

## Ad hoc UNHCR-NGO contact group in Europe

Ad hoc dialogue meeting on the Hungarian Law T/10748 - 26/08/20

**Participants:** CARE International, Caritas Europe, Doctors without borders International, the European Council on Refugees and Exiles (ECRE), the Global Refugee-Led Network, the Hebrew Immigrant Aid Society (HIAS), Human Rights Watch, the Hungarian Helsinki Committee, the International Council of Voluntary Agencies (ICVA), Intersos, the Jesuit Refugee Service (JRS), Menedek, Oxfam, the UNHCR Regional Bureau for Europe, the UNHCR Regional Office for Central Europe, the UNHCR Representation for EU Affairs and World Vision International

### Background

A UNHCR-NGO ad hoc **dialogue** was jointly organised by ECRE, ICVA and UNHCR on 26 August 2020 to discuss the recent **legal developments in Hungary**, namely the adoption, on 16 June 2020, of the law T/10748 on the transitional rules and health preparedness related to the cessation of the state of danger (i) requiring persons irregularly entering and wishing to seek international protection at the Hungarian border or inside Hungary to first **declare their intent** to seek asylum at a diplomatic representation before they are admitted to the territory and the asylum procedure and (ii) allowing for the **detention** in closed reception facilities for an initial period of four weeks of asylum-seekers who have been provided with travel documents to enter Hungary legally, pending the assessment of their claim.

Based on its **supervisory responsibility**, UNHCR issued its **legal position** in June 2020 and followed it up with a **press release**.

### Discussions

Complementing UNHCR's legal commentary, several concerns were highlighted by participants, reflecting broader concerns over a deterioration of the situation of asylum-seekers and refugees as well as the state of access to territory and asylum in Hungary beyond these new provisions. Participants further contributed their own legal reading and analysis of the provisions with ensuing discussions over remaining uncertainties. Participants further noted that to date only few cases were identified having applied through this new procedure. The discussion partly also touched upon broader regional issues.

### Action points

#### Information exchange/continued monitoring between UNHCR and NGOs

- Continue to **exchange** on further information and knowledge on the interpretation and application of the law;
- Identify colleagues and partners with the capacity to complement existing **monitoring** of the impact of these new provisions (and liaise accordingly with UNHCR),.

- Keep each other abreast and discuss potential options for **strategic litigation** when suitable cases are identified.

#### Advocacy from NGOs

- Address the situation in Hungary in the upcoming October **NGO Statement** to the UNHCR ExCom, through ICVA in its coordinating role of the Statement. *Interested NGO participants are to reach out to ICVA.*

- Exchange with the **EU Delegation** in Geneva on the situation in Hungary through ICVA, with a view to seek their support and reinforce the synergies between Brussels and Geneva-based advocacy.

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This meeting is considered as a **pilot** for future ad hoc UNHCR-NGO dialogue on specific issues of common interest.

UNHCR, ICVA, and ECRE believe that such format provides a unique opportunity to:

- Quickly and informally **share information** between local civil society/refugee-led organisations and more global actors, including on the concrete impact of asylum legislations on the ground and access to territory in the region, feeding into UNHCR, ECRE, ICVA members and other stakeholders' advocacy efforts at the Brussels and Geneva-levels;
- Harmonize and strengthen advocacy efforts based on a **common interpretation and understanding** of a given law/mechanism/development, the (legal) issues at stake and risks;
- Facilitate partnerships by identifying clear **referral pathways** to stakeholders already engaged and/or with the capacity to engage on the issue of common interest.
- Reinforce synergies between Brussels and Geneva-based actors.

For upcoming ad hoc dialogue, and depending on the thematic/focus chosen, it is recommended to:

- Build on **ECRE and ICVA members participation** and engagement of NGOs in general, including local civil society organisations, related to the topic;
- Identify **local civil society organizations** with a particular interest in the topic and/or existing engagement on the issues at stake;
- Encourage the participation of civil society organisations active in **bordering countries**, which would be of particular relevance in dialogues pertaining to access to territory.

UNHCR, ECRE and ICVA  
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