

ALL ASYLUM SEEKERS FINALLY GET FOOD IN THE TRANSIT ZONES AT THE BORDER



23 August 2018

Budapest, 23 August 2018

After two weeks, all asylum seekers in the transit zones are now receiving food as a result of the intervention of the Hungarian Helsinki Committee (HHC). The HHC had to request interim measures from the European Court of Human Rights (ECtHR) on a case-by-case basis for two weeks to ensure that authorities provide food to detained asylum seekers whose claims were found inadmissible. In all cases the ECtHR granted the requests and ordered the Hungarian government to provide food to the 8 affected persons.

The Hungarian Immigration and Asylum Office seems to have given up its starvation tactic as it began to provide food to everyone detained in the transit zone, without the need for further interim measures. We welcome the positive change in the authorities' practice but without legislative changes, asylum seekers can still be deprived of food any time.

The practice of depriving asylum seekers of food was the result of amendments to the Asylum Act and the Fundamental Law that entered into force July 1 2018. The new provision gives the Hungarian authorities a new ground for delivering inadmissibility decisions to asylum seekers. The application of the new inadmissibility criterion means that asylum claims are rejected based on the fact that the applicant travelled through Serbia. Applicants then immediately become subject to alien policing procedures. Despite challenging the rejection of their asylum claim in court, they are ordered to stay in the transit zone until their expulsion to Serbia. From 8 August up until today, the practice was that during the alien policing procedure – with the exception of children and nursing women – people were denied access to food.

The authorities also banned a charity organisation from entering the transit zones to provide provisions for the asylum seekers. In some instances families were separated while children or nursing women received meals, to stop those receiving food from sharing it with their starving family members.

Today our attorneys were informed that the authorities found a legal loophole to provide food to the asylum seekers. Although further inadmissibility decisions were delivered today, all of the rejected asylum seekers were given meals without the need to request interim measures from the ECtHR. While we welcome that no one is starved now, the danger of depriving asylum seekers of food still remains a possibility under the current legislation.

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