Hungary in the Schengen system:

Bastion or Gateway?

Qualitative and quantitative analysis
of the Schengen-based visa system
and visa issuance practice in Hungary

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QUALITATIVE AND QUANTITATIVE ANALYSIS OF THE SCHENGEN-BASED VISA SYSTEM AND VISA ISSUANCE PRACTICE IN HUNGARY

EXECUTIVE SUMMARY

1. Hungary fully joined the Schengen system on 21st December 2007. With its accession, Hungary completed its transition both into the free movement and borderless area of "Schengen land" and a new visa regime based on common EU norms and regulations (the so-called Schengen acquis). In this paper, in order to understand the way borders are set up and how exclusions and inclusions happen at these borders, we combine not only a statistical analysis with the qualitative methods of expert and background interviews, but also include the results of the field work performed in several institutions, supplementing them with appropriate textual analysis.

2. The official numbers of visas issued were as follows: 264 thousand in 2002, 425 thousand in 2003, 757 thousand in 2004, 695 thousand in 2005, 640 thousand in 2006, and 502 thousand in 2007. In 2008, the total number of issued short-term visas was 317,519. The "top three countries" where Hungary issues the highest numbers of visas are Serbia, Ukraine and Russia.

   The recent decline may be due to several reasons: already issued Schengen visas allow multiple entries (valid for one year or more); due to the principle of main destination, visas are applied for in another country (transiting people are lost); special cards for relatives and also because fees have been raised. From 2008 the declining trend has been accelerating caused by the newly functioning Schengen visa system in Hungary.

   As for Hungary, the rejection rate of "A", "B", and "C" types of visas (short-term visas) applied for at consulates in the world was 1.8 per cent in 2007, while the rejection rate of "C" type visas applied for at consulates in the world was 1.9 per. The overall value was 2.4 per cent in 2007. According to visa data in 2008, the rejection rate of "C" type visas applied for at consulates was 3.6 per cent.

3. All in all, it can be seen that Hungary institutionalizes itself as a small country which is very active in Eastern and Southern Europe or, in other words, it might see itself as the South-Eastern "Bastion of Europe". Historically a special focus on the Hungarian minorities was a major political concern before joining the European Union and especially Schengen. Between 1998 and 2002, the Hungarian government made major attempts to "take out" the Hungarian minority from the possible outsider groups.

4. The effort to counterbalance the negative Schengen effects concerning the Hungarian minorities has led to several forms of "inclusion" or, in other words, very creative support. This support can be seen in several ways, including reimbursement, support letters, opening consulates, local border traffic agreement and the national visa. Forms of exclusion contain: distrust toward "Eastern" countries, sporadic racism against gypsies, exclusion of low status applicants, higher costs due to submission not being done locally (costs of travel agents etc.) and some bureaucratic restrictions.

5. As a consequence of the decreasing number of issued visas, Hungary loses by missing the connections (economic, scientific, cultural etc.) that would be created if more people visited the country. Added to this are the financial losses stemming from the untapped tourist potential of non-Schengen visitors. Hungary also misses the opportunity to play a more active role in the international arena through exercising its soft power towards other countries, where it holds largely unrealised potential. Countries that are subjected to the Schengen visa regime also lose an opportunity of exploring the functioning of a democratic, even if imperfect, country.

1. Introduction

Hungary fully joined the Schengen system on 21st December 2007. With its accession, Hungary completed its transition both into the free movement and borderless area of "Schengen land" and a new visa regime (visa issuing system) based on common EU norms and regulations (the so-called Schengen acquis).

The visa issuing system as a tool to control the movement of persons crossing the borders is a key element in exercising sovereignty, thus full Schengen membership means the loss of the nation-state based control over the borders. Full Schengen membership and the related common legal acts together are effective means in the construction of a "European" political and social body as it sets conditional exclusion and inclusion practices into a "European" social space or, better to say, social body. The border as "contingent closure"[1] is probably the most demonstrative system in creating a unity as seen from the outside. In this sense, full Schengen accession has not changed the function of borders in the era of globalization; it has just shifted the level of control from the national to the "European" level monopolized by the European Union (being the combination of "civilized" nations). We are not heading towards a borderless world in the European Union. On the contrary, we can actually observe the erection of definite walls. It is important to note that the exact nature of these walls is rarely discussed in the relevant literature on borders. Therefore, this can certainly be a key issue in our analysis. Also it is very important to see that national specificities do play a role, and systems on visa issuing show how different nations imagine and institutionalize themselves in the global order as "European" countries.

As mentioned above, this system is rarely analyzed. In order to understand the way borders are set up and how exclusions and inclusions happen at these borders, in this paper we combine not only a statistical analysis with the qualitative methods of expert and background interviews, but also include the results of the field work performed in several institutions, supplementing them with appropriate textual analysis.

1 Böröcz (2002) p. 133.

2. Methods and questions of the analysis

The qualitative analysis is based on a field work analysis during which consulates, the Ministry of Foreign Affairs and the Office of Immigration and Naturalization have been visited in order to map the process of completing the Schengen visa issuing process and to follow the bureaucratic process and control of the visa issuing system. These visits provided an insight into the institutional backgrounds and frames and, in particular, into the consular work of two very busy consulates close to the Hungarian border managing the visa issuing process in two neighbouring countries, namely Serbia and Ukraine. These two countries also contain a large number of ethnic Hungarians historically separated from Hungary for the best part of the past 100 years. They nonetheless maintain an identity of belonging also to the kin-state and thus posing a major challenge to the full Schengen member Hungary. During the field trips the consul-generals of the consulates were interviewed, and also shorter interviews were conducted with lower level consuls and administrators directly servicing applicants.

The interviews with officials working on behalf of the Hungarian government were semi-structured, with a specific set of questions on their experiences related to the Schengen visa issuing system. They were also asked about what specific problems (false documents, other reasons of exclusion) they faced with regard to specific groups, what experiences they gained in the course of the interviews, in using databases and other methods of control. In the end, a specific set of attitude questions were asked, in addition to asking them about reforms they would promote.

The interviews with the state representatives were supplemented with interviews with persons who had knowledge about specific individuals facing problems in getting a Schengen visa to Hungary. This work required some creative ideas, as it was impossible to visit foreign countries for long enough to be able to find and interview unsuccessful applicants. Nonetheless, several opportunities occurred.

First, an interview was conducted with a Russian scholar residing in Hungary who not only had enormous experience with immigrants coming legally and illegally into Hungary (thus an expert interview could be made), but also maintains a wide network of Russian immigrants residing in Hungary. Some of these immigrants could be interviewed con-

cerning members of their families and their friends who wanted to come to Hungary but failed in the process.

The same approach was followed with a Hungarian scholar with a Russian wife who maintains contact with her family and friends. He gave an interview in which he explained the experiences with the Hungarian consulates and authorities. We also interviewed a Russian activist working on corruption to hear her personal and also professional experiences on obtaining a visa to the territory of the European Union and especially Hungary.

Another source of information was also used. There is a Hungarian non-governmental organization helping foreigners (refugees and other people) who got cases when family members and friends of Hungarian citizens could not enter the country. This was important as in this way cases could be collected from Africa. We also visited a Hungarian refugee centre where cases of recognized refugees' family members from Africa and Asia were also recorded. Altogether 15 interviews were conducted and, as the interview experiences among applicants coincided with the relevant other perspectives of the consulates, the Ministry of Foreign Affairs and the visa departments of the Office of Immigration and Naturalization, we may claim that relevant field experience was collected for a qualitative analysis.

This analysis has also been supplemented with a textual analysis of the Handbook provided for consuls. This also served the purpose of understanding the cognitive positioning of Hungary as reflected in a text revised annually by the Hungarian Ministry of Foreign Affairs.

In addition, we analysed official statistics on visa applications, rejections and issued visas in 2007 and 2008.

3. Statistical data on the numbers of visas issued

The volume of movement across the Hungarian border has been growing since 2004. 36.1 million foreigners crossed the Hungarian border in 2004. The respective figures were 38.6 million in 2005, 41 million in 2006, and 42.5 million in 2007. We could state that the emerging trend was continuous, but in relative terms the rate of growth diminished in the last year under investigation.

The official numbers of visas issued were as follows: 264 thousand in 2002, 425 thousand in 2003, 757 thousand in 2004, 695 thousand in 2005, 640 thousand in 2006, 502 thousand in 2007. In 2008, the total number of issued short-term (Shengen) visas was 317.519. The "top three countries" where Hungary issues the highest numbers of visas are Serbia, Ukraine and Russia.

According to the time series depicted in Figure 1, we can state that the number of visas issued had been growing until 2004. In that year the volume reached the peak. After that a trend of slow decrease began. The recent decline may be due to several reasons: already issued Schengen visas allow multiple entries (valid for one year or more); due to the principle of main destination visas are applied for in another country (transiting people are lost); special cards are issued for relatives and also because fees have been raised. From 2008 the declining trend has been accelerating caused by the newly functioning Schengen visa system in Hungary.

As for Hungary, the rejection rate of "A", "B", and "C" types of visas (short-term visas) applied for at consulates in the world was 1.8 per cent in 2007, while the rejection rate of "C" type visas applied for at consulates in the world was 1.9 per cent. According to the data of the Office of Immigration and Naturalization, the rejection rate of "C" visas (the visas requested at the border) was 40.5 per cent and the rejection rate of "D" (long-term) visas was 6.3 per cent in 2007. It was possible to compute the total rejection rate, too. The original data were provided by two authorities (consulates and the Office of Immigration and Naturalization). This overall value was 2.4 per cent in 2007. According to visa data in 2008, the rejection rate of "C" type visas applied for at consulates was 3.6 per cent. The equivalent indicator was only 2.7 per cent in 2007.

It is to be noted that rejection rates varied highly with authorities in 2007. The consulates were more liberal than the Office of Immigration and Naturalization. In the light of the visa statistics for 2008, this phenomenon did not change.

The total rejection rate (2.4 per cent) was not high in the international context in 2007. As stated above, increasing by 1.2 per cent, the final indicator of the rejection rate was worse in 2008. We can presume with great probability that the growing rejection rates were due to the direct effect of the fully applicable Schengen system.

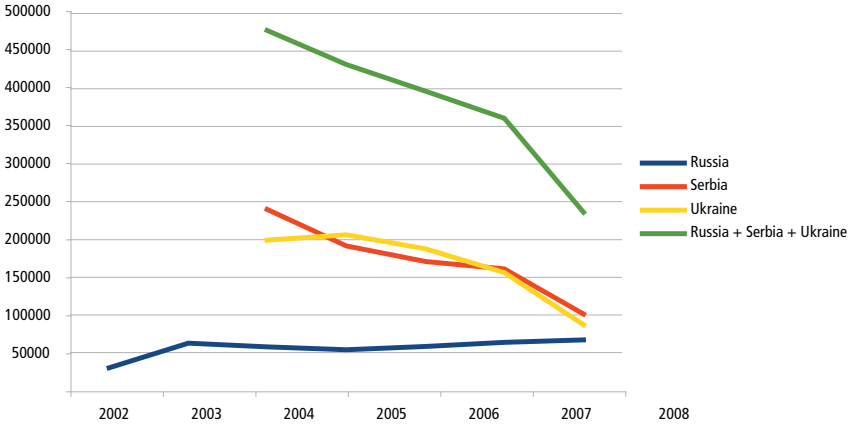


Figure 1. "C" types visas issued in Russia, Serbia and Ukraine

4. The analysis of changes in the established network of consulates: How does Hungary position itself globally?

Looking at the global network of Hungarian consulates, some of the main elements of the Hungarian global self-positioning may be deciphered. On the basis of interviews, the key point with regard to the Hungarian consular network is that it sees Hungary as a small country. It is supposed to fully cooperate with European partners, mainly with major European immigrant countries, and it considers any kind of Hungarian specificity only with regard to Hungarian minorities in neighbouring countries and the Hungarian diaspora around the world. In other words, Hungary has no real strategy with regard to other parts of the world; neither does it possess a global migration strategy. It truly aims at facilitating "European" perspectives and not only in a technical sense.[2]

For the time being, Hungary has 112 consulates in 84 countries. Hungary has a well-developed system within Europe, basically covering all countries and maintaining more than one consulate in some countries, including Serbia (Subotica since 2001, Beograd) and Ukraine (Beregovo since 2007; Uzhgorod since 1991, Kiev), countries which have substantial Hungarian minorities and take the majority out of third-country nationals visiting Hungary. As regards Ukraine, there is also a special local border traffic agreement, which makes the positioning of con-

sulates close to the border very important. In Russia we also have three consulates (Moscow, St. Petersburg and Yekaterinburg) necessitated by the huge geographical distances. This is all the more needed as the number of visitors to Hungary has increased rather dramatically. Up to the recent opening of the consulate in Yekaterinburg, Moscow and St. Petersburg (the latter in 1978) the consulates were used by post-Soviet Caucasian republics including Georgia and Armenia. The Hungarian government very recently opened a consulate in Georgia too, which might fill a major gap in the Caucuses. This move by Hungary might also reflect its adaptation to geopolitical changes as this opening was announced immediately after the "war" between Georgia and Russia in August 2008. In Azerbaijan there is only an embassy (since 2009) as consular affairs are still performed in Ankara. (Turkey has another consulate in Istanbul).

With regard to the "Eastern European" region, it is noteworthy that in Moldova, Chisinau the Hungarian embassy established a Common Visa Application Centre (CAC) in April 2007 where Hungary issues visas on behalf of Austria, Denmark, Estonia, Latvia, Sweden and Slovenia (Luxemburg and Germany will shortly join, and other EU Member States are also interested). This has been also considered by our interviewees as a major example of fruitful cooperation and a case in which Hungary is regarded positively. It is to be noted that Hungary has recently established a Common Visa application Centre in Istanbul like the one in Chisinau (representing Austria and Slovenia). Additionally, it has recently opened an embassy in Pristina, Kosovo. These steps can be regarded as extra clear signs of increased activity towards external Eastern European territories and also towards South Eastern Europe.

Other parts of Asia are covered with varying degrees of intensity, as the Middle East and some parts of Central Asia are rather well represented, other areas like South and South East Asia are not as well covered, especially if we take into account that only a few Asian countries enjoy visa free status (these are: Malaysia, South Korea, Japan, Israel and Hong Kong). Basically, it may be stated that Hungary covers the Mediterranean region somewhat extended to the East towards Central Asia. This also means that Africa is divided into two parts: North Africa at the Mediterranean Sea is completely integrated, while moving to the South there are fewer and fewer consulates. Only Kenya, South Africa and Nigeria have Hungarian consulates regardless of the somewhat increasing number of visitors from this region. This area seems to be the

2 Böröcz-Sarkar (2005) pp. 115-156.

region with the most apparent lack of consulates and it is also described in the interviews (together with North Africa) as one of the most problematic areas in terms of refusals and problematic cases. Nigeria and Algeria are mentioned as real trouble spots. Also, African countries appear most frequently on the list of the most sensitive people, in whose case even airport transfer visas are required within the Schengen zone. It is important to note that one of our interviewees stressed emphatically that since Hungary is represented by some older member states (like France), "it serves Hungarian security concerns."

South America is not widely covered either but here there are a lot of countries (e.g. Chile, Mexico, Argentina, Brazil) whose citizens have enjoyed visa free travel within the European Union since 2001 and therefore do not cause major problems. Nonetheless, it is to be added that these visa-free countries are the ones which have consulates and, therefore, exactly those citizens suffer who have visa requirements and who are put on the blacklists. Peru and Columbia, for instance, are such countries which have had Hungarian embassies and consulates so far. This also shows that Latin America is a major loophole in some respects. Our interviewees at the Consular Department in the Ministry of Foreign Affairs also argue that Hungary fully participates in visa representation agreements and in this way consular/visa problems can be solved (with regard to seven EU members). However, this is too unequal, as Hungary gives more visas to other members, while there is only limited reciprocity. In addition, there is some 'wait and see' policy on the side of older member states. This reaction clearly fits into the unequal "European" approach and the rather clear activity toward South and Eastern Europe as described above.

5. Approaches demonstrated in the transition to Schengen

All in all, it can be seen that Hungary institutionalizes itself as a small country which is very active in Eastern and Southern Europe or, in other words, it might see itself as the South-Eastern "Bastion of Europe" as suggested by a recent article in the "Diplomata" magazine on the Schengen performance:

> *Throughout the course of history our Motherland has often been regarded as the protector, a sort of last line of defense for Western Europe towards the Eastern side/direction of the continent. Perhaps*

this current situation reminds us of those times again. How do you see this? If you could briefly summarise, how would you assess our performance of the past year?

You are perfectly right, there have been periods in history when Hungary functioned as the protector of Western Europe, but the situation at the moment is different in the sense that this is absolutely a temporary phase this time. Embedded in the whole process of European integration, the Schengen area is continuously expanding. (Diplomata, Interview with Dr. Krisztina Berta, Head of Consular Department, Ministry of Foreign Affairs, Hungary).

This line of thought has also been affirmed by most of our state representative employees, who very clearly and strongly agreed with the statement that Krisztina Berta made at the end of the interview:

Hungary should serve as a bastion and it has to closely investigate all visa applications in order to reduce the number of abuses of the system and also to fulfill completely the Schengen rules and principles.

The same outer defense line in the South and in the East can be seen in the data we have received in our interviews. In contrast to the overall rejection rate of 3.6% in 2008, North Africa where Hungary is well-represented in terms of consulates and in other parts of Africa, very high rejection rates are produced, sometimes going above 60% (Algeria 63.2%, Nigeria 51.4%, Kenya 34.8%, Tunisia 32.5%, Libya 30.3%, Morocco 26%, Egypt 23.1%). Similar caution can be observed with regard to some other Asian countries (Syria 28.1%, Pakistan 46.2%, Saudi Arabia 24.5%) In Europe, one of the harshest borders is in Moldova (with rejected 6.9% "C" visas and 17.2% "D" visas – the so-called national visa) or even in Bucharest concerning citizens of third-countries. This shows that Hungary is clearly interested in closing some of the borders or, rather, in not opening them or, as discussed below, opening them when there are interests concerning Hungarian minorities in neighbouring countries.

This closure is partially understood as fulfilling the requirements set by major European countries "under the pressure of illegal migrants". This undertaking is very clearly expressed by our interviewees in a "Eurocentric fashion", indicated in examples in which Hungarian state representatives identify themselves with the practices of major European countries outside Europe. This can also be seen as a good student sub-

ordination approach, as already observed in other foreign policy issues during the 1990s[3]. This line of reasoning has also been openly formulated by the senior representative quoted above in an interview of the "Diplomata" magazine:

> *This was a great challenge also because we knew that all the former member states – especially Austria – are keeping us under close scrutiny, which is completely understandable as even their countries' security depends on the proper preparedness of the newly joined members, such as Hungary. We are pleased to announce that all these initial fears have been dissolved, including issues related to border control and organized crime (…) Several Schengen member states have requested us – and further requests are still coming in – to issue visas for them at certain locations of foreign representation in third countries. This in itself shows that they find Hungarian visa issuing reliable. Before that, there had not been one occasion where Hungarians had contributed to legal abuse, fraud or counterfeit in the territory of other member states. To summarize, I dare say that Hungary would have surely deserved the best school grade. (Diplomata, Interview with Dr. Krisztina Berta, Head of Consular Department, Ministry of Foreign Affairs, Hungary).*

This "student" feeling was expressed by all interviewees, as Hungary has gone through major investigations and it has always come out very well. Nobody actually specified the analytical points used, but basically the assumption was that Hungary did prove to be a loophole in the Schengen system and it has not mismanaged it, for instance, by losing Schengen type vignettes as pointed out by practicing consuls.

There was also an overall and clear acceptance of the Schengen "philosophy". When confronted, the interviewees never expressed any major criticism of the main mechanisms and main goals. In the interviews, the consuls raised overall security and the filtering of unwelcome elements as problems. Most problems were of a technical nature like, for instance, the question whether "D" type visas can be used for transiting, the acceptance of postal receipts concerning residence permits in Italy, or the issuance of "D+C" visas.

With the clear exception of the Hungarian minorities, very interestingly interviewees formulated no major ideas concerning what social and national groups should be promoted. Some consuls argued that the system

3 Böröcz (2000); Melegh (2006).

is well-designed and there is no need for additional considerations. The only idea that emerged was that international students should be promoted more than they are at present.

The Hungarian consular service and civil servants have all stated that the help of Hungarian minorities living in neighbouring countries is clearly the main goal of Hungarian foreign services. Overall, it can be said that the relatively closed borders to the East and the South, as described above, can be contrasted to the complex and institutionalized help provided for Hungarians living in Ukraine and Serbia. This system is described in detail below. Here on the level of main political ideals, it seems that Hungary does not present itself as very active in considering the overall "European" ideals and policy issues, with the sole exception of fulfilling its obligations as a good student. The only "independent" perspective is the defense of general Hungarian ethnic interests and the elaboration of institutionalized help. It may be clearly concluded that the Hungarian services have been very creative in working out special ways, even in opposition to "European" standards. The lower than average rejection rate in the "Hungarian" territories is a telling figure for these approaches. Last year in Subotica it was a little bit below the average (3.46%), but in Ukraine altogether it was only around 2.5% on average.

6. The background: Past approaches and institutional heritage

As already indicated above, Hungary has gone through a restriction in terms of visa policy due to joining the Schengen zone in two rounds. First, after our EU-accession in May 2004 when most of the basic requirements like the use of EU negative lists were set out in the visa regulation (539/2001/EC)[4], and second 21 December 2007 when Hungary fully joined the Schengen zone. The most important change is that in two neighbouring countries, Ukraine and Serbia, there had been no visa requirement or there had been free visas, but after December 2007 Hungary had to introduce visas with visa fees for these two countries, which provide the greatest number of visitors and which have substantial Hungarian minorities. This (as stressed by our interviewees as well) had a major impact on the Hungarian visa policy and consular networks.

4 Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third cointries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

This special focus on the Hungarian minorities was a major political concern before joining the European Union and especially Schengen. Between 1998 and 2002, the Hungarian government made major attempts to "take out" the Hungarian minority from the group of possible outsider groups[5]. This attempt was guided by the idea to create a legal link with descendents of once Hungarian citizens living in neighbouring countries, in order to provide them with special status in the forthcoming changes. This caused a major public debate in the press that allowed political actors to develop different perspectives in Hungarian foreign policy. The debate was basically between those who argued that these solutions were vital for maintaining some national unity across the borders and it promoted the cultural and economic exchange between the different Hungarian groups, while the idea was regarded as irresponsible (allowing a lot of "Romanians" into Hungary) and it was some kind of irrational anti-Europeanism, suggested by the opposite parties. It also led to an international debate – with the involvement of the Venice Commission of the Council of Europe – in which Hungary was warned that if kept in an ethnic framework, this approach of providing special status and related privileges had discriminatory elements. Hungary therefore lost a major battle in providing special status to the group in the primary focus of its foreign and visa policy.

This line of trying to provide a special status was continued by another campaign led by a non-governmental organization (the World Society of Hungarians) to hold a referendum (5 December 2004) on granting double citizenship to descendents of Hungarian citizens before the Paris Peace Treaty signed after the Second World War (in 1947). This was also a failure as the referendum was not valid due to low turn out. Nonetheless, it definitely contextualized the Hungarian visa policy as indicated by our consul interviewees. The accession of Romania to the EU in 2007 eased somewhat the pressure on Hungarian politicians, but Ukraine and Serbia remained a major problem for the second round of joining the Schengen zone in December 2007. As our interviewees pointed out, there was general panic and political discourse on erecting "the Schengen iron curtain", and practicing consuls had to calm down the hysteria in the local Hungarian communities and political circles. This type of negotiation can be seen as a major terrain of preparing for the Schengen system.

5 Melegh (2002); (2006) p. 116-118; Melegh–Hegyesi (2003).

For understanding the hysteria, it is important to note that, as pointed out and demonstrated by an interviewee, the pre-Schengen system and even the one in force between 2004 and 2007 was far easier than the one introduced after 21 December 2007. The production and the acceptance of all the supporting documents (letter of invitation, work-related papers) have been continuously hardened. The letter of invitation is a very good example. Before 2005 a hand-written paper claiming that there was support for the applicant's journey was sufficient, meaning that people were able to write such letters without any difficulty. From the summer of 2006 it had to be formulated by a notary in the form of an official document, the costs of which could go up as high as 25 thousand forints. Nowadays these letters are to be issued by the Office of Immigration and Naturalization, costing less but requiring enormous efforts when certificates from employers, banks and the land registry are to be obtained. In this sense, it is rightly felt that the new system is far stricter.

Another interviewee also pointed out that some accompanying legislations, namely the change of the customs regulation between Ukraine and Hungary at the end of 2005 came as a blow to the 25-30 thousand people living in the border region who literally lived on smuggling tobacco, petrol and other commodities. According to the interviewee, this could be a major factor in reducing border traffic and visa applications. The decline in this border region started from 97 thousand people in 2005 to 67 thousand in 2006, going down to a mere 45 thousand in 2007. The drop is clear and suggests a link with the gradual and continuous hardening of the customs and visa regulations. The authors of this analysis also confirm based on the experience of a field trip in 2005 that the border traffic was much stricter as compared to this year and also that the control for possible "smuggling" is far stronger.

The effort to counterbalance the above described negative Schengen effects does not apply to other countries the treatment of which changed negatively during the 1990s and the first years of 2000. Related to the previously analyzed changes, some of the newly emerging countries of the Balkans (Bosnia, Macedonia) were placed on the list of obligatory visa countries due to the common EU visa regulation. Hungary has recently opened consulates in these countries to counterbalance some of the negative effects and to maintain a clear network towards the Balkans, an important focus of Hungarian foreign policy as pointed out by some of our interviewees. Belarus has also been negatively affected by the Schengen changes.

It is also noteworthy that previously visa-free former socialist countries had been included into the negative list even before Hungary joined the Schengen zone. Countries like China, Laos and Vietnam are major "producers" of increasing numbers of visitors and even migrants to Hungary (Chinese and Vietnamese mainly), and enjoying visa-free status in the early 1990s. In qualitative interviews conducted in a cross-national study, this negative change is very well recorded in Chinese immigrants' memory.[6]

The same holds true for Cuba, which up to its inclusion into the visa list, had been sending groups of labor migrants to Hungary in the socialist era. Now it is firmly on the negative list although it has a Hungarian Consulate in Havana. In Latin America, Ecuador also suffered, especially as compared to the increasing number of Latin American countries that achieved visa-free status by the early 2000s. Among Asian countries, India also lost some of its advantages and the free visa was first replaced by a relatively expensive Hungarian visa and then Schengen regulations introduced the 60 Euro fee.

To sum up, it may be concluded that outside the region of neighbouring countries Hungary has made no real effort to counterbalance the negative effects of visa requirements, and basically outside Europe it has rather firmly increased restrictions towards third country nationals, especially further away from Europe (there have been minor moves only, like introducing some special advantages to business people in India etc.). Furthermore, Hungary has lost much of its manoeuvring space; the third world countries which enjoyed certain privileges when Hungarian visa was issued only, have basically lost these advantages. Before our full Schengen accession, in the late 1990s and early 2000s visa fees towards some third countries were even higher than later when Schengen was introduced. Some experts saw this restrictive move as signs of a more "conservative" approach by the Hungarian governments. Good examples were the visa fees towards Russia and India, which had been relatively high before the Schengen norms were introduced.

7. Inclusion and exclusion: Groups preferred and excluded

On a general statistical level, there has been a decline in the number of visa issued in the first Schengen year. This decline (– 31.8% as suggested by an interviewee) might be taken as a clear sign of further ex-

6 Melegh-Kovács (2009) p. 60.

clusion. This issue has been regularly raised in our interviews and several different answers have been given, which shows that the decline in numbers is not necessarily understood as a sign of exclusion; although that explanation cannot be fully rejected (the high visa fee is often raised as a problem):

1. The first answer is the change of the system in terms of primary targets. Therefore Hungary, if only a transit country is not a target in terms of visas. This might imply that more non-Hungarian applicants have turned to other Schengen state consulates.

2. Obtaining national visas and residence permits is a longer term solution for members of the Hungarian minority, if only Hungary is a target.

3. The entitlements related to family members and huge cross-national kin networks might also reduce the numbers.

The struggle to compensate for the negative effects of Schengen rules concerning the Hungarian minorities has led to several forms of "inclusion" or in other words very creative support, which one of our interviewees termed as clear positive discrimination. This support can be seen in several ways:

1. The countries with substantial Hungarian minorities receive the special reduced visa fee for 35 Euros rather than the regular 60 Euros for Schengen visas, based on the EU-level visa facilitation agreements with Ukraine and Serbia respectively.

2. This visa fee is compensated by the Hungarian government through non-governmental organizations if the applicant is a Hungarian card holder (a special card for ethnic Hungarians living in neighbouring countries, offering discounts for transportation, museums, tuition and other cultural activities). In two months (as suggested by our interviewees) the card holder is reimbursed 50 Euros including 15 Euros for travel costs. It is important to note that this compensation has increased the applications for Hungarian cards, as demonstrated by our field visits at one of the consulates.
3. In Ukraine, a special system has been introduced in which two major Hungarian minority organizations can issue letters of support (valid for one year) stating that the applicants concerned are of stable background. This can be used as a supporting document. Also, the local administrative elite is favoured and supported.

4. As analyzed above, several consulates have been opened in the border region, which has reduced travel costs for ethnic Hungarian visa applicants. These new consulates are also places where specific efforts have been made in order to increase the applicants' comfort. The opening hours are longer and in one consulate it was reported that in the month before the Schengen transition, the staff had started thinking about a second and a night shift. The local consulates are also well-integrated into the local communities. It is important to see that some of the non-Hungarian applicants also make use of the local arrangements, as they "falsely" buy hotel vouchers into Hungary in order to prove that their major travel destination is Hungary and thus the Hungarian consulate is the effective office for application.
5. A local border traffic agreement was signed with Ukraine in 2007, and entered into force in 2008, but not with Serbia. Our interviewees at the consular section praised this as major achievements to counterbalance some of the negative effects of changes related to Schengen. It has been pointed out that this has led to issuing 39 thousand local border traffic permits (hereinafter referred to as the Permit), which shows the popularity of this solution and represents more than half of the total number of the *titre de séjours*. According to our interviewees, in Serbia it was actually the Hungarian minority representatives that rejected this form as they did not want to ease the pressure concerning a better solution, or as suggested in an interview, the different minority groups in Serbia were unable to agree on the local border traffic agreement. As it is the very first agreement negotiated by a Member State in accordance with the EU Local Border Traffic Regulation (1931/2006/EC)[7], Hungary's efforts and practice with regard to the local border traffic regime have been considered as an example for other Member States (Slovakia, Poland, Romania, Lithuania), for the Commission and the respective third countries (Ukraine, Belarus etc.) as well. The Agreement covers persons having had permanent residence in the border area for at least three years. Only such individuals can apply for the Permit. The Permit is valid for at least one year and not more than five years, but it cannot exceed the validity of the travel document. The fee of the permit is 20 Euros, except for disabled persons, pensioners, children under the age of 18 and dependent children under the age of 21. The Permit entitles its holder for multiple entries and for a continuous stay of maximum three months in the border area within a six month period, in particular for social, cultural or family reasons, or sub-

7 Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down the rules on loval border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention.

stantiated economic reasons that are not considered moneymaking activities according to national regulations. The Annexes of the Agreement contain the list of settlements in both the Hungarian and Ukrainian border region (244 and 382 settlements respectively, including Nyíregyháza on the Hungarian side and on the Ukrainian side, it includes all *Zakarpathia Oblast* (with Uzhgorod, Beregovo, Munkacevo); the lists of documents required for proving permanent residence in the border area; the competent consular authorities who can receive applications and issue Permits (Hungarian Consulate General in Uzhgorod and Hungarian Consulate in Beregovo, and the Ukrainian Consulate General in Nyíregyháza) and the penalties that may be imposed by the Contracting States as determined by their national laws. The regime established by the Agreement has not caused any security risks in the Schengen zone. Neither the Hungarian Police, nor the law enforcement authorities of other Schengen States have reported abuses regarding these Permits. This situation is in large part due to the security-related provisions of the Agreement. Furthermore, with a view to other statistics on infractions pertaining to illegal migration, compared to the data collected on a monthly basis in 2007, there is a strong downward trend in 2008 concerning the use of false documents by Ukrainian nationals (approximately 30 %). The Agreement established tailor made rules with respect to border crossing and staying in the border area, suited to the local conditions and expectations of persons legally residing in the border region. Around 80% of the applicants for local border traffic permits had previously possessed a Hungarian visa. The Ukrainian citizens living in the border area have become acquainted with the possibilities of the local border traffic permit and they normally use it to ease their everyday life.

6. In our interviews, we have also collected opinions that the Hungarian consulates are not so strict in the border region as compared to other areas like Kiev or the consulates in Russia. It has been clearly shown that if formal requirements are not seen as fully convincing, the fact of belonging to the Hungarian minority played a positive role.

7. The so-called national visa and national residence permit – issued under the terms of bilateral agreements – allowing entry to Hungary for a 5-year period without being able to earn any revenue are available; applications can be submitted to the central organ of the Office of Immigration and Naturalization which is accessed with a special

type of visa. Some of our interviewees claimed that this form has mostly lost its meaning and cannot be seen as a real rival to other forms of entry.

8. Special economic considerations are also taken into account for seasonal employment visas.

The Schengen system offers some clear ways of exclusion and our qualitative analyses help clarifying them. The most important form of exclusion is a class bias both locally and globally. The Schengen system openly discourages those who have hidden “migratory” goals, who cannot demonstrate enough resources for covering the journey and those whose links to the sending country cannot be fully demonstrated. This is clearly stated in the Consular Handbook, which argues that there is a special need to investigate the "unemployed" or those with no regular income". (p. 40). The same inbuilt institutional class bias can be observed in the list of people who do not need employment permits according to the Ministerial Decree 8/1999. (XI.10.) of the Hungarian Minister of Social Affairs and Labour. This list includes the top management of companies, key personnel, scholars and artists.

Our state representative interviewees repeatedly demonstrated that they do their best in order to push aside unwelcome “elements”. In the interviews and the related textual materials, the following groups have been identified as problematic.

1. Overall there is a feeling that the target countries are extremely “corrupt” and all the supporting documents can be falsified, a practice which is culturally supported. There have been regular dichotomies like European versus non-European, Germany versus Ukraine. These asymmetrical comparisons might be seen as elements of distrust and as clear signs of a “bastion” concept.

2. The same bastion concept appears when African and Asian countries are seen as areas where there is a need for “special caution” and where applicants “test if Hungary is the weak point”, as a senior interviewee pointed out. Thus globally there may be an asymmetry towards non-European territories.

This can be clearly seen in the way examples are given in the Consular Handbook (for the textual analysis, see Annex I.).

Beyond the above mentioned "geographical" exclusions, there are other forms of rejection also related to the social differences analyzed.

1. There can be another bias, according to which the non-border regions and the non-Hungarian or non-minority inhabitants in neighbouring countries are seen as problematic cases. This can also be seen as a "poorer" region and ethnically different.
2. Gypsies with "different skin colour" are also mentioned as reasons of distrust. There is a reason for distrust even because of the colour of their skin, as it was stated during an interview.
3. There are hints in which "smelly" people are mentioned as a problem during interviews.
4. There was one case when reasons of public health were claimed in the case of the applicant coming from South Asia. Other interviewees never even heard of such cases.
5. Certain less prestigious categories of occupations were also mentioned when there was a clear assumption that their aim was "illegal" work. (car mechanic, bricklayer, taxi driver)
6. An institutionalized system of class bias is the use of land registry certificates as supporting documents, as one interviewee living in a rented flat of the local government was unable to sign a letter of invitation. This is a clear bias in favour of flat owners with stable incomes.
7. The financial aspects of the visa system also maintain elements of exclusion. The visa fee is claimed to be either 35 or, in some cases, 60 Euros. On top of that, especially in larger countries and in areas with lower density of consulates (Central and South Africa) travel costs can be huge, amounting to several hundred Euros. In addition to that, during interviews there were repeated claims that when travel agencies were incorporated into the process, the total fees could reach 400-500 USD. In another case in Africa, it was claimed that the applicant had to pay another 500 USD as insurance. In the analysis, we could not specify what this meant in reality.
8. One interviewee clearly suggested that rural as opposed to urban residence clearly often contributes to exclusion, as having no previous experience of visa applications, applicants from the Russian countryside may find it difficult to find the proper language and may fail at interviews.

Overall, it can be seen that several groups with "shaky" material and social backgrounds can be and most probably are excluded or have

harder than average access into Hungary and other Schengen countries. The “class bias” and the related geographical/ethnic/racial bias is frequently strengthened by a “bastion” concept, that is to say, by a need to defend the Schengen zone.

Bureaucratic conditions

There may be exclusions related to bureaucratic work procedure. This might mean that Hungarian consulates may use this form of exclusion whereby they “just” follow the rules. The state representatives and the administrative staff interviewed regularly stated that they try to help applicants in solving their problems. In our field visits there were clear hints that they try to adapt working hours and hold short interviews before the applications are formally submitted. For instance, it was claimed that in one case the applicant was warned that the process would lead to rejection, but the applicant wanted to have the application recorded. The following forms of rejection have been found in the interviews:

1. The strict use of issuing time. In one case an interviewee from a residing third country claimed that due to a delay in posting the letter of invitation there was little time left for issuing the visa. All documents were available but the applicant (travelling a lot) was warned that it would take 14 days and thus he interrupted the application process. He did not hand in the documents and the trip was cancelled.

2. As mentioned above, some of the supporting documents are rejected for unknown reasons. Some of the applicants are then looking for "better" ways to get better supporting documents, like invitations to conferences.

3. During the interviews conducted with some third country nationals (Russian, Ukrainian) we clearly got the hint that dubious visa applications are pushed back even before formal approval. This means that there are practices by the administrators sitting at the “window” refusing to take over the applications and the relevant documents, trying to filter out “problematic” visas in this way. This might be due to problematic documents or some other formal issues (like procedural deadlines applied very strictly as demonstrated by a Russian interviewee). Thus in some way they avoid the registration of applications that they refuse out of hand. This has been seen by interviewees of the visa section of the Ministry of For-

eign Affairs as ways of making work smoother (the consul sits with the "window" people from time to time, monitoring the procedure) or allowing applicants to avoid a negative stamp in their travel document. This might be a major area of restrictive practices although, as stated above, Hungary has not been seen as too restrictive a country by the ad hoc committees of union members, the Commission and the concerned third country representatives.

8. Concluding remarks

The Hungarian transition towards the Schengen system has been performed with assuming the need for securing the immigration-related interests of the major Schengen Member States. Hungary also had to prove that it had the administrative capacities to perform the required high level cooperation. Our analysis has demonstrated the overall dedication toward these goals.

Analyzing the statistical data on visas, we have seen the number of issued visas significantly decreasing. As a consequence, Hungary loses by missing the connections (economic, scientific, cultural etc.) that would be created if more people visited the country. Added to this are the financial losses stemming from the untapped tourist potential of non-Schengen visitors. Hungary also misses the opportunity to play a more active role in the international arena through exercising its soft power towards other countries, where it holds largely unrealised potential. Countries that are subjected to the Schengen visa regime, usually non-democratic ones or ones just building their democracies, also lose the opportunity of exploring the functioning of a democratic, even if imperfect, country.

Even more, as a special attitude vis-à-vis our European partners, Hungary may adopt a "good student" position, which self-identification has been a major strategy during the changes in the last 20 years. Moreover, there is clear evidence of understanding Hungary as a bastion against unwelcome elements. Our analysis has demonstrated in several ways that the major and inbuilt exclusion is based on social differences, a concept that can be extended globally as well as geographically. Class exclusion is clearly related to other forms of exclusion like ethnicity, race and culture.

The clear exception is that of the Hungarian minority: in this case there has been a very creative and even very systematic positive discrimination (facilitation). This phenomenon has been understood as a national goal in the visa system, while other goals (like scholarly links, students, highly skilled workers etc.) have been only sporadically mentioned. We can thus conclude that, like in the case of migration strategies, the Hungarian approach is strongly based on the idea of co-ethnicity and the special needs to fulfill these goals. Beyond that, the only aim is to secure control over illegal migration.

It would be a major change if Hungary extended the use of the techniques invented for Hungarians only. This might be a way of gradually extending the rights practiced among Hungarian co-ethnics. Hungary should also think about introducing e-visa procedures in which people can submit their papers in advance before they personally collect the issued visa. This would serve the reduction of travel costs and would exclude the possibility of informal rejection. This would mean giving up of certain "European" ideals and the introduction of new ones in which Hungary positions itself as a more integrative place, with a more considerate approach towards problematic areas.

General recommendations

Statistics

1. All applications, including the ones not accepted for consideration, should be logged and included in the statistics.

Submitting of visa applications

2. An option of appealing against the negative decisions should be included in the visa process regulated (ideally at the EU level).
3. An option of submitting visa documents electronically should be introduced.
4. The Ministry of Foreign Affairs (MFA) should sign further bilateral agreements allowing consulates of other EU countries to issue Hungarian Schengen visas where there is no Hungarian consulate so that the applicants can avoid unnecessary travel to obtain a visa.
5. Visa fees should be lowered as much as possible.

Approach

6. The MFA should promote among its staff a positive attitude towards visa applicants.
7. The MFA should sponsor a comprehensive cost/benefit analysis of foreigners visiting Hungary, including those who do so with a visa.
8. The Visa Facilitation Agreements should be reviewed. These agreements better correspond to the situation of the old Member States while for the Visegrad countries, which used to run a less restrictive visa policy, they have not satisfactoirly fulfilled their role.
9. Hungary should support initiatives leading to the simplification of the present Schengen visa regime vis-à-vis certain countries, especially the EU's eastern neighbours. At the EU level Hungary has already been supporting road maps to a visa-free regime for the Western Balkan countries.

Annex I.

Textual analysis of the Consular Handbook

Citizen of the country	Positive/ negative	Context
In Europe and North America		
Croatia	Positive	May enter with identity card for 90 days (p. 49)
Family member of EEE citizen	Positive	Bona fide treatment (p. 52)
Family member of EEE citizen	Positive	The visa is to be issued as soon as possible, the need to rescue them (80) no visa fee (p. 94), can take visa at the border (p. 24) Easier conditions (pp. 25-29)
Ukraine	Positive	10 days only for issuing a visa (p. 70)
European countries, Israel, USA Japan	Positive	Deposit of 600 USD for tuition if student visa is requested
Macedon, FYROM	Positive	Schengen visa may be issued if there is a restricted visa for Greece for a longer period (p. 89)
Serbia Ukraine	Positive	Hungarian card or card of relative may be accepted as stating the purposes of travel. (p. 63) The co-operating organizations may issue a declaration of responsibility (p. 19)
Ukraine, Iraq	Neutral	Transit visa is needed in case of different routes and purposes
Serbia, Ukraine	Negative	Ukrainian citizen illegally prolonging the stay in Serbia may not get even transit visa (p. 34)
Ukraine	Negative	Residence permit in one EU country is not enough if travelling home by car and Hungarian consulate cannot take in application. First country rule. Nonetheless they are to be advised to use another way to leave Schengen zone
Outside Europe and North America		
Iran	Positive	The wife of an Iranian diplomat does not have to be examined by the Office of Immigration and Naturalization (p. 28)
Iraq	Positive	May apply for visa in Damascus Syria (p. 37)

Citizen of the country	Positive/ negative	Context
Tibetan in India	Positive	May apply at Hungarian consulates regardless of the problems with the document if political purposes are stated (p. 37)
Hong Kong, Macao, Palestine National Authority, Sovereign Malta Knighthood Vatican, Taiwan	Positive	Passports may be accepted (p. 49)
Guinea	Positive	Special passport and it is accepted by Hungary also. Restricted visa may be issued (p. 81)
China and Nigeria	Negative	One year tuition in advance
Somalia	Negative	There is no room for special treatment.
Afghanistan, Bangladesh, Eritrea, Ethiopia, Philippines, Ghana, Guinea, Iraq, Iran, Cameroon, Lebanon, Liberia, Nigeria, Pakistan, Rwanda, Sierra Leone, Sri Lanka, Senegal, Syria, Somalia, Sudan, Congo.	Negative	Need for airport transit visa (if he/she has residence permit in European Economic Arena, United States, Japan, San Marino, Switzerland then no need for such a visa) (p. 16)
Vietnam	Negative	The cousin of a Hungarian citizen's Vietnamese wife is not entitled to special treatment for family members of EU citizens (p. 27)
Chinese residing in Sweden	Negative	May not apply for visa other than Sweden and China (p. 37)
Thailand citizen	Negative	If allowed into Hungary with a C visa, he/she may not apply for residence (p. 38)
Mexico	Negative	No free visa if the passport issued for an alien (p. 49)
Lebanon	Negative	No need for consultation if there is a humanitarian catastrophe like the war in Lebanon (p. 80)

The ratio of "positive" cases substantially declines if African and Asian citizens are considered or taken as examples. Even some of the "positive" cases are related to European countries (Vatican) or to special groups from the point of view of political and diplomatic perspectives (diplomats, Tibetans etc.) Thus we can confirm that the "bastion concept" is implied by the visa issuing handbook when non-European and non North American territories are concerned.

During the analysis, several cases have been collected with a clear distrust toward people coming from the above-mentioned areas. Invitation letters written by friends, mothers-in-law and even wives were ignored by consuls. In one case, it was even said that there was a need to "throw the letter out". Interviewees claim that consulates reply verbally and there are delays of months in reacting to applications. There was a claim in an unsuccessful case that the visa application of the refugee husband was not recorded at the Office of Immigration and Naturalization and there was a debate that rejected it (the Office or the consul).

Family members of refugees are refused on the basis of Schengen "C" criteria, and the place of stay and income is requested as claimed by another unsuccessful interviewee. There is reported evidence of a long process of negotiations.

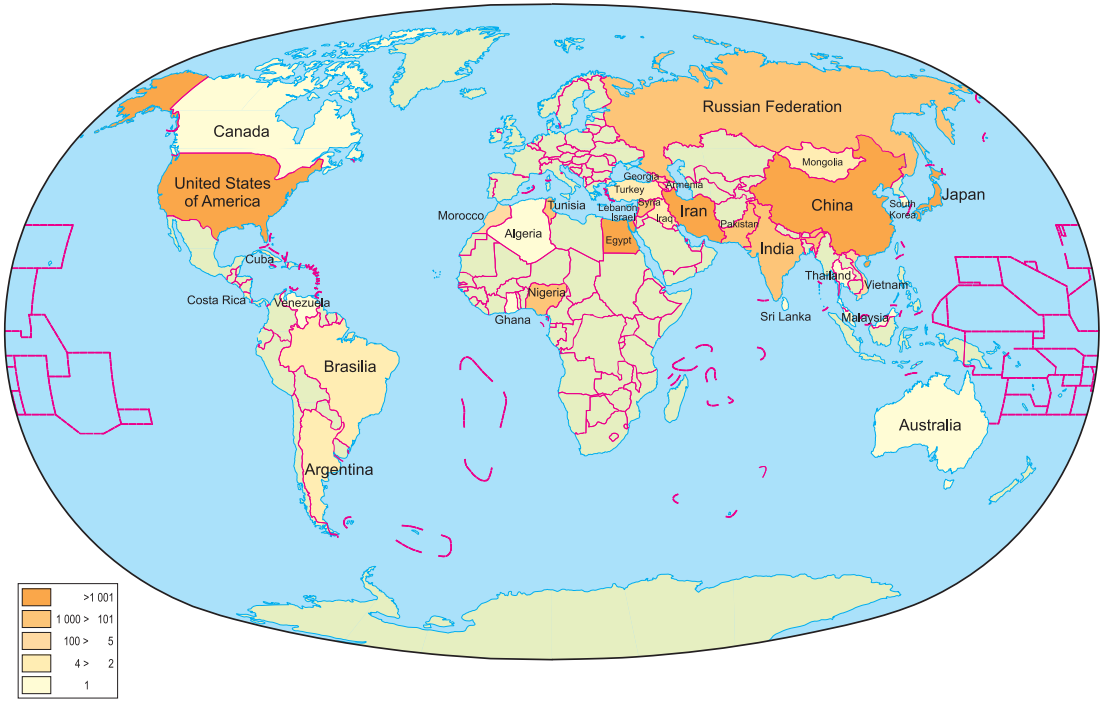
Nonetheless, it is to be noted that as seen in the interviews, some of the applicants may indeed misuse the system and falsely declare "facts" important in the visa application system and even in the refugee process. Nonetheless, it is clear that high walls are erected, which also push people towards "easier" ways of entering the Schengen zone. In this way, the problems are created by the system itself.

Annex II.

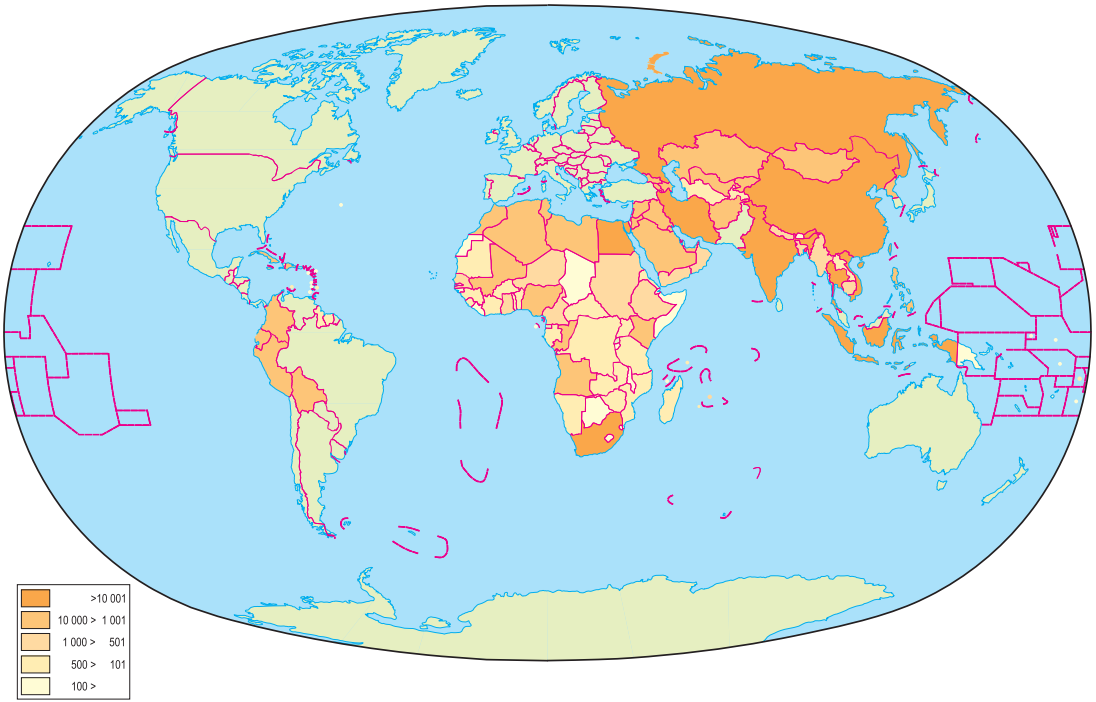
Maps


Numbers of persons entering Hungary
in 2004-2007
Russian
Federation
Belarus
Ukraine
Moldova
Bosnia
and
Herzegovina
Serbia
and
Montenegro
Macedonia
Albania
Turkey
Morocco
Tunisia
Algeria
Libya
Egypt
>10 001
10 000 > 1 001
1 000 > 501
500 > 101
100 >

Number of valid visas issued for Hungary
2004-2008



Numbers of persons entering Hungary in 2004-2007



Annex III.

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