

Eastern Borders: Hungary's Embassy Procedure Breaches EU and International Law CJEU Rules, Poland Passed Law Opposing Relocation of Asylum Seekers Amid Plans for Referendum, New Pilot Project between Frontex and Romania, Latvian Parliament Urged to Reject Legal Amendments Legalising Ill-treatment and Pushbacks

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The European Court of Justice ruled that Hungary has failed to fulfil its obligations since the introduction of the embassy procedure in 2020. The Polish Parliament passed a law opposing the relocation of asylum seekers and migrants as outlined in the new EU migration pact amid plans to host a referendum on this issue. The European Border and Coast Guard Agency (Frontex) and Romanian authorities launched an operational pilot project at the country's external border with Moldova and Ukraine. Latvian Parliament is

discussing legal amendments legalising pushbacks and ill-treatment of people attempting to seek asylum.

An [updated information note](#) by ECRE member Helsinki Hungarian Committee (HHC) underlines that the asylum system in the country has practically been suspended since May 2020 – since the introduction of the embassy procedure. Under this procedure, foreign nationals are required to submit a pre-asylum application at the country's mission to Serbia or Ukraine before applying for international protection in Hungary. Accepted asylum applicants are allowed an entry to the country while rejected applicants are sent an email informing them of the asylum decision without any factual justification or legal grounds. Several court judgements found that rejections sent via email constitute a serious violation of procedural requirements and have ordered the Hungarian authorities to conduct a new procedure, but no concrete actions have been taken so far by the national authorities. On 22 June, the Court of Justice of the European Union (CJEU) [ruled](#) that Hungarian Prime Minister Viktor Orbán's embassy procedure is a breach of EU law as it deprives third-country nationals or stateless persons of the right to seek asylum, violating international protection law. Following the judgement, HHC once again [called](#) for the abolishment of the procedure and insurance of fair treatment of asylum seekers. Amnesty International [said](#) that "It is as ridiculous as it is unworkable that the Hungarian authorities have asked people seeking safety to request permission from abroad before entering the country". However, his government blasted the ruling. "We regret that the Court has made such a decision, but we also regret that the European Commission and the Court of Justice of the European Union have forced us to create this legislation in the first place," [said](#) Gergely Gulyás, Hungary's minister of the Prime Minister's Office. The organisation shed light on the "infamous" "Stop Soros" law, which was passed five years ago on World Refugee Day in 2018. "The passing of the law gave concrete expression to the government's propaganda stigmatizing independent civil actors as servants of foreign interest as well as enemies of the national community and created a direct existential threat to independent civil society", HHC [stated](#) in a new paper.

The Polish parliament [passed](#) a resolution on 15 June with the support of MPs of the governing Law and Justice Party (PiS) and the far-right Confederation alliance, opposing the relocation of asylum seekers and migrants proposed in the new [EU migration pact](#) that the Council of the EU approved on 9 June. Under the proposed pact, member states can either receive a certain number of allocated asylum seekers or pay 20,000 euros per year for each person they refuse to take. PiS leader Jaroslaw Kaczynski announced that the country would hold a referendum on the issue of relocating asylum seekers on the same day as elections scheduled for Autumn, arguing that "We do not agree that the Polish state should bear the social and financial costs of the bad decisions of another European Union member state". The PiS leader also argued that the EU's relocation plans for asylum seekers were "unlawful interference" by Brussels in domestic affairs and that the "EU should take into account the fact Poland has helped millions of Ukrainian refugees", more than 1.5 million residing in the country. However, Jan

Grabiec, spokesman for Civic Platform, the main opposition party, said PiS is being forced to exploit the issue of asylum seekers and migrants because “its polling numbers are low and they have run out of campaign ideas” **due to** public dissatisfaction over topics such as inflation or the country’s strict abortion laws. Meanwhile, the European Court of Human Rights (ECtHR) **communicated** to the Polish government another 14 cases concerning possible violations of human rights along the border with Belarus. According to ECRE member Helsinki Foundation for Human Rights, “The applicants argue that even an irregular border crossing cannot deprive any human being of his or her fundamental rights, such as the right to life, freedom from torture and inhumane treatment, or the right to a fair trial”. The applicants found complaints about the improper conduct of the Polish border guard, pushbacks to Belarus, inhumane and degrading treatment, poor examination of individual cases, the impossibility of applying for asylum at Belarus-Poland border and detention. Meanwhile, Belarus reportedly **plans** to construct a set of fortifications along its border with Poland. According to a local monitoring group Belarusian Hajun on Telegram, “the fortifications are being erected near the village of Zhabinka, situated 28 kilometers from the Polish border and 47 kilometers from the Ukrainian border. Current construction involves making trenches and dugouts”.

Frontex and Romanian authorities launched an operational pilot project at the country’s external border with Moldova and Ukraine. According to a **press release** by the agency, the project aims to “test a new command structure to further strengthen the effectiveness of Frontex operations”. A note circulating by Romanian authorities **states** that an agreement with the European Commission on launching the pilot project was reached on 17 March, and that it aims to implement “key operational actions in the area of border protection, asylum and return. One of the targeted operational actions foresees setting up pilot projects in interested Member States for fast asylum and return procedures”. A key feature of the pilot project is the “acceleration” of asylum and deportation proceedings. This acceleration is evidently aimed at mowing down the existing procedural rights of people seeking international protection”, commented director of Statewatch, Chris Jones.

Latvia’s parliament has been expected to vote on 22 June on legal amendments which “would effectively enshrine in domestic legislation the ongoing practice of unlawful and often violent returns at the border”. Amnesty International **described** the proposal as “yet another farcical abuse of Latvian authorities’ emergency powers”. “If passed this vote will follow similar legal amendments in Lithuania and will become part of a wider negative regional trend that has been encouraged by the failure of the European Commission to ensure that States respect the principle of non-refoulement and the right to asylum”, the organisation added. Council of Europe Commissioner for Human Rights, Dunja Mijatović **called** on the Latvian Parliament to “reject the draft amendments to the Law on the State Border and the Law on the State Border Guard, which would legalise current practices at the border with Belarus that place persons in need of international protection at risk of pushbacks and ill-treatment”, pointing out to concerns

about repeated reports of people on the move being denied the right to asylum and entry to the country.

For further information:

- ECRE, Eastern Borders: Poland Continues Restricting Access to Asylum, Hungary's Inhumane Policies Increase Smuggling Crimes and Deny People Protection, Austrian Minister Calls for Urgent Reform of "so broken" EU Asylum System, 2 June
- ECRE, Balkan Route and Eastern Borders: Ongoing Violent Pushbacks from Croatia to Bosnia and Herzegovina, Pope Francis Urge Hungarians to Open Doors to Migrants, Latvia Criminalises Migrants Rights Defenders, 12 May

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