

Input of Hungary

to the UN Secretary General's report on the global compact for safe, orderly and regular migration

With reference to the request of the UNSRSG for International Migration of 21 July 2017, calling Member States to provide national inputs to the Secretary's General report on the global compact for safe, orderly and regular migration, Hungary submits the following contribution.

Hungary generally aligns itself with the position of the European Union on the procedure leading up to the elaboration of the Global Compact on Migration and its core elements as agreed and indicated in the *New York Declaration for Refugees and Migrants* and subsequent negotiations resulting in the adoption of guidelines.

As the experience of recent years shows, it has to be acknowledged that irregular migration flows are presenting major challenges for both the countries of origin and countries of destination. We therefore welcome that the *New York Declaration for Refugees and Migrants* recognised that **States have rights and responsibilities to manage and control their borders, and to implement border control procedures, as well as the sovereign right to determine whom to admit to their territory, subject to that State's international obligations.** We remain convinced that the future Global Compact on Migration shall also be based on this core approach, emphasising that securing control over external borders and **stemming the continuous flow of irregular migration must become priority in finding a solution to the migration crisis**, as well as establishing a balance between the security aspects of migration and the right to asylum.

Hence, we are convinced that the elaboration of the future **Global Compact on Migration**, that **shall not have legally binding effect**, will remain a **State-led procedure**, whereas implementation of the principles and commitments agreed therein could be completed by a **soft follow-up and review mechanism** that would not lead to the creation of any new structure.

Structure and elements of a global compact for safe, orderly and regular migration, including its purpose, goals, challenges and opportunities

Similarly to the structure and the approach of the *New York Declaration* that dedicates specific sections for both refugees and migrants, as well as a section to the human rights commitments that apply to both refugees and migrants, **we propose to make a clear distinction between the rights and international commitments that apply to regular or to irregular migrants in the global compact on migration.** At the same time, we do not advocate for broadening certain rights of refugees and applying them also to migrants, especially when this would imply an indistinct approach regardless of their migratory status (regular or irregular), or a wording that blurs the difference between the two legal categories of migrants (regular or irregular). It might seem necessary to determine the differences between migrants in vulnerable situation and

refugees with a view to be able to define what are the exact rights that derive from one or from the other status.

Bearing strongly in mind that the elaboration of the global compact on migration is a State-led process and that commitments are to be undertaken by member States therein, we would wish to see that the following principles are emphasised as the premises of the compact, namely that **each State has a sovereign right to determine whom to admit to its territory**, subject to that State's international obligations and that States have rights and responsibilities to manage and control their borders. Although not wishing to question the rights-based approach of the New York Declaration regarding people on the move, Hungary would like to see this approach sufficiently balanced by **stressing also the obligations of refugees and migrants** besides their rights. **A clear reference to the costs of integration should be made**, encompassing not only the financial burden borne by the host States, but also the societal and cultural implications and the long-term impacts.

We propose to make it clear that when reference is made to the creation and expansion of **safe, regular pathways for migration**, this **has to be decided by the States within the sphere of their national competences**. A wording corresponding to this approach in the global compact on migration could be the "*encouragement*" of the member States or the "*consideration*" of such measures.

While recognizing that international migration is a multidimensional reality of major relevance and with the aim of reducing the incidence and impact of irregular migration, we propose that global governance of migration should focus on **tackling the root causes of migration** with special regard to poverty eradication, conflict prevention and resolution, and bringing help to people closest to their homes, rather than aiming only to manage irregular migration that has already taken place, or to create alternatives to irregular migration by offering regular pathways, as we don't believe that we should deliberately encourage migration through the establishment of such pathways.

With regard to the proposed overarching narrative aimed at facilitating safe, orderly and regular migration, **Hungary would like to see a reference to national competences or to Member State's margin of manoeuvre in choosing and implementing their own policy considerations** (labour market or demographic) **as regards regular migration**. This could be done by possibly using the wording "*as appropriate*", or including "*considering*". When reference is made to the importance of the social and economic inclusion of migrants and to measures implementing this goal (ranging from social security to labour market and recruitment rights), we deem it necessary that these possibilities shall be applicable to legally staying migrants, subject to the States' national competences in this regard.

When speaking about large movement of migrants, we find it more accurate to point to the aim of **preventing and stemming irregular migration**, instead of using the term "*managing migration*", or "*migration management*", as migrants arriving by sea through the involvement of smugglers or traffickers attempt to enter the European Union by irregular ways.

Hungary aligns itself with the position of the European Union on the importance of the bilateral return and readmission agreements, since it became evident that without a successful return and readmission policy, neither the internal, nor the external dimension of migration can be handled successfully. Effective arrangements with third countries are essential

to expedite return operation, and we believe that a coherent approach on migration cooperation between the EU and third countries should take place within the framework of conditionality.

Hungary also supports the bilateral and multilateral cooperation frameworks between the countries of origin and transit. Hungarian police forces provide constant support to the relevant law enforcement authorities of the countries along the Western Balkans migratory route. Furthermore, the importance of regional dialogues such as **the Budapest Process has a significant contribution to the enhancement of the cooperation with the countries of origin.**

Beside the improvement of national and regional integrated border management strategies, it is of utmost importance to support the **development of border management in the relevant countries of origin and transit** (e.g. Libya or the Silk Routes Countries).

In line with EU's common position, Hungary also believes that **all return operation should be carried out in a dignified manner, in full compliance with international law.** In order to fulfil this obligation, Hungary is actively involved in the FReM II (Forced-Return Monitoring) project which aims to contribute to a functioning EU Return System in line with the EU Return Directive (2008/115/EC), protecting the fundamental rights of returnees through independent and transparent forced-return monitoring, based on a common European approach and harmonized procedures.

When reference is made to the **positive contribution of migrants** or diaspora community to development, **we would like to see a more balanced wording**, that expresses also the challenges of migration on host communities, therefore using a softer language, such as „*possible contribution*” seems more appropriate. In line with the EU's common position, Hungary is also convinced that reference shall be made to migrants' obligation to fully observe fundamental values such as respect for human dignity, freedom, democracy, equality, the rule of law and the respect for fundamental rights, as well as laws and regulation of their host countries. **Hungary firmly believes that highlighting only the positive economic and social impacts of migration sends a unilateral message.**

Actionable commitments that may be included in the global compact on migration

Taking into account the non-exhaustive list of Annex II. of the New York Declaration and the key elements of the Hungarian position elaborated above, we propose to include the following commitments in the future global compact on migration:

- *International cooperation for border control, with full respect for the human rights of migrants (Annex II., III/j.)*
- *Combating trafficking in persons, smuggling of migrants and contemporary forms of slavery (Annex II., III/k.)*
- *Identifying those who have been trafficked and considering providing assistance, (at the same time we would like to note that Annex II., III/l. also refers to „temporary or permanent residency, and work permits, as appropriate”, which falls under national competences, therefore commitments with a general applicability linked to specific forms of assistance do not seem adequate)*
- *Return and readmission, and improving cooperation in this regard between countries of origin and destination (Annex II., III/s.)*

Means of implementation and a framework for the follow-up and review of implementation

Hungary aligns itself with the EU's common position regarding the nature of the follow-up and review mechanism of the new global compact on migration. Accordingly, we believe that **the monitoring mechanism should take a „light” shape**, and shall be based on the framework of existing UN fora and not lead to the creation of any new structure. Therefore, we believe that it's either the Global Forum on Migration and Development (GFMD) or the High-level Dialogue on International Migration and Development that would be ideal to fulfil this purpose. However, we would not prefer the option bringing the dialogue on migration between institutional frameworks - and directly - before the High Level Political Forum on sustainable development (HLPF), as the HLPF may lose its efficiency in this case.