

European countries urged to stop sending back to Hungary asylum seekers who have transited Serbia

25 September 2012. Today, ECRE, an alliance of 70 NGOs across Europe, calls on European countries to immediately suspend returns to Hungary under the Dublin system of asylum seekers who have transited Serbia on entering the EU. European countries should examine themselves these applications for international protection.

Hungarian authorities routinely refuse to examine on the merits those claims of asylum seekers who have transited Serbia. This Hungarian practice is based on the wrong presumption that Serbia is able and willing to provide protection to these people. Since 2008 [Serbia has not granted refugee status to anyone](#) and only granted subsidiary protection in five cases. Earlier this month, [UNHCR](#) declared that Serbia should not be considered a safe third country of asylum and that countries therefore should refrain from sending asylum seekers back to Serbia on this basis.

Once in Serbia, the authorities reject, without substantive examination, the asylum applications of anyone who has transited any country which Serbia deems safe. As a result, asylum seekers risk being deported to countries such as Greece – where the European Court of Human Rights [has found](#) that the rights of asylum seekers are systematically violated – and the Former Yugoslav Republic of Macedonia (FYROM). In turn, from these countries asylum seekers are at further risk of being returned to countries where they might face violence or persecution.

“People in need of protection may be returned from any EU Member State to Hungary, from Hungary to Serbia, from Serbia to FYROM, from FYROM to Greece, and from there to the country where they face a further risk of persecution or serious harm, without any authority substantively examining their asylum claim. European countries have to take responsibility and stop this domino effect that puts asylum seekers at risk of ending up in the hands of their persecutors”, Allan Leas, ECRE’s Acting Secretary General said.

Together, the Dublin system and other safe third country agreements jeopardize the right to asylum. In 2011 Hungary denied access to substantive asylum proceedings to approximately 450 people including those returned to Serbia. Such practice fundamentally undermines the right to asylum guaranteed under the Charter of Fundamental Rights. ECRE urges the Hungarian authorities to take all necessary steps to ensure that people seeking international protection have effective access to a fair asylum procedure in Hungary.

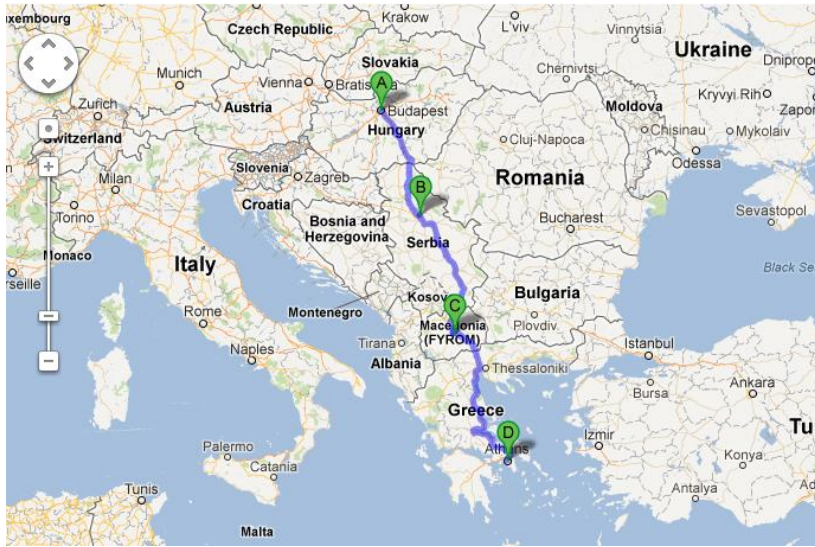
Background

According to the Dublin Regulation, as a general rule, the first EU Member State that an asylum seeker enters should be the one to examine the asylum application.

Most people entering the EU irregularly do so through Greece, but currently, European countries do not send asylum seekers back to Greece under the Dublin system as the

[European Court of Human Rights](#) has recognised that they might face inhuman and degrading treatment there.

Last week, EU institutions came closer to finalizing an agreement on a new Dublin Regulation, which is expected to be formally adopted later this year. Though the new Regulation will introduce significant humanitarian reforms, the Dublin system will continue to cause hardship for people seeking international protection as long as not all Member States respect their fundamental rights.



For further information

- ECRE, [Letter to Member States on Dublin II Regulation transfers of asylum seekers to Hungary](#)
- Hungarian Helsinki Committee, [Access to Protection Jeopardized](#), December 2011
- UNHCR, [Serbia as a country of asylum. Observations on the situation of asylum-seekers and beneficiaries of international protection in Serbia](#), August 2012.
- Hungarian Helsinki Committee, [Serbia as a Safe Third Country: Revisited](#), June 2012 and [Serbia as a Safe Third Country: A Wrong Presumption](#), September 2011.
- UNHCR, [Hungary as a Country of Asylum, Observations on the situation of asylum-seekers and refugees in Hungary](#), April 2012.
- Hungarian Helsinki Committee, [Stuck in Jail, Immigration Detention in Hungary](#), 2010

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