When conducting a study, one needs to look after the sources: are they reliable? Are they independent? Four things needs to be taken into account when criticizing sources: authenticity, independence, simultaneity and tendency.

The sources used for this research have mainly been from EU institutions, international organizations and national legislations. No specific information is taken from newspapers, which in turn can overexaggerate or falsify information in order gain more readers. A speech from Viktor Orbán is taken from the newspaper Visegradpost, but there are no specific comments from the writer of the article that have been used, but only the speech that have been directly taken from the state of the nation address.

I have some primary sources, which in turn strengthens the reliability of the source. Secondary sources have been used, but information that is taken from these sources can also be found in other sources who are independent of

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34 Ibid p.292
each other which thus increase the validity of the source. My electronical sources have been chosen carefully – and consist of mainly factsheets and information from EU institutions, information taken from Freedom House and Amnesty International. I have chosen sources that are as independent and non-angled as possible, and where the facts can be found in other sources\textsuperscript{35}, too. My sources are up-to-date, which also strengthens the validity and reliability of the source\textsuperscript{36}.

3. Previous research

3.1 Populism

The term and meaning of populism differs around the world\textsuperscript{37} and among different researchers and is very contested\textsuperscript{38}. While some say that it is a form of nationalism and conservatism, other say that it has its core in the naturalistic ideology\textsuperscript{39}. In the European context, populism is often associated with anti-immigration and xenophobia\textsuperscript{40} and is very widespread within the European democracies\textsuperscript{41}. But even though populism nowadays often is referred to politicians within European democracies, the phenomenon is seen in other parts of the world, too, and can be both left- and right-wing\textsuperscript{42}, or a combination of both\textsuperscript{43}.

\textsuperscript{35} Ibid p.295
\textsuperscript{36} Ibid p.294
\textsuperscript{41} Ibid p.21
\textsuperscript{43} Encyclopedia Britannica, Populism https://www.britannica.com/topic/populism
Populism has been around for a very long period of time; it is not a new phenomenon. The term populism was already used in the US in the late 19th century, where it was used to label the People’s Party (also called the Populist party)\(^{44}\). In the mid-20th century, the term populism was starting to be used to describe the political style of different political leaders, mostly in Latin America, and in the 21st century, the term populism has been much used to describe political parties and leaders within European democracies. This thus shows that the term can be used in both democracies and in authoritarian regimes, but most often the term is applied to an authoritarian type of ruling, where a charismatic leader pushes his politics forward by claiming that the will of the people will be embodied into the politics\(^{45}\), and populist democracy can be seen as the opposite of pluralist democracy, which thus makes it seen as rather authoritarian than democratic\(^{46}\).

There are several different definitions of populism and it seems hard to come up with one single theory or definition that will explain the phenomenon, but there are certain core features that can be found in most of the definitions of populism; the presence of a strong personal leader, the focus on and importance of the people, and the strive for the common good. An in depth explanation of these features will be presented in the theory. These features have been presented and explained by both Cas Mudde and Jan Müller.

Another key feature of populism is anti-elitism. Populist leaders, parties and movements always refer to the real people versus the corrupt elite\(^{47}\). Anti-elitism is a necessary feature within populism, but it is not sufficient; then, everyone who criticized the elite would be called a populist, which is

\(^{44}\) Ibid
\(^{45}\) Encyclopedia Britannica, Populism [https://www.britannica.com/topic/populism](https://www.britannica.com/topic/populism)
\(^{47}\) Ibid p.92
incorrect\textsuperscript{48}. The only elite that is fine, are themselves, since they will not betray the people as they claim other elites to do\textsuperscript{49}. Since populist leaders and parties often claim that they, and they only, are the one who represent the people, they can be seen as \textbf{anti-pluralistic}\textsuperscript{50}. Pluralism is a core feature of liberal democracy, which thus then makes populism illiberal\textsuperscript{51}. As with the case of anti-elitism – not everyone who is anti-pluralist is a populist\textsuperscript{52}. But, anti-pluralist is a core feature that, together with other features, identifies a populist.

An interesting point within the previous research of populism is the different views on the relationship between populism and democracy. According to Müller, populism damages democracy\textsuperscript{53} and is often authoritarian and does not respect the core values within a liberal democracy, which thus make it illiberal. But according to Decker – populism is in favor of representative democracy and can therefore not be seen as an enemy of democracy.

Müller states that populism and authoritarian regimes have similar features within their politics: both attempts to hijack the state apparatus, both are corrupt and mass-clientelism occurs between politicians, and both suppress the civil society. But the difference between a populist regime and an authoritarian regime is that populist leaders justifies these actions by claiming that it is done in favor of the people\textsuperscript{54}. They do it openly, since they claim to have a moral justification for these actions\textsuperscript{55}.

How come populism has increased and gained more attention in the media? The researcher Frank Decker points out modernization as the key factor to

\textsuperscript{49} Ibid p.30  
\textsuperscript{50} Ibid p.3  
\textsuperscript{51} Ibid p.3  
\textsuperscript{52} Ibid p.24  
\textsuperscript{54} Ibid. p.4  
\textsuperscript{55} Ibid p.44
why populism has increased in the last couple of years, both from economic and cultural point of views. Crises are pointed out as a special factor to the increased amount of populist parties. After the asylum crisis, populist parties have increased and can now be seen in almost every democratic European country. Decker also states that there is a so called representation crisis – some parts of society does not feel represented and thus seeks for representation, which the populists ensures. This is mostly the case in Europe, where the European integration have been furthered deepened and much competences are shifted from national level to a supranational level.

Another explanation is presented by Müller of the understanding of why populists have gained popularity: he connects the popularity of populism to the broken promises of democracy. These are promises made by democratic states to the people, who cannot really be fulfilled; the crucial one being the voice of the people, the people as the main rulers. Populists claim that the representatives that the people have chosen will implement every demand of the people, they promise something that a democracy can never ensure. The differences between democracy and populism is stated as follows: “One enables majorities to authorize representatives whose actions may or may not turn out to conform to what a majority of citizens expected or would have wished for; the other pretends that no action of a populist government can be questioned, because the people have willed so. The one assumes fallible, contestable judgments by changing majorities; the other imagines a

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homogenous entity outside all institutions whose identity and ideas can be fully represented”^{59}.

Populism today is mostly referred to the right-wing populism within the European democracies, which has been on the rise for the last years. Populist right-wing parties in Europe have been seen to promote a national conservatism, aiming for the nation state to be culturally and ethnically pure; there shall be only one national identity^{60}. This trend within the European democracies can be said to have been caused by the EU enlargement; the extension and the deepening of the European integration and the asylum crisis that occurred in Europe in 2015^{61}.

In this research, the definition of populism by Cas Mudde will be used. The definition will be described into detail in the chapter below.

4. Theory

4.1 Populism

The chosen theory that will be used in this research is the definition of populism taken from Cas Mudde^{62}.

Mudde defines populism as; “a thin-centered ideology that considers society to be ultimately separated into two homogenous and antagonistic camps,

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“the pure people” versus “the corrupt elite”, and which argues that politics should be an expression of the volonté Générale (general will) of the people.\textsuperscript{63} Mudde thus speaks of populism from an ideational approach\textsuperscript{64}.

Populism is defined as an ideology; a thin-centered ideology. What defines a thin-centered ideology from a thick-centered ideology (as for example liberalism, socialism etc.) is that it is not an ideology that stands by itself – it is often incorporated into and attached to other ideological elements, and therefore populism can differ depending on the ideology that the specific populism is attached to\textsuperscript{65}. This states that populism can be both left-wing and right-wing\textsuperscript{66}. In the European context, where right-wing populism dominates, populism is often connected to nationalism. The EU has a lot of impact on the politics of its member states, which can be one reason to why the populist powers within the European countries are often seen as Eurosceptic and nationalistic\textsuperscript{67}.

According to Mudde, there are three core elements of populism\textsuperscript{68}.

<table>
<thead>
<tr>
<th>The people</th>
<th>The elite</th>
<th>The general will</th>
</tr>
</thead>
<tbody>
<tr>
<td>A construction. It generates a shared identity between people of different groups. The people is often used within 3 meanings;</td>
<td>Critique of the elite; the cultural elite, the economic elite, the media elite etc.\textsuperscript{72}. Meaning that these together are corrupt</td>
<td>The general will is absolute. It is linked to Rousseau’s definition of the “the general will” and “the will of all”\textsuperscript{76}.</td>
</tr>
</tbody>
</table>

\textsuperscript{64} Ibid p.5
\textsuperscript{65} Ibid p.7
\textsuperscript{66} Ibid p.21
\textsuperscript{67} Ibid p.22
\textsuperscript{68} Ibid p.9
\textsuperscript{72} Ibid p.11–12
\textsuperscript{76} Ibid p.16
- **The people as sovereign:** the people are the rulers, the political power. Related to the democratic idea of the sovereignty of the people\textsuperscript{69}.

- **The common people:** referring to classes of people sharing the same values, culture and socioeconomic status\textsuperscript{70}.

- **The nation:** this focuses more on ethnic terms – implies all of the people that are a part of the national community, and working against the people and their general will. Meaning that all people that hold leading positions and therefore has some kind of power is working against the people and the interest of the country; excluding the populists having power\textsuperscript{73}. Within the European context, populists here often point at political elites aiming for the implementation of EU interests, putting those before the national level politics\textsuperscript{74}, and they often also argues for the elite’s interest in immigrants rather than in the natives\textsuperscript{75}. Many populists are against a representative government, meaning that direct democratic mechanism will represents the will of the people in a better way than the representative government, where the people are seen as passive players who can only make their voice heard in times of election\textsuperscript{77}. But, the notion of the general will can lead to the support of authoritarian rule, even though it may seem very much democratic. Many populists also share the view that, in


\textsuperscript{70} Ibid p.10

\textsuperscript{73} Ibid p.12

\textsuperscript{74} Ibid p.13

\textsuperscript{75} Ibid p.14

\textsuperscript{77} Ibid p.17
natives within a country\textsuperscript{71}. order for a democratic state to work, there needs to be a homogenous people\textsuperscript{78}. The homogeneity of the people is thus very important.

The populist forces in Europe arose in the late 1990’s as a reaction to the European integration\textsuperscript{79}. These forces often combined their populism with authoritarianism and nativism, which made these forces often focused on the rule of law and of the homogeneity of the nation\textsuperscript{80}. This can be illustrated with the example of the xenophobia that is often seen within right-wing populist forces in Europe, not least after the asylum crisis that occurred in 2015. What was seen here was that the populists used the asylum crisis and created a more sense of crisis to it\textsuperscript{81}. This made the topic seem more urgent, which in turn affected how the people saw their message – as something urgent and important that only the populists could solve now, since the corrupt parties are the reason for why the crisis occurred.

The international context plays an important role in how the populism develops. If a country for example cooperates with liberal democracies, ex. member states within the EU, it is more difficult for populist forces to undermine democracy and core values of liberal democracy. This will make


\textsuperscript{78} Ibid p.18

\textsuperscript{79} Ibid p.34

\textsuperscript{80} Ibid p.34

\textsuperscript{81} Ibid p.106
the country backlash in an international context. But, what is interesting here, is that Hungary is an exception\textsuperscript{82}. Even though the EU has the power to force their member states of implementing policies that the member states might oppose, Hungary stands out as an example of a country where the populist power has been popular and progressive.

According to Mudde, populism can only exist and make sense, if there is non-populism. There are two opposites of populism; elitism and pluralism, whereas the first one points out the strength and superior of the elite, holding the view that the people are dangerous and not as intellectual as the elite. The second one points out diversity as a strength, and not a weakness as populism often tends to point at\textsuperscript{83}.

A male leader is what is often associated with populism. There are three different types of populist mobilization, according to Mudde; \textit{personalist leadership}, \textit{social movement and political party}. Some populist forces can be connected to one, to two, or to all three of these mobilizations. How a populist force choose to mobilize, depends on the current political system within the political landscape that the populist force is active within. The first type can be seen as a top down structure, the second one as a bottom-up structure and the third is a combined system with both a top-down, and a bottom-up, structure\textsuperscript{84}.

Populism can both be a friend, and an enemy, of democracy, according to Mudde. This depends on where the country is in its stage of democratization\textsuperscript{85}. This thus also means that populism cannot be said to be good, nor bad, for democracy\textsuperscript{86}. Mudde’s view of the relationship between

\textsuperscript{83} Ibid p.7
\textsuperscript{84} Ibid p.42
\textsuperscript{85} Ibid p.20
\textsuperscript{86} Ibid p.79
populism and democracy differs from other researcher’s, as for example Müller who points out that populism is illiberal and not democratic at all. In Hungary, the case has been that the populism power has led the country to a de-democratization, but even though its electoral success and the downward trend arrow that is seen within the country, the populist forces do not have the power to re-make the whole institutional and political system in the country\textsuperscript{87}. The relationship between populism and liberal democracy can therefore be explained both positive, and negative. Populism stands for the will of the people, but rejects pluralism, which is a core element of liberal democracy. Therefore, populist parties often tend to limit the right of political participation to minority groups, who are not seen as a part of the homogenous, native people of the country. But this opinion is due to the nativist view\textsuperscript{88}, and not the populism itself, which will be explain later on when looking into the right-wing populist forces in Europe. Populist parties might therefore not be anti-democratic, but, they are illiberal, and therefore might have a negative effect on a liberal democracy\textsuperscript{89}.

Mudde has listed some positive, and some negative effects of populism on liberal democracy\textsuperscript{90}. Much of the positive effects lies on the representation of the people, since populist forces often mean that the people are not represented enough in a representative democracy. When it comes to the negative effects, much focus lies on the exclusion of minorities, which in turn affects the fundamental rights of the people. Therefore; populism stands for majority rule and

\textsuperscript{88} Ibid p.83
sovereignty, but is opposing minority rights and pluralism, which are key features of liberal democracy. populism can therefore be seen to not be against democracy; but at odds with it. Weakening of minority rights is an example of what can be seen in Hungary today.

Of course, democracy can always be improved, or deteriorate. How the populism effects the democracy differs. It can both have positive impacts on democratization, but it can also have negative effects which in turn triggers the state to de-democratization, in which the latter can be seen in Hungary.

4.2 Populist radical right parties

Cas Mudde, in his research about populist radical right parties, points out three different ideological features for these parties, which are listed down below.

<table>
<thead>
<tr>
<th>Nativism</th>
<th>Authoritarianism</th>
<th>Populism</th>
</tr>
</thead>
<tbody>
<tr>
<td>The belief that the nation-state shall consist of the “native” – nonnative persons are threatening to the homogeneity of the</td>
<td>Here defined as an ordered and strict society. Does not necessarily mean anti-democratic, but neither does it mean</td>
<td>Defined as an ideological feature. Power to the people. Three core features of populist democracy: 1. The will of implementing</td>
</tr>
</tbody>
</table>

92 Ibid p.91
93 Ibid p.86
94 Ibid p.87
101 Ibid p.23
nation. Can be explained by a combination of nationalism and xenophobia. The goal is a monocultural society, but hard to achieve which is why some only strive for ethnocracy. Minorities can live in the country, but there shall be only one national culture that is official.

democratic. Populist radical right parties are careful not to go over to dictatorship but criticize democracies for being too weak.

plebiscitary democracy, mostly referendums are seen as increasing the power to the people.

2. The will of implementing a more personalized style leadership, not wanting to be represented by the corrupt elite.

3. No limitations of the will of the people, not even by law.
Worth noting though is that not every populistic radical right party strives for a pure populist democracy; the most important features are ethnocracy and authoritarianism\textsuperscript{105}.

Populist radical right parties have become popular in both eastern and western Europe. As mentioned in the section about populism; populism and populist radical right parties, are not necessarily non-democratic, but they oppose some fundamental core values of liberal democracy which thus makes them illiberal\textsuperscript{106}. This is the case in Hungary, where anti-roma sentiment is a common feature of the populist politics\textsuperscript{107} and also xenophobic expressions are common within the populist parties.

Populist radical right parties in Europe has been shown to often connect nativism and populism when accusing the corrupt elite. The parties often draw the connection between the corrupt elite favoring immigrants\textsuperscript{108}. The nativist view within the parties strongly opposes liberal democracy, by for example not ensuring right and protection of minorities\textsuperscript{109}.

In this research, the changes within the Hungarian asylum system after 2015 will be analyzed by using the three key elements of populism according to Mudde; \textit{the people, the elite and the general will}. The three core features of populist radical right parties; \textit{nativism, authoritarianism & populism}; will also be applied to the leading party Fidesz, in order to see if, and to what extent, they can fit into the three core features.

\textsuperscript{106} Ibid. p.31
\textsuperscript{107} Ibid p.86
\textsuperscript{108} Ibid p.104
\textsuperscript{109} Ibid p.155
5. Analysis

5.1 Common European Asylum System

“A framework of agreed rules which establish common procedures for international protection and a uniform status for those who are granted refugee states or subsidiary protection based on the full inclusive application of the Geneva Refugee Convention and Protocol and which aims to ensure fair and humane treatment of applicants for international protection, to harmonize asylum systems in the EU and reduce the differences between member states, on the basis of binding legislation...”

People who are in need of fleeing their own country due to unsafe conditions, shall be granted international protection and asylum. This thus makes asylum a fundamental right, which is stated in the 1951 Geneva Convention on the protection of refugees.

Each and every EU member state shall share the responsibility to receive and to protect asylum seekers and refugees. Every asylum seeker or refugee shall be treated equally, no matter in which of the member state the person arrives to. The EU member states together committed to establishing the CEAS in 1999, in order to achieve a harmonized and free zone within the EU regarding this policy.

In June 2008, the European Commission presented a policy plan regarding asylum, in order to improve the harmonization and cooperation among the

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member states. At first, the plan was to set up so called common minimum standards\textsuperscript{114} that were to apply to every member states’ legal framework. Later on, a common asylum procedure was established among the member states\textsuperscript{115}.

In the Treaty of The functioning of the European Union (TFEU), the CEAS is stated in the articles as follows\textsuperscript{116};

Article 67(2); “It shall ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals…\textsuperscript{117}

Article 78;

“1. The Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection…

2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures for a common European asylum system comprising:

(a) a uniform status of asylum for nationals of third countries, valid throughout the Union:

... 

\textsuperscript{114} EUR-Lex - COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF REGIONS POLICY PLAN ON ASYLUM AN INTEGRATED APPROACH TO PROTECTION ACROSS THE EU p.1
\textsuperscript{115} Ibid p.2
\textsuperscript{116} European Parliament, Asylum Policy  
\textsuperscript{117} EUR-Lex, Consolidated version of the Treaty on the Functioning of the European Union  
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT
common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status;

criteria and mechanisms for determining which Member State is responsible for considering an application for asylum…;

3. In the event of one or more Member States being confronted by an emergency situation characterized by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament.\textsuperscript{118}

The foundation of the CEAS is the Dublin Regulation, which has been revised twice. It is a regulation that put down the criteria for which EU member state that is responsible for an asylum application\textsuperscript{119}. The Dublin Regulation sets down that it is the member state of which the asylum seeker first entered, that is responsible for the application\textsuperscript{120}. Further revision has been brought up on the agenda, in order to make the system even more effective and to enhance the protection of the asylum seekers within the process\textsuperscript{121}, but a new regulation have so far not been set down.

The Common European Asylum System has developed over time, and new rules have been agreed on, furthering the integration within this policy area. Not least have the CEAS been looked into and revised since the asylum crisis

\textsuperscript{120} European Commission, \textit{Country responsible for asylum application (Dublin)} https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/examination-of-applicants_en
\textsuperscript{121} European Commission, \textit{Common European Asylum System} https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en
in 2015, when some of the EU member states received a lot of asylum seekers and refugees, causing pressure on these states. Due to the high pressure, some improvements of the common system needed to be done.

In 2016, proposals were done for changing the current asylum procedure legislation, in order to make it more efficient. This regulation would replace the previous legislation that was proposed in 2013 and entered into force in 2015\textsuperscript{122}.

As stated above, common minimum standards were set up for the member states in order to grant equality throughout the Union regarding asylum procedures for asylum seekers\textsuperscript{123}. These common minimum standards have later on been replaced by common criteria’s that every member state shall reach up to, in order to ensure equality for persons in need of international protection. These common criteria’s shall reach up to some minimum level of benefits for the asylum seekers\textsuperscript{124125}.

After the crisis, the Commission in 2016 proposed for a revised common asylum system, where common rules would form the base, and the responsibility for receiving asylum seekers would be more evened out between the member states\textsuperscript{126}, which is called a fairness system. Wealth and

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\textsuperscript{122} European Commission, Asylum procedures https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/common-procedures_en


\textsuperscript{126} European Commission, Factsheet the Common European Asylum System https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-
size of the population is taken into account, when deciding which member state shall be responsible for the asylum application\textsuperscript{127}. The revised system will be formed to work as good as possible during times of crisis.

5.2 The Hungarian asylum system pre 2015

The number of asylum applicants in Hungary have varied. As Hungary was an entry into the rest of Europe from Greece and the Balkans, the country received a lot of asylum seekers during the asylum crisis in 2015. To illustrate how many there was, we can take a look at the asylum applicants from year 2013-2015\textsuperscript{128};

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Asylum Applicants</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>18,900</td>
</tr>
<tr>
<td>2014</td>
<td>42,777</td>
</tr>
<tr>
<td>2015</td>
<td>177,135</td>
</tr>
</tbody>
</table>

This shows that the number of asylum applicants in 2015 was more than four times higher than in the previous year, which affected the Hungarian asylum system causing more pressure on the it. The number of asylum applicants has drastically decreased during the last year, whereas Hungary in 2017 received 3,397 asylum applicants, and in 2018 only 671 applicants\textsuperscript{129}. This is a very low number of applicants in comparison to the numbers from the previous couple of years. What is interesting to see, is that from the 671 applicants in


2018, 590 of them were rejected\textsuperscript{130}. This thus illustrates how the Hungarian asylum system has been tightened and restrained after the asylum crisis.

Hungary, as a member state of the EU, has its own national asylum system, but also need to implement policies from the Common European Asylum System. This thus means that Hungary also must look after the CEAS, which means for example granting some common minimum standards for the asylum seekers, which shall be incorporated into the national law.

Looking into the Hungarian national asylum system, it is regulated in several acts and legal documents. The main ones regarding asylum procedures and protection will be addressed down below.

In the \textit{Fundamental Law of Hungary}\textsuperscript{131}, which was implemented in 2011, the right to asylum for non-Hungarian citizens in Hungary is stated in Article XIV para. 3. Right to asylum shall be given for protection when the asylum seeker is feared of being in their own country, and if other countries does not provide protection to the asylum seeker\textsuperscript{132}.

The main legislation regarding asylum is found in the 2007 \textit{LXXX law}, which was implemented in 2007\textsuperscript{133} and was entered into force in 2008\textsuperscript{134}. The legislation was implemented shortly after Hungary became a member state of the EU, which is seen by the clear connection between the legislation and the European Union Law. The legislation is applicable on asylum seekers and refugees who are subject to the Dublin Regulation\textsuperscript{135}. Further on, the law has a clear connection to the legislation regarding common minimum standards

\footnotesize{\textsuperscript{130} Ibid p.15
\textsuperscript{131} Fundamental Law of Hungary https://www.refworld.org/pdfid/53df98964.pdf
\textsuperscript{132} Fundamental Law of Hungary art. XIV §3 https://www.refworld.org/pdfid/53df98964.pdf
\textsuperscript{133} 2007 LXXX. Law on Asylum http://njt.hu/cgi_bin/njt_doc.cgi?docid=110729.362966#foot2
\textsuperscript{134} 2007 LXXX. Law on Asylum art.90 http://njt.hu/cgi_bin/njt_doc.cgi?docid=110729.362966#foot2
\textsuperscript{135} 2007 LXXX. Law on Asylum §1(2) http://njt.hu/cgi_bin/njt_doc.cgi?docid=110729.362966#foot2}
for what Hungary as a member state shall reassure refugees\textsuperscript{136} and is in compliance with the following European Union Law:

Art. 95 h) minimum standards for temporary protection … in the event of a mass influx … promote a balance between the efforts made by member states”

Art. 95 i) council resolutions for minimum standards for the reception of asylum seekers…”

Art. 95 k) minimum standards on procedures in member states for granting and withdrawing refugee status…”

Art. 95 p) common procedures for granting and withdrawing international protection”\textsuperscript{137}

In 2007 the Act II of 2007 on the Entry and Stay of Third Country Nationals\textsuperscript{138} was also implemented. The act was adopted in order to follow the establishment of the European area of freedom, security and justice\textsuperscript{139}. The act legislates the right of third-country nationals to enter Hungary and to residence within the country. The legislation has therefore also a clear connection to the European Union Law and was implemented within the Hungarian legal system shortly after they became a member state of the EU.

5.3 The Hungarian Asylum System post 2015

Soon after the asylum crisis, the Hungarian legal system changed due to the mass inflows of refugees and asylum seekers into the country. The
Hungarian government chose to change the asylum system, in order to make it harder for refugees and asylum seekers to entry the territory of Hungary, and to make it harder to get asylum\textsuperscript{140}. The changing of the legal system started already in 2015 and is still on-going to this day. The Hungarian government has openly expressed xenophobic views and led anti-immigrant rhetoric campaigns. The changes within the Hungarian asylum system will further be explained and discussed below.

Several changes were done within the Hungarian asylum system in 2015 and the years after, as a response to the asylum crisis that affected the country with mass influx of asylum seekers and refugees. The changes and revisions of policies, and Hungary’s reaction and response to the crisis, have been criticized by the EU, but also by international organizations such as Amnesty International\textsuperscript{141} and the UNHCR\textsuperscript{142}, and has been seen as a “systematic crackdown on the rights of refugees and migrants”\textsuperscript{143}. The critique from EU comes mainly from the non-compliance of the common EU laws\textsuperscript{144}. Changes within the Hungarian asylum system will be discussed and analyzed down below, in the light of an increased populism in the country.

5.3.1 State of crisis due to mass migration

\textsuperscript{140} XX of 2017 law amending certain laws tightening procedure carried out in the border area \url{http://njt.hu/cgi_bin/njt_doc.cgi?docid=201077.336340}
\textsuperscript{141} Amnesty International \url{https://www.amnesty.org/en/}
\textsuperscript{142} UNHCR – The UN Refugee Agency \url{https://www.unhcr.org/}
\textsuperscript{144} Ibid
In 2015, the Hungarian government introduced a so-called “quasi state of exception”, which was called “state of crisis due to mass migration”\textsuperscript{145}. After its introduction, several changes were done within the asylum system, mostly regarding how the police and the military would handle the asylum applications and the irregular migration that was flowing into the country, but also how the asylum applications would be done and how many asylum seekers could enter the country\textsuperscript{146}. During the state of crisis, asylum applications could only be made within the transit zones\textsuperscript{147}. The state of exception was first only applied to six counties in Hungary, those who were bordering Serbia, Croatia, Slovenia and Austria, where the pressures were harder on the borders. In 2016 though, the state of crisis was extended to the whole territory of Hungary. The state of crisis has been extended several times\textsuperscript{148} and in September 2019 it was extended once again and is valid until March 2020\textsuperscript{149}.

5.3.2 Criminalization of irregular entry

The Hungarian government also criminalized irregular entry through the border fences that have been set up along the Hungarian borders, which has restricted the entry into Hungarian territory even more. This border control

\textsuperscript{145} Government Decree no. 41/2016. (III. 9.) on ordering the crisis situation caused by mass migration in relation to the entire territory of Hungary, and other relevant rules concerning the declaration, existence and termination of the crisis situation

\textsuperscript{146} European Asylum Database, Country report: Hungary 2018 p.19

\textsuperscript{147} European Council on Refugees and Exiles (ECRE), Hungary: Government extends the “state of crisis due to mass migration” https://www.ecre.org/hungary-government-extends-the-state-of-crisis-due-to-mass-migration/

\textsuperscript{148} European Asylum Database, Country report: Hungary 2018 p.19

\textsuperscript{149} European Council on Refugees and Exiles (ECRE), Hungary: Government extends the “state of crisis due to mass migration” https://www.ecre.org/hungary-government-extends-the-state-of-crisis-due-to-mass-migration/
have been criticized. The action goes against the principle, which is stated in the Refugee Convention, that no one shall be criminalized for irregularly crossing a border when aiming at seeking asylum\textsuperscript{150}.

The police and the military within Hungary have both been gotten the authority to use tear gas and rubber belts on illegal immigrants trying to cross the Hungarian borders. The authorization was given due to the “mass migration”\textsuperscript{151} and is stated in Article 54/D of Act CXLII/2015\textsuperscript{152}. The police has also been given the task to push back asylum seekers who are within 8 kilometers of the Serbian-Hungarian or Croatian-Hungarian border, without letting these migrants and refugees seek asylum in Hungary\textsuperscript{153}, which is stated in the Act VI of 2018 amending certain laws relating to measures to combat illegal migration\textsuperscript{154}. The police’s authority to reject entry into Hungary is stated in Act no. II of 2007 on the entry and residence of third country nationals amendment of the law\textsuperscript{155}.

5.3.3 Transit zones and “safe third countries”


\textsuperscript{151} Amnesty International, \textit{Fear and Fences: Europe’s approach to keeping refugees at bay p.76} https://www.amnesty.org/download/Documents/EUR0325442015ENGLISH.PDF

\textsuperscript{152} 2015 XCLII. Law amending certain laws related to more effective conservation and management of the state border of mass immigration Hungary http://njt.hu/cgi_bin/njt_doc.cgi?docid=177732.298490


\textsuperscript{154} VI of 2018 law amending certain laws relating to measures against illegal immigration §46F

Asylum applications could only be done within the so called “transit zones”. These were set up on the external sides of the Hungarian border\textsuperscript{156}. The transit zones were set up as a response to the “crisis situation due to mass migration”, in order to handle the flows of asylum seekers during 2015, but the system was soon to be seen as inefficient. The transit zone would only allow 15 asylum seekers per day, which is a small amount in comparison to all the hundreds of asylum seekers who were waiting in the transit zones for their turn\textsuperscript{157}.

The Hungarian government also put up a list regarding so called “safe third countries”, where international protection shall be granted to the asylum seekers\textsuperscript{158} which is stated in Section 51(2)(e) of the Asylum Law, as amended by Article 34 of the Amendment\textsuperscript{159}. The list was presented in the amendment of the Asylum Law. In the list, Serbia was included as a safe third country. This thus meant that people who had transited through Serbia, which most asylum seekers come from\textsuperscript{160} could be sent back to Serbia\textsuperscript{161}. The situation in Serbia is though not as safe as Hungarian has stated it to be, and the asylum seekers and refugees are in the risk of experiencing human right violations, sice the asylum system in Serbia is ineffective and does not grant the refugees and asylum seekers the international protection it shall\textsuperscript{162}. This was a move that the Hungarian government made in order to stop the refugees from getting

\textsuperscript{157} Ibid
\textsuperscript{158} Amnesty International, \textit{Fear and Fences: Europe’s approach to keeping refugees at bay} p.77 \ https://www.amnesty.org/download/Documents/EUR0325442015ENGLISH.PDF
\textsuperscript{159} 2007 LXXX Law on Asylum, Article 51(2)(e)\ http://njt.hu/cgi_bin/njt_doc.cgi?docid=110729.362966#foot2
\textsuperscript{160} Amnesty International, \textit{Fear and Fences: Europe’s approach to keeping refugees at bay} p.72 \ https://www.amnesty.org/download/Documents/EUR0325442015ENGLISH.PDF
\textsuperscript{161} Ibid p.72
\textsuperscript{162} Amnesty International, \textit{Fear and Fences: Europe’s approach to keeping refugees at bay} p.71 \ https://www.amnesty.org/download/Documents/EUR0325442015ENGLISH.PDF
inside the Hungarian territory. The transit zones have shown to limit the right of asylum seekers\textsuperscript{163}.

### 5.3.4 Non-compliance with EU law and the Common European Asylum System

The Hungarian government has gotten a lot of critique from the EU for not complying to the EU laws. The Hungarian government has not been protecting and fulfilling the rights of refugees\textsuperscript{164}. Refugees and migrants have been waiting in inhuman ways for their asylum applications to be handled, which has caused international reaction and response\textsuperscript{165}. Since Hungary is a member state of the EU, the EU cannot look away – it needs to react to such behavior that does not go along with the EU law, but also goes against international law, and therefore this becomes a problem for the EU too\textsuperscript{166}. The European Parliament has especially been expressing concerns around this topic\textsuperscript{167}. Hungary was blocking the entry into the EU, which was not what has been commonly agreed on within the CEAS.

Further on, the Hungarian government opposed a relocation scheme within the EU, meaning that the Hungarian nation would not support this. A referendum was held regarding this in October 2016, but it was invalid\textsuperscript{168}.


\textsuperscript{165} Ibid

\textsuperscript{166} Ibid


Hungary also refused to co-operate with other member states of the EU regarding the acceptance of asylum-seekers, according to what is stated within the Dublin Regulation. In the EU:s Procedure Directive, it is stated that asylum applications shall be looked at objectively, and that each asylum application shall be examined equally. Within the transit zones that are set up on the Hungarian borders, the examination of the asylum applications are not fulfilling the criteriums that are set up by the EU, which makes Hungary go against EU law.

5.4 Anti-immigration rhetoric’s

The Hungarian government, with the leading party Fidesz, has been expressing anti-immigration rhetoric’s openly. In 2014, the government was leading an anti-immigrant campaign. The aim with the campaign was to promote how dangerous refugees and asylum seekers were for the jobs within Hungary, pointing at them taking jobs from the Hungarian people, which they were not welcome to do. The Hungarian government has also been pointing out refugees and asylum seekers as a threat to the country, putting up a picture in the media of them as criminals.

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169 Ibid p.182  
170 Amnesty international, Fenced Out: Hungary’s violations of the rights of refugees and migrants p.19  
171 Amnesty International, Fear and Fences: Europe’s approach to keeping refugees at bay p.72  
https://www.amnesty.org/download/Documents/EUR0325442015ENGLISH.PDF  
172 Amnesty International, International report 2016/2017 The state of the world’s human rights p.182  
https://www.amnesty.org/download/Documents/POL1048002017ENGLISH.PDF
The "state of the nation address" that was held and presented by Viktor Orbán in 2019\textsuperscript{173}, contained statements which were anti-immigrant.

Orbán points out migration as a reason for increased crime – and states that migration “spreads the disease of terrorism among us”\textsuperscript{174}. The increased migration also causes nations to become more multicultural, which in turn shrinks the percentage of Christian population in European states, according to Orbán\textsuperscript{175}. The view of the Cristian population of both Hungary and the European states can be linked to the populist feature nativism - the belief that the nation-state shall consist of the “native” – nonnative persons are threatening to the homogeneity of the nation – that can be seen as a feature of populist leaders.

Orbán also criticizes the opposition in Hungary for being “pro-immigration”, stating that they are “European bureaucrats”. Strong criticism is pointed against the EU and Brussels, as he opposes the CEAS, stating that Hungary will not agree on being said how to act, and that their “immigration policy will remain firm”\textsuperscript{176} and stay the same during this precarious time. Orbán concludes his speech by saying that Hungary will not follow the path of the EU. They are “preparing to stop formation of a pro-immigration majority”\textsuperscript{177} within the EU.

What is also interesting is the emphasis that is put on the people. Orbán several times mentions that it is the people that are in focus, the people of Hungary. Orbán points out the people as the key pillar of a democracy;

\textsuperscript{174} Ibid
\textsuperscript{176} Ibid
\textsuperscript{177} Ibid
whether it is liberal or illiberal. This rhetoric is a specific populist one, and fit into the criteria of populists according to Mudde.

5.5 Populist radical right parties in Hungary

The choices of tightening the Hungarian asylum system have been done by Viktor Orbán and his party Fidesz. The party Fidesz can, according to Mudde, best be described as a populist party which shares the values of conservative nationalism and Christian democracy. The party has gone from being a non-populistic party, to being populistic, according to Mudde.

When looking at the support for radical-right parties in EU member states, the highest support can be found in Hungary – almost 70% of the population is supporting a radical-right party. This is the highest percentage out of all the member states and the capital of Hungary, Budapest, can be seen as a gathering place for radical-right supporters. Radical-right parties, in the European context, are often Eurosceptic. The Euroscepticism can be seen within Fidesz, and Orbán has, since gaining the power in the 2010 elections, taken a more anti-EU turn. This has especially been the case since after the asylum crisis, when Orbán blocked EU politics regarding these policies.

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178 Ibid
182 Ibid p.117
5.6 Changes within the legal system due to an increased populism?

According to Mudde, radical right parties have three ideological features; **nativism, authoritarianism and populism**. All of these features can be found within the Fidesz party\(^{184}\), which has been presented and analyzed throughout the research. Mudde defines populism as a thin centered ideology, that often (or, necessarily) needs to stand by another ideology. In Hungary, the populism can be seen to be combined with nationalism and conservatism; the strive for a pure nation state and wanting to keep mainly Hungary, but also, Christian. Christian values and traditions are important.

Firstly, the feature of **nativism** can be seen within the look at Hungarian people as the pure, ethnic people. All “ethnic Hungarians” are granted citizenship in Hungary\(^{185}\), including “ethnic Hungarians” who are living in the neighboring countries. The Hungarian border are thus not closed – they are just open for some.

The systematic crackdown of the civil society, the critique of the media and of NGO’s are example of actions that can be linked to an increased **authoritarianism** within the party.

The increased **populism** can be seen in the rhetoric’s of Orbán talking to “the people” of Hungary, the people who he will represent and stand up for.

The crackdown on the rights of refugees, the changes within the national asylum legislation, the non-compliance with EU law and the anti-immigration rhetoric’s can thus be explained by the increased populism within the country – Fidesz have shown more and more populist acts since

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\(^{184}\) The Guardian, *The Hungary PM did a “rivers of blood” speech... and no one cares (Cas Mudde)* [https://www.theguardian.com/commentisfree/2015/jul/30/viktor-orban-fidesz-hungary-prime-minister-europe-neo-nazi](https://www.theguardian.com/commentisfree/2015/jul/30/viktor-orban-fidesz-hungary-prime-minister-europe-neo-nazi)

\(^{185}\) The Guardian, *The Hungary PM did a “rivers of blood” speech... and no one cares (Cas Mudde)* [https://www.theguardian.com/commentisfree/2015/jul/30/viktor-orban-fidesz-hungary-prime-minister-europe-neo-nazi](https://www.theguardian.com/commentisfree/2015/jul/30/viktor-orban-fidesz-hungary-prime-minister-europe-neo-nazi)
after 2015. The right-wing populism is on the rise in Hungary, and it has brought some changes with it.

The three core features of populism; *the people, the elite & the general will*; can also be shown in the politics of Viktor Orbán and Fidesz, some features more than others. Orbán often refers to the people; the people of Hungary that he will represent. He will fight against the elite (EU and the opposition) in order to not let Hungary fall into the same patterns as other EU member states, he wants Hungary to remain Christian and conservative. Further on, he wants to implement what the Hungarian citizens wants (the general will). Even though not much is found about Orbán speaking of direct democracy, his ruling can be connected to a deepening of authoritarianism with the crackdown of media, NGO’s and the opposition.

According to Mudde, populism does not necessarily need to undermine democracy. It might, but it might not, depending on where the country is in the democratization process. Hungary can be seen as an electoral democracy; thus, it is not a liberal democracy. The populism in Hungary has been seen to de-democratize the country. Viktor Orbán has pointed himself out as the strong leader of Hungary who will lead the country forward, showing authoritarian tendencies and undermining the existing democracy, but in restricted terms.

6. Conclusions

As for conclusions, what can be seen from the research, is that the Hungarian asylum system did change after the asylum crisis in 2015, making it harder for refugees and asylum seekers to enter the country and to be granted asylum.
The prime minister of the country together with his political party Fidesz, have become more populistic – fitting into the criteria’s of right-wing parties according to Mudde, and showing populistic tendencies. The changings of the legal system, the breaches of EU law, the anti-immigration rhetoric’s and the claim that “the people of Hungary” will be represented, shows that the Hungarian government have populistic tendencies, and that these tendencies have increased in the past couple of years. The asylum crisis can be seen as a “triggering factor” for the increased populism, with Orbán taking a more anti-EU turn and stated the importance of the “Hungarian people” and a Christian culture within the country, and within Europe. Further on, the politics and behavior of the leading party Fidesz shows that it fulfill the three core ideological features of radical right parties, according to Mudde, which is also an explainable factor to the changes and expressions of the government.

The question in this research; How did the Hungarian asylum system change after the asylum crisis in 2015 in the light of an increased populism?; can therefore be answered and analyzed with my chosen theory.

The situation that can be seen in Hungary with rising populism can also be seen in other European states, but not to the same extent. Even though radical right parties are on the rise in Europe, the Hungarian nation stands out with openness of xenophobic expressions, violations of EU standards, inhuman treatment of refugees etc. Fidesz has been the leading party since 2010, and the support for the party is high among the Hungarian people. Therefore I think it is perhaps somewhat easier for Fidesz to express these beliefs, and to act as they have done in a response to the EU integration and the asylum crisis in 2015. Hungary did receive many refugees during 2015, in comparison with other EU member states. As Mudde points out, populists do often point out a sense of crisis – a crisis that Orbán made sure to point out as a threat to the Hungarian nation and the Hungarian people.
I also think that the EU integration can be one explainable factor for the rise of the populism in Hungary. The CEAS states the minimum requirements for every member state of the EU – during the asylum crisis in 2015, which is mentioned above, the pressure on the member states was not equal. States that received many refugees had to do more, which in turn causes pressure on the state apparatus. The Hungarian refusal of complying with EU law can be explained by both the increased populism within the country, but also by the situation of Hungary being the entrance for asylum seekers into Europe.

7. Discussion

This study has aimed at pointing out how changes within the Hungarian national asylum system has changed due to an increased populism. The results show that the changes that have been made, together with statements that have been made from the Hungarian government, can be connected to Cas Mudde´s theory of populism. The people, the common good and the general will are the three core features of populism, according to Mudde. The prime minister Viktor Orbán is seen as a strong, personal leader who will represent the people; something that the democracy and previous leaders in Hungary has not been able to do, according to him. He will strive for the best for the Hungarian people. Orbán has also taken a more authoritarian form to his ruling.

The Hungarian government has also been seen to be anti-pluralistic and anti-elitist, which are two other features of populism. Not everyone who is an anti-pluralist and anti-elitist is a populist, but these features combined with the three mentioned previous, is what distinguish a populist. The leading party Fidesz also fit into the description of radical-right parties, which is also defined by Mudde.
Hence, much indicates that the Hungarian nation can fit into the description of the populist features according to Mudde.

There are both strengths and weaknesses with my study, as with every study there is. In this study, the theory of populism has been a definition by Cas Mudde. Cas Mudde is one of the most prominent researchers of populism, which thus can be seen as a strength to the study, and this is why his definition was chosen and applied to this case. When looking into the situation in Hungary after 2015, a connection can be drawn to the chosen definition of populism. Choosing only one definition has made the study more precise and focused, but this thus means that other definitions are excluded and therefore other characteristics of populism are not looked into. This might have an impact on my results, with excluding certain information that could have been important for my hypothesis. Even though the base within all populist research is the same, there are also a few differences on some aspects, as for example the view on whether or not populism is good or bad for democracy. Not including other features might have impacted on my results, either by me missing out on information that could possibly have strengthen my hypotheses, or maybe even proven it wrong.

In the results I present that there is a connection between an increased populism and changes within the Hungarian asylum system. But what to bear in mind is that there might be other factors that underlie changes within the asylum system, that I do not bring up within this study. Since the study is limited to the asylum system only, other areas that might strengthen or contradict my hypotheses are not included.

7.1 Further research
This study does not cover all parts of the Hungarian asylum system, and neither does it cover all definitions of populism. Therefore, much more research can be done, that my study cannot provide the answers to. Since my study is of a descriptive character, the reader can make up own hypotheses which can be used for further research. The question asked in this research is relevant in politics today and thus opens up to further research within this field, not least within Europe.

In this research, I have focused on how the Hungarian national asylum system has changed in the light of an increased populism. Further research that can be made is focusing on the question why, more specifically, it has changed. Since populism is on the rise in other European states too, why is Hungary the most outstanding one, in comparison to other member states? The question that could be asked is if there are other underlying factors that have led to the changes too, besides an increased populism, as for example a negative democratic trend within the country? This is something that my study can not answer. My research does not take into account other factors that might have affected the situation within the country, too. This type of research could provide more information about the current situation within Hungary, looking at more factors rather than just an increased populism.

Right-wing populism has been on the rise in other European states too. What would be interesting for further research would be to see whether or not there is a pattern within the European states; have other member states changed their national asylum system, as Hungary has? Many European states have tightened their borders, and a connection could possibly be found. Here, studies can be both of general character; or more specific on studying other member states of EU that have received a lot of refugees too, in order to see whether or not there is a pattern between high reception of refugees and increased populism, which my study in its current form cannot answer. The study also opens up questions to how the Common European Asylum System
is implemented in other EU member states since after the crisis, and further research can thus also be done within this area.

**Source- and reference list**

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