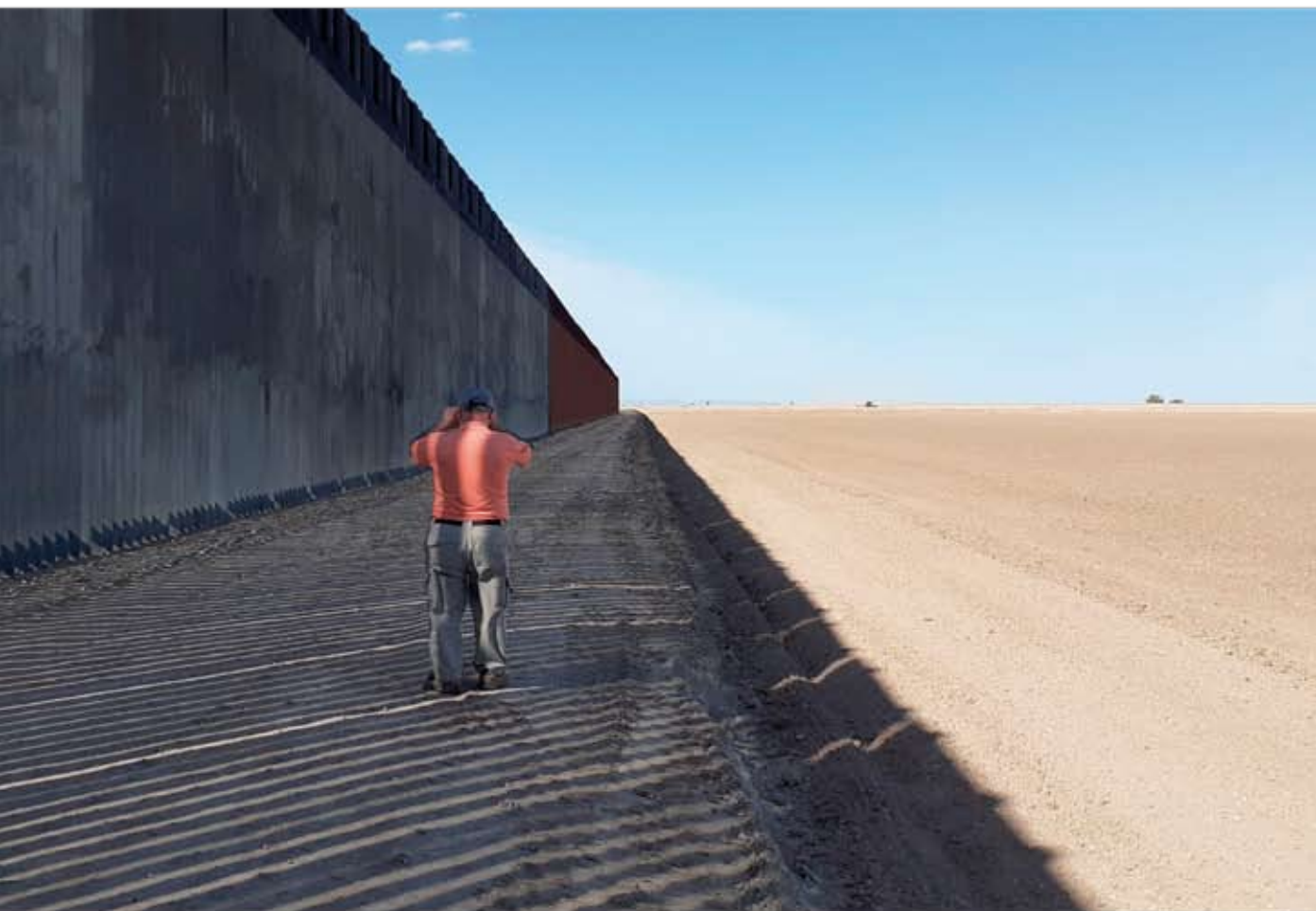


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Frontispiece:

The US-Mexico border fence in the Yuma sector,
March 2023, photo: Viktor Marsai.

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The Oversized Role of Title 42 in U.S. Southwest Border Security

Andrew Arthur

Abstract

Even before the Centers for Disease Control (CDC) issued its first order under Title 42 of the U.S. Code directing the expulsion of illegal migrants at the Southwest border in response to the Covid-19 pandemic in March 2020, Trump administration policies had allowed the Department of Homeland Security (DHS) to gain a significant level of operational control at the U.S. Southwest border. The Biden administration quickly reversed nearly all those Trump policies and instituted a de facto “non-detention” regime for illegal entrants, violating congressional mandates and encouraging a surge in illegal migration. That migrant surge had left Border Patrol agents increasingly helpless to stop drug and migrant smuggling into the United States. CDC’s Title 42 expulsion orders were the only remaining Trump-era policy enabling agents to maintain any control of the border, while DHS expects the illegal migrant flow to more than double once Title 42 ends. For those reasons, CDC’s health-related Title 42 orders were playing an oversized role in border security, prompting U.S. states concerned about the deleterious effects of illegal migration in their communities to challenge the administration’s efforts to end Title 42, taking the issue all the way to the U.S. Supreme Court.

Keywords: USA, Title 42, parole, expulsion, Remain in Mexico

1. Introduction

“Title 42” has been a focal point of U.S. immigration policy for more than three years. Understanding what Title 42 is, why and how it has been implemented, and the battles over its termination are crucial to comprehending the current parlous state of the nation’s control over its borders. In this paper, I will describe the genesis of Title 42, analyze court challenges – both to continue and to end the program – it faced, how it was terminated, and most importantly, why it has been so critical to border security under the Biden administration.

2. The Tortuous History of Title 42

The phrase “Title 42” is an example of rhetorical overload. In general, it refers to the title of the U.S. Code¹ dealing with “public health and welfare.”

In the current immigration context, however, it refers to a series of orders² issued by the U.S. Department of Health and Human Services’ Centers for Disease Control and Prevention (CDC) that “suspend the introduction of covered aliens” into the United States and direct “the movement of all such aliens to the country from which they entered the United States, or their country of origin, or another location . . . as rapidly as possible”.³ That latter process is known as “expulsion” to differentiate it from deportation under the Immigration and Nationality Act (INA), which is formally termed “removal.”

The first Title 42 order was issued on March 20, 2020, in response to “an increase in the danger of the introduction of Coronavirus Disease 2019 (COVID-19) into” the 328 U.S. land border ports of entry (POEs) along the U.S. Northern and Southwest borders and the 136 Border Patrol stations between those POEs.⁴ Those facilities fall under the jurisdiction of U.S. Customs and Border Protection (CBP), an agency within the Department of Homeland Security (DHS).

The term “covered aliens” refers to foreign nationals coming into the United States across the Canadian and Mexican borders, who are either entering illegally between those POEs or presenting themselves at the POEs without proper entry documents. The purpose of those orders was to prevent covered aliens from being placed in “congregate settings” at the POEs or Border Patrol processing centers—where they would be exposed to and transmit COVID-19 to one another and to U.S. government personnel— for extended periods of time.⁵

The practical effect of those Title 42 orders had been the quick expulsion of a large (but shrinking) percentage of illegal entrants at the land borders from the United States, without requiring CBP officers and agents to go through the often-time-consuming process of formally removing those aliens in accordance with the requirements in the INA.

¹ Title 42, PUBLIC HEALTH and WELFARE 2023.

² NAT’L CTR. FOR IMMUNIZATION AND RESPIRATORY DISEASES, DIVISION OF VIRAL DISEASES 2022.

³ REDFIELD, M.D. 2020.

⁴ Ibid.

⁵ Ibid.

Those orders are referred to collectively as “Title 42” because they were issued pursuant to section 265⁶ of Title 42 of the U.S. Code, which dates to June 1944.⁷

By regulation,⁸ the authority to make such designations has been reassigned from the Surgeon General to the director of the CDC.

That initial March 20, 2020, order was extended the next month, and then amended in May 2020,⁹ to apply to CBP coastal border facilities as well. That May 2020 order also made clear that it would remain in effect until the CDC determined “that the danger of further introduction of COVID-19 into the United States from covered aliens has ceased to be a serious danger to the public health.”¹⁰

In October 2020, CDC issued yet another Title 42 expulsion order, replacing those prior orders.¹¹ It expressly exempted U.S. citizens and lawful permanent residents (green card holders), U.S. military personnel and their immediate families, foreign nationals with lawful entry documents, aliens required to test negative for COVID-19 before they could be returned to their home countries, and aliens whom CBP personnel believed should be exempted on law enforcement, public safety, humanitarian, and public-health grounds from expulsion.¹²

Directly after the pandemic was declared, Americans were deeply concerned about the virality and lethality of COVID-19. Consequently, there were few initial legal challenges to restrictions imposed to stem the spread of the disease, including to CDC’s migrant expulsion orders under Title 42. That changed within a few months, however.

⁶ 42 U.S.C. § 265 2023.

⁷ See *ibid.* (“Whenever the Surgeon General determines that by reason of the existence of any communicable disease in a foreign country there is serious danger of the introduction of such disease into the United States, and that this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce such persons and property is required in the interest of the public health, the Surgeon General, in accordance with regulations approved by the President, shall have the power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate in order to avert such danger, and for such period of time as he may deem necessary for such purpose.”).

⁸ 42 C.F.R. § 71.40 2020.

⁹ *McGOWAN* 2020.

¹⁰ *Ibid.*

¹¹ *WITKOFSKY* 2020.

¹² *Ibid.*

In August 2021, advocates for a 16-year-old male migrant from Guatemala filed a class-action complaint¹³ in *P.J.E.S. v. Wolf*, challenging expulsions of unaccompanied alien children (UACs)-minors encountered by CBP seeking to enter illegally without an accompanying parent or other adult- under Title 42.

In November 2020, Judge Emmet Sullivan of the U.S. District Court for the District of Columbia (D.C. District)-first appointed to the court by then-President Bill Clinton in 1994¹⁴-issued an order in *P.J.E.S.*, which blocked Title 42 expulsions of UACs.¹⁵ The Department of Justice (DOJ) appealed that order, but it wasn't until January 29, 2021-nine days after President Biden's inauguration-that the U.S. Court of Appeals for the District of Columbia (D.C. Circuit) issued an order staying Judge Sullivan's injunction.¹⁶ Despite that order, 19 days later, on February 17, 2021, the now-Biden administration-led CDC issued a "temporary exception" of UACs from expulsion under Title 42, essentially adopting Judge Sullivan's restrictions by regulation even though the D.C. Circuit order meant it was under no obligation to do so.¹⁷

On April 29, 2021, the state of Texas filed suit (*Texas 1*) seeking an injunction of that amended Title 42 order, arguing that the order violated the terms of the Administrative Procedure Act (APA), and that the Biden administration was failing to enforce the INA.¹⁸

With respect to the APA, as the Congressional Research Service has explained:

The [APA], which applies to all executive branch and independent agencies, prescribes procedures for agency rulemakings and adjudications, as well as standards for judicial review of final agency actions.

The APA describes rulemaking as the "agency process for formulating, amending, or repealing a rule." A "rule," for purposes of the statute, is defined expansively to include any "agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency." Rules that are issued in compliance with certain legal requirements, and that fall within

¹³ Class Action Complaint for Declaratory and Injunctive Relief, No. 1:20-cv-02245 D.D.C. 2020.

¹⁴ SCHALLHORN 2018.

¹⁵ *P.J.E.S. v. Wolf*, ___ F. Supp. 3d___ 1:20-cv-02245, slip op. D.D.C. 2020.

¹⁶ AQUINO 2021.

¹⁷ BERGER 2021a.

¹⁸ ARTHUR 2022c.

the scope of authority delegated to the agency by Congress, have the force and effect of law.

(. . . .)

As a general matter, there is a “strong presumption that Congress intends judicial review of administrative action.” This presumption is embodied in the APA, which provides that “final agency action for which there is no other adequate remedy in a court [is] subject to judicial review.”

(. . . .)

Specifically, the APA states:

The reviewing court shall ... hold unlawful and set aside agency action, findings, and conclusions found to be –

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law;

(E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or

(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.¹⁹

Thereafter, in July 2021, CDC issued an order²⁰ specifically excepting UACs from its October 2020 Title 42 order, followed by yet another Title 42 order in August.²¹ That August order explained that “the flow of migration directly impacts not

¹⁹ GARVEY 2017.

²⁰ BERGER 2021b.

²¹ BERGER 2021c.

only border communities and regions, but also destination communities and the healthcare resources of both”,²² but nonetheless included an exception for UACs.

On March 4, 2022, the judge in *Texas I*, Mark Pittman of the U.S. District Court for the Northern District of Texas, issued an order blocking that Title 42 UAC exception.²³ In his order, a clearly frustrated Judge Pittman complained: “Why a state and the federal government are litigating this issue -instead of working to solve it - is simply beyond the comprehension of the undersigned.”²⁴

While that case was ongoing, however, on September 16, 2021, Judge Sullivan issued yet another Title 42 decision in a separate case, *Huisha-Huisha v. Mayorkas*, enjoining the expulsion of illegal entrant adults travelling with children in “family units” under Title 42.²⁵

The government appealed that order, and on March 4, 2022, the D.C. Circuit affirmed DHS’s authority to expel illegal migrants under Title 42, but not to places where those aliens would be persecuted or tortured.²⁶

That order, coupled with the Biden administration’s voluntary decision to exempt UACs from Title 42 expulsion, significantly reduced both the number and percentage of illegal migrants who were expelled under the CDC orders.

As noted, the purpose of those expulsion orders was to restrict the period of exposure between migrants and CBP officers and to limit the time that migrants spent in congregate settings in CBP custody. Screening migrants for persecution and torture claims largely defeated that goal, so to reduce the period aliens with potential persecution and torture claims spent in its custody, Biden’s CBP increasingly released them into the United States in lieu of expulsion.

Biden administration attempts thereafter to end Title 42 spurred yet more litigation from states concerned about the administration’s failure to otherwise control the Southwest border and anxious about the effects that a wave of post-Title 42 migrants would have on their communities.

The president began the process of ending Title 42 on April 1, 2022, when the administration announced it would lift the CDC orders, effective May 23, 2022.²⁷

²² Ibid.

²³ *Texas v. Biden*, ___ F. Supp. 3d ___, No. 4:21-cv-0579-P, slip op. at 36 N.D. Tex. 2022.

²⁴ Ibid. p. 1.

²⁵ *Huisha-Huisha v. Mayorkas*, ___ F. Supp. 3d, No. 21-100(EGS), slip op. at 58 D.D.C. 2021.

²⁶ *Huisha-Huisha v. Mayorkas*, ___ F. 4th ___, No. 21-5200, slip op. at 32 D.C. Cir. 2022.

²⁷ ALVAREZ 2022.

Notably, the president made that announcement even though DHS had warned that up to 18,000 migrants would seek to enter illegally *per day* once Title 42 ended—three times the then-current rate.²⁸

In response to those warnings, DHS Secretary Alejandro Mayorkas published a “six pillar” plan for dealing with that expected influx of migrants into the United States once Title 42 was lifted in late April.²⁹ That plan largely focused on surging federal government resources to the Southwest border. As a colleague who had served as a Trump-appointed official at U.S. Immigration and Customs Enforcement (ICE) explained, this would require the reassignment of ICE officers (who enforce the immigration laws within the United States) to the border, significantly diminishing the agency’s capacity to enforce the immigration laws in the interior of the United States:

Mayorkas explains that he’s taking law enforcement officers from their assigned missions in the interior of the United States (such as ICE officers) and relocating them to the U.S. border to spend their time processing illegal aliens (i.e., releasing them into the interior of the United States). ICE officers have complained to me that the agency’s field offices have reduced staffing as a result, and that the Biden administration is making no effort to backfill those positions. . . . Notably, the Biden administration’s budget request for FY 2023 seeks a decrease in funding for ICE’s Enforcement and Removal Operations (ERO). The FY 2019 budget included a target of 151,000 criminal aliens to be deported from the country; the Biden administration has decided to target only 91,500 criminal aliens for removal in FY 2022, and it’s unlikely that target will be reached.³⁰

Other elements of Mayorkas’ plan included efforts to increase CBP’s “processing efficiency” to alleviate overcrowding at the agency’s frontline border processing centers; expand the use of “expedited removal”; boost the number of single adult illegal migrants DHS detains; “bolster[] . . . the capacity of non-governmental organizations to receive” migrants released from DHS custody; and enhance diplomatic efforts in Central America aimed at “detering irregular migration south of our border.”³¹

²⁸ MIROFF – SACCHETTI 2022.

²⁹ MAYORKAS 2022.

³⁰ FEERE 2022.

³¹ Ibid.

In the interim, a group of Republican-led states filed suit in April 2022 in the U.S. District Court for the Western District of Louisiana, in a case captioned *Louisiana v. CDC*, to block CDC from ending Title 42.³²

The state plaintiffs in *Louisiana* alleged that CDC's attempted termination of Title 42 violated the APA because that component failed to consider the effects ending Title 42 would have on immigration enforcement.³³

On May 20, 2022—three days before Title 42 was supposed to expire—the judge assigned to hear the claims in *Louisiana*, Robert Summerhays, issued a preliminary injunction blocking the administration's attempt to lift the CDC Title 42 expulsion orders on those grounds.³⁴

The Biden administration appealed Judge Summerhays' order,³⁵ but continued to comply with it while that appeal was pending.

It's important to note that while Judge Summerhays' order required the executive branch to continue Title 42 expulsions until that order was stayed or vacated by either the judge or a higher court, it did not prevent any other federal court from issuing a conflicting order ending Title 42.

Which is what happened on November 16, 2022, when Judge Sullivan issued yet another order in *Huisha-Huisha*, this time finding that the CDC Title 42 expulsion orders were arbitrary and capricious in violation of the APA.³⁶ As relief, he vacated the CDC's Title 42 policy and permanently enjoined DHS from expelling illegal border migrants thereunder.³⁷

Although Judge Sullivan initially said he wouldn't stay his order pending appeal, he quickly acceded to the government's request to give DHS five weeks—until December 21, 2022— to prepare for the end of Title 42.³⁸

For those confused about how one federal district court judge (Judge Sullivan) could vacate and enjoin a policy that a separate federal district court judge (Judge Summerhays) had enjoined the federal government from terminating, it should be noted that Judge Sullivan's order swept more broadly than Judge Summerhays'

³² Complaint, *Louisiana v. CDC*, No. 6:22-cv-00885 W.D. La. 2022.

³³ *Ibid.*

³⁴ *Louisiana v. CDC*, ___ F. Supp. 3d___, No. 2-CV-00885, slip op. at 47 W.D. La.2022.

³⁵ Notice of Appeal, *Louisiana v. CDC*, No. 6:22-CV-00885-RRS-CBW W.D. La.2022.

³⁶ *Huisha-Huisha v. Mayorkas*, ___ F. Supp. 3d___, No. 21-100 (EGS), slip op. at p. 20 D.D.C. 2022.

³⁷ *Ibid.*, pp. 48–49.

³⁸ GARCIA 2022.

did: “The latter simply prevented the Biden administration from revoking the CDC’s Title 42 orders, while the former vacates those orders in their entirety.”³⁹ In layman’s terms, Judge Summerhays found that the Biden administration had erred in the way it ended Title 42, while Judge Sullivan held that the CDC had violated the law in implementing Title 42 to begin with.

While the administration had initially signaled that it was considering appealing Judge Sullivan’s order, it delayed doing so. Consequently, and again fearing the consequences of the end of Title 42, on November 20, 2022, the state plaintiffs in *Louisiana* filed a motion to intervene on appeal to block Judge Sullivan’s order in *Huisha-Huisha*, suggesting that the administration was colluding with the plaintiffs in that case in an attempt to end Title 42:

[D]espite defending this lawsuit [Huisha-Huisha] since January of 2021, the Federal Defendants have shifted course and abandoned their defense of Title 42. In essence, Federal Defendants have circumvented APA notice-and-comment requirements by abandoning defense of Title 42 and instead agreeing with Plaintiffs on a December 21 end date.

*Because invalidation of the Title 42 Orders will directly harm the States, they now seek to intervene to offer a defense of the Title 42 policy so that its validity can be resolved on the merits, rather than through strategic surrender. This motion is plainly timely because it comes within a week of the Federal Defendants’ volte-face – which made plain that the States’ interests are no longer adequately represented.*⁴⁰

On December 7, 2022, the government filed its notice to appeal Judge Sullivan’s order but asked the D.C. Circuit to hold that appeal in abeyance pending the Fifth Circuit’s consideration of its own appeal in *Louisiana*.⁴¹ DOJ didn’t, however, ask the D.C. Circuit to stay Judge Sullivan’s order ending Title 42.⁴²

There are many reasons why the Biden administration would have appealed both the order in *Louisiana* and the order in *Huisha-Huisha* at this stage. One reason would have been “institutional”, to assure that the executive branch could issue similar Title 42 expulsion orders in response to some future pandemic.

³⁹ ARTHUR 2022g.

⁴⁰ Motion to Intervene by the States of Arizona, Louisiana, Alabama, Alaska, Kansas, Kentucky, Mississippi, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and Wyoming, *Huisha-Huisha v. Mayorkas*, Civ. A. No. 21-100 (EGS) D.D.C. 2022.

⁴¹ Notice Regarding Decision to Appeal the Court’s November 15, 2022 Order and November 22, 2022 Final Judgment, *Huisha-Huisha v. Mayorkas*, No. 21-100 (EGS) D.D.C. 2022.

⁴² ARTHUR 2022i.

Another reason, however, would have been purely political, to blunt allegations that it was colluding with the plaintiffs in *Huisha-Huisha* to obtain the result the White House desired – an end to migrant expulsions under those Trump-era CDC orders.

On December 16, 2022, the D.C. Circuit denied the states’ motion to intervene, holding:

First, although this litigation has been pending for almost two years, the States never sought to intervene in the district court until almost a week after the district court granted plaintiffs’ partial summary judgment motion and vacated the federal government’s Title 42 policy. The filing was so late in the litigation process that the federal government’s filing of a notice of appeal shortly thereafter, in the States’ view, deprived the district court of jurisdiction even to act on the motion.

...

Second, long before now, the States have known that their interests in the defense and perpetuation of the Title 42 policy had already diverged or likely would diverge from those of the federal government’s should the policy be struck down.⁴³

In other words, the circuit court found that the states shouldn’t be surprised an administration that was trying to end Title 42 wouldn’t be fighting at the same time to keep it in place.

With Judge Sullivan’s December 21 deadline for ending Title 42 approaching, the states filed an emergency application for a stay pending certiorari (Supreme Court review) of Judge Sullivan’s order with Supreme Court Chief Justice John Roberts – the circuit justice for the D.C. Circuit – on December 19.⁴⁴

This time, they specifically alleged that the federal government was attempting to bypass the APA’s notice and comment requirements and Judge Summerhays’ order by “collusively agree[ing] with” the plaintiffs in *Huisha-Huisha* “to recreate the enjoined [by Judge Summerhays] order terminating the Title 42 System, with the same delayed effective date and same lack of notice-and-comment compliance as the enjoined rule”.⁴⁵

⁴³ *Huisha-Huisha v. Mayorkas*, ___ F.4th ___, No. 22-5325, slip op. at p. 2 D.C. Cir. 2022.

⁴⁴ Application to the Honorable John G. Roberts, Jr., Chief Justice of the Supreme Court of the United States and Circuit Justice for the D.C. Circuit, For A Stay Pending Certiorari, *Arizona v. Mayorkas*, No. 22A544 U.S. 2022.

⁴⁵ *Ibid.*, p.1.

The chief justice granted a stay that day and directed the government to file a response.⁴⁶

On December 20, the government filed its opposition to the states' request, denying it was colluding with the plaintiffs in *Huisha-Huisha* while “recogniz[ing] that the end of the Title 42 orders will likely lead to disruption and a temporary increase in unlawful border crossings.”⁴⁷

By that point, however, “other than Mexican” (OTM) migrants had already begun assembling on the Mexican side of the Southwest border waiting for Title 42 to end, many of them across the border from El Paso, Tex.⁴⁸ With large groups of migrants crossing the Rio Grande into the city, El Paso Mayor Oscar Leeser declared a state of emergency on December 17,⁴⁹ which the city council extended for 30 days on December 23.⁵⁰

The chief justice's stay remained in place through Christmas (December 25 in the United States). On December 27, the Supreme Court issued an opinion in the case (now captioned *Arizona v. Mayorkas*), granting the states' applications for certiorari and staying Judge Sullivan's order while the justices considered the question of whether the states should be allowed to challenge that order before the D.C. Circuit.⁵¹

Notably, only five of the nine justices (the chief justice, and Justices Clarence Thomas, Samuel Alito, Brett Kavanaugh, and Amy Coney Barrett) voted to hear the states' appeal in *Arizona*. Justices Sonia Sotomayor and Elena Kagan opposed the states' application for certiorari without further explanation, while Justice Neil Gorsuch, writing for himself and Justice Katanji Brown Jackson, went into detail as to why they were dissenting from the Court's opinion.⁵²

Justice Gorsuch, a Trump appointee and so-called “originalist”⁵³ (that is, a judge who believes the laws and constitution should be interpreted as the authors intended), opined that the “case-specific decision” of the D.C. Circuit in *Huisha-Huisha* was “not of special importance in its own right and would not normally

⁴⁶ *Arizona v. Mayorkas*, ___ U.S. ___, No. 22A544, slip op. U.S. 2022.

⁴⁷ Federal Respondents Opposition to the Application for a Stay Pending Certiorari, *Arizona v. Mayorkas*, No. 22A544, p. 2 U.S. 2022.

⁴⁸ MELHADO 2022.

⁴⁹ *Ibid.*

⁵⁰ ARTHUR 2022j.

⁵¹ *Arizona v. Mayorkas*, ___ U.S. ___, No. 22A544, slip op. U.S. 2022.

⁵² *Ibid.*, p. 2.

⁵³ KIM 2017.

warrant expedited review”. Rather, he asserted, “The D.C. Circuit’s intervention ruling takes on whatever salience it has only because of its presence in a larger underlying dispute about the Title 42 orders.”⁵⁴

In what was likely the most important passage in any of these Title 42 decisions, he continued:

The States contend that they face an immigration crisis at the border and policymakers have failed to agree on adequate measures to address it. The only means left to mitigate the crisis, the States suggest, is an order from this Court directing the federal government to continue its COVID-era Title 42 policies as long as possible - at the very least during the pendency of our review.

...

*But the current border crisis is not a COVID crisis. And courts should not be in the business of perpetuating administrative edicts designed for one emergency only because elected officials have failed to address a different emergency. We are a court of law, not policymakers of last resort.*⁵⁵

Republicans regained control of the U.S. House of Representatives in the November midterm elections,⁵⁶ ousting the Democrats who has controlled that chamber since 2019. The current, 118th, Congress convened on January 3,⁵⁷ but due to internecine battles, former Minority Leader Kevin McCarthy (R-Calif.) was not elected speaker until the 15th ballot, early in the morning of January 7.⁵⁸

By that point, the end date for Title 42 was wholly dependent on the Supreme Court’s ultimate ruling. Nonetheless, and taking apparent advantage of the Republicans’ disarray, the White House issued its latest post-Title 42 plans in a fact sheet captioned “New Border Enforcement Actions” on January 5.⁵⁹ Under that plan, would-be inadmissible entrants would be able to access DHS’s CBP One online app (which previously could only be used for legitimate entrants) to schedule appointments “to present themselves for inspection and to initiate a protection claim”.⁶⁰ While the Biden administration claims that this aspect of its plan would allow aliens “to enter the United States lawfully through” border POEs, as I explained at the time, “‘entering’ without a visa through a port of entry is as

⁵⁴ Ibid.

⁵⁵ Ibid., p. 3.

⁵⁶ WEISSERT – BURNETT – COLVIN 2022.

⁵⁷ JONES 2023.

⁵⁸ KARNI 2023.

⁵⁹ WHITE HOUSE 2023.

⁶⁰ Ibid.

‘illegal’ as crossing the border without a visa between the ports of entry, regardless of whether you have an appointment to do so.”⁶¹ Further, as I later explained, that CBP One POE scheduling proposal would “actually endanger even greater numbers of foreign nationals by encouraging them in greater numbers to travel illegally to the other side of the Southwest border.”⁶²

Another aspect of the White House’s January 5 plan was an expansion of a current Biden policy that brings otherwise inadmissible Venezuelan nationals to the United States on two-year periods of “parole”.⁶³ I address DHS’s parole authority further below, but under that plan as expanded, 30,000 nationals of Venezuela, Nicaragua, Haiti, and Cuba would be allowed into the country per month-360,000 annually in total.⁶⁴

On January 24, 2023, 20 Republican-led state plaintiffs filed suit in the U.S. District Court for the Southern District of Texas, seeking to block that parole proposal.⁶⁵ Among other claims, the states allege in that suit that the administration has failed to “‘explain or analyze’ how it ‘would remove from the United States aliens paroled through the program after the end of any period of authorized parole, despite admitting general difficulty removing such aliens to their home countries presently’.”⁶⁶ They further assert that the January 5 parole program violates the APA because it exceeds DHS’s parole authority.⁶⁷

It should be noted that, under the White House plan, nationals of those four countries who enter the United States illegally instead of applying in advance for parole would be “subject to expulsion to Mexico” – which apparently presumed the continuation of the same Title 42 expulsion protocol that the administration is attempting to end in *Louisiana* and *Arizona*⁶⁸ (as noted, aliens deported under the provisions in the INA are “removed”, not “expelled”).

Finally, under the White House plan, illegal migrants who “fail to seek protection in a country through which they traveled on their way to the United States, will be subject to a rebuttable presumption of asylum ineligibility in the United States.”⁶⁹

⁶¹ ARTHUR 2023a.

⁶² ARTHUR 2023d.

⁶³ WHITE HOUSE 2023.

⁶⁴ *Ibid.*

⁶⁵ Complaint, *Texas v. DHS*, No. 6:23-cv-00007 S.D. Tex 2023.

⁶⁶ *Ibid.*, p. 11.

⁶⁷ *Ibid.*, p. 30.

⁶⁸ ARTHUR 2023c.

⁶⁹ JACOBS 2023.

The Trump administration had previously proposed such a “third-country transit bar” to asylum for OTMs who failed to apply for protection in a country they had transited on their way to the United States where such protection is available,⁷⁰ but as a colleague and former Trump official at U.S. Citizenship and Immigration Services (USCIS) observed:

There are important differences to the Trump administration’s policy and the Biden administration’s forthcoming proposal. First, the third-country transit rule sought to impose an actual bar to asylum. The Biden administration’s forthcoming regulation, on the other hand, will instead impose a “rebuttable presumption of asylum ineligibility”. This means that aliens who make a credible fear claim could present evidence to overcome this presumption, thus giving asylum officers more issues to analyze in already long credible fear interviews.

Second (and this is important), the Biden administration’s border strategy says nothing at all about detention. While the administration claims to be “expanding expedited removal [which I will also explain below]” for those without a legal basis to enter or remain in the country, as my colleague Andrew R. Arthur has repeatedly explained, expedited removal does not work without detention - even if aliens are supposedly barred from asylum.

That is because asylum is not the only form of protection that aliens can receive after they make a credible fear claim to a DHS officer. An alien could be ineligible for asylum, but nevertheless be allowed to remain in the United States because an asylum officer determines that the alien may be eligible for statutory withholding of removal or protections under the Convention Against Torture (CAT). Credible fear applicants do not need to explicitly request relief under these forms of protection to receive a positive credible fear determination — asylum officers can (and often do) make this determination on their own after hearing an alien’s testimony.⁷¹

The most recent development with respect to Title 42 was a January 30 announcement by the White House’s Office of Management and Budget (OMB) that the administration will be extending the COVID-19 national emergency (which had been set to expire on March 1) and the COVID-19 public health emergency (“PHE”, which had been scheduled to end on April 11) to May 11, and end both on that date.⁷²

⁷⁰ ARTHUR 2019.

⁷¹ JACOBS 2023.

⁷² OFFICE OF MANAGEMENT AND BUDGET 2023.

DOJ filed a brief with the Supreme Court in *Arizona* arguing that the OMB announcement mooted the states' claims.⁷³ While the justices cancelled the scheduled March 1 oral arguments in that case, it was not clear then whether they concurred with DOJ's contentions.⁷⁴

On May 18, however-seven days after the administration stopped expelling migrants at the Southwest border under Title 42-the justices remanded *Arizona* to the D.C. Circuit with directions to dismiss the case as moot.⁷⁵ Thus, after more than three years, Title 42 ended with a whimper.

Except, again, for Justice Gorsuch, who used that order as an opportunity to rail against the threats to civil liberties that COVID-19 restrictions had imposed, and to take to task the federal and state governments and courts that had stood silent as those liberties were eroded.⁷⁶

3. Title 42 Expulsions Under Trump and Biden

Between the issuance of the first Title 42 order in March 2020 and the end of the Trump administration, Border Patrol agents at the Southwest border rigorously enforced those CDC directives, expelling more than 87 percent of illegal Southwest border migrants who were subject to Title 42.⁷⁷

Title 42 expulsions were lower and continuously declined, however, throughout the Biden administration. In the last eight months of FY 2021, between February (Biden's first full month in office) and September 2021, just 58 percent of migrants encountered by CBP at the Southwest border were expelled, a figure that dropped below 48 percent in FY 2022.⁷⁸ By December 2021-a month in which there were more CBP Southwest border encounters than in any previous month in history, just 21.5 percent of those apprehended by Border Patrol were expelled.⁷⁹

Biden disfavored Title 42, which prevented illegal migrants from seeking asylum-a key objective of his administration, as explained below- and had acceded to court orders that barred the application of those CDC orders to UACs by rewriting

⁷³ GARCIA 2023.

⁷⁴ Ibid.

⁷⁵ *Arizona v. Mayorkas*, 598 U.S.____, No. 22-592, slip op. at 1.

⁷⁶ Ibid., at 1-8.

⁷⁷ ARTHUR 2022k.

⁷⁸ ARTHUR 2022h.

⁷⁹ ARTHUR 2023b.

those CDC orders, but those weren't the only reasons why Title 42 expulsions dropped under the current administration.

Within days of Biden's election, the Mexican Congress passed a law captioned "Various Articles of the Migration Law and the Law on Refugees are Reformed, Complementary Protection and Political Asylum in the Matter of Migrant Children", which was signed by Mexican President Andrés Manuel López Obrador on November 11, 2020.⁸⁰

That law:

*[P]rohibited federal detentions of migrant families with minor children – with or without parents – in all fifty-eight Mexican detention facilities nationwide. To remain in compliance with Mexico's other laws requiring the feeding and sheltering of migrant children, the new law required the government to merely refer them to voluntary-stay shelters. This meant that after January 11, 2021, Mexico could start emptying its detention centers, and thousands of families with their young children could travel freely inside the country, which everyone knows means the U.S. border.*⁸¹

Thus, from the start, the Biden administration was largely unable to expel migrant children and families under Title 42.

Further, from the beginning of the Biden administration, the Mexican government had been increasingly unwilling to accept migrants expelled under Title 42 who weren't Mexican citizens or nationals of the "Northern Triangle" countries of El Salvador, Guatemala, and Honduras.⁸² As *PBS News Hour* explained in May 2022:

*For other nationalities . . . high costs, poor diplomatic relations and other considerations make it difficult for the U.S. to fly migrants to their home countries under Title 42. Instead, they are typically freed in the U.S. to seek asylum or other forms of legal status.*⁸³

Likely not coincidentally, the number of nationals of countries from farther abroad than Mexico and the Northern Triangle who have been entering illegally across the Southwest border has swelled.⁸⁴

⁸⁰ BENSMAN 2022, p. 168.

⁸¹ *Ibid.*, pp. 168-169.

⁸² SPAGAT 2022.

⁸³ *Ibid.*

⁸⁴ SHOICHET – HICKEY 2022.

For example, in all of FY 2020, Border Patrol agents at the Southwest border apprehended just 1,227 Venezuelan nationals, and just 781 in the first four months of FY 2021 (as noted, Biden took office at the end of January 2021).⁸⁵

The United States has only limited diplomatic relations with Venezuela (making it difficult to deport nationals of that country), however, and the Mexican government increasingly refused to accept Venezuelan nationals who had been expelled.

Venezuelan migrants progressively realized that they were unlikely to be deported or expelled, and consequently, by the end of FY 2021,⁸⁶ Border Patrol apprehensions of illegal Venezuelan entrants exceeded 47,000, topping 187,000 in FY 2022.⁸⁷

Those same factors (poor diplomatic relations and an increased unwillingness under Biden for the Mexican government to accept returns) applied to Nicaraguan nationals, as well. In all of FY 2020, Border Patrol agents apprehended just 2,123 illegal Nicaraguan entrants, and an additional 1,807 in the first four months of FY 2021.⁸⁸

By the end of FY 2021, however, nearly 50,000 illegal Nicaraguan migrants had been apprehended at the Southwest border, and more than 163,500 others in FY 2022.⁸⁹

While illegal Cuban migration has not been quite so rare in recent years (agents at the Southwest border apprehended just fewer than 10,000 of them in FY 2020), their numbers have also jumped since Biden took office—to more than 38,000 in FY 2021 and 220,000-plus in FY 2022.⁹⁰

Again, strained diplomatic relations between Washington and Havana and a refusal of the Mexican government to accept the return of expelled Cuban nationals clearly drove that jump.

Then, there are Ukrainian migrants. Just five Ukrainian nationals were apprehended entering illegally in FY 2020, and six more between October 2020 and May 2021.⁹¹ The Russian invasion of the country in late February 2022 drove refugees from Ukraine, and 36 illegal Ukrainian migrants ended up at the Southwest border between June and September 2022.⁹²

⁸⁵ CUSTOMS AND BORDER PROTECTION 2023.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ *Ibid.*

⁹² *Ibid.*

That figure climbed through FY 2022, with agents apprehending 585 illegal Ukrainian entrants at the Southwest border that fiscal year.

Diplomatic relations did not play so much a role in their illegal entry as an unwillingness on the part of the Biden administration to either expel or deport removable Ukrainians did, culminating in an administrative “pathway” for nationals of the country to come to the United States, called “Uniting for Ukraine” on April 21, 2022.⁹³

As the DHS press release for that program explained:

*Ukrainians should not travel to Mexico to pursue entry into the United States. Following the launch of Uniting for Ukraine, Ukrainians who present at land U.S. ports of entry without a valid visa or without pre-authorization to travel to the United States through Uniting for Ukraine will be denied entry and referred to apply through this program.*⁹⁴

That admonition notwithstanding, more than 303 Ukrainians were apprehended entering illegally across the Southwest border between the issuance of that press release and the end of April 2023.⁹⁵

4. The Oversized Importance of Title 42

All of which raises the question why Title 42—which in essence is a public health policy—has taken on such oversized importance to U.S. border security, or why states are suing the administration to continue the policy.

When Joe Biden took office, he inherited what his first Border Patrol chief, Rodney Scott, described in September 2021 as “arguably the most effective border security in” U.S. history.⁹⁶

The new administration, Scott complained, quickly allowed that security to “disintegrate” as “inexperienced political appointees” ignored “common sense border security recommendations from experienced career professionals.”⁹⁷

⁹³ DEP’T OF HOMELAND SECURITY 2022.

⁹⁴ Ibid.

⁹⁵ CUSTOMS AND BORDER PROTECTION 2023.

⁹⁶ SCOTT 2021, p. 2.

⁹⁷ Ibid.

The effects are apparent in CBP's own statistics. Between FY 2015 and FY 2018, Border Patrol apprehended fewer than 409,000 migrants annually at the Southwest border, and never stopped more than 48,000 in any given month.⁹⁸

In FY 2019, however, agents apprehended more than 851,000 illegal entrants, hitting a monthly peak of just fewer than 133,000 in May 2019.⁹⁹ Monthly apprehensions quickly declined thereafter, however, falling to just over than 30,000 in February 2020,¹⁰⁰ the month before CDC issued its first Title 42 order.

To understand how Trump had secured the Southwest border prior to Title 42, it's necessary to go back to the INA itself, and to the Obama administration.

In the INA, Congress gave DHS two separate methods by which it could process aliens who were apprehended entering illegally: (1) expedited removal under section 235(b)(1) of INA;¹⁰¹ and (2) "regular" removal under section 235(b)(2) of the INA.¹⁰²

Regular removal requires DHS to obtain a removal order from an immigration judge before it can deport an alien – a time consuming process that can take years to complete,¹⁰³ particularly when the alien is not detained.

Expedited removal, on the other hand, allows agents to remove illegal entrants quickly, without having to place them into formal removal proceedings.¹⁰⁴

The catch in that fast-track process is an INA requirement that CBP send aliens who have asserted a fear of harm or expressly requested asylum to USCIS asylum officers, for an interview to determine whether those aliens have a "credible fear" of persecution.

In those interviews, asylum officers screen the aliens to determine whether they *may* be eligible for asylum. The credible fear standard is low, requiring just "a significant possibility, taking into account the credibility of the statements made by the alien in support of the alien's claim and such other facts as are known to the officer, that the alien could establish eligibility for asylum."¹⁰⁵

⁹⁸ CBP NEWSROOM 2021.

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ 8 U.S.C. § 1225 2023.

¹⁰² *Ibid.*

¹⁰³ RAPPAPORT 2022.

¹⁰⁴ ARTHUR 2023a.

¹⁰⁵ *Ibid.*

Section 235(b)(1) of the INA requires that aliens subject to expedited removal be detained, from the moment that they are apprehended until they are either granted asylum or removed,¹⁰⁶ notwithstanding DHS's limited authority to release aliens on parole.

Despite that fact, in December 2009, Obama's first ICE director, John Morton, directed his agency to release aliens who had received "positive" credible fear determinations from an asylum officer on "parole."¹⁰⁷

Parole allows an otherwise inadmissible alien (including an illegal entrant) to enter the United States without being formally admitted.¹⁰⁸ In section 212(d)(5)(A) of the INA, however, Congress tightly restricted that authority, allowing DHS to parole aliens "only on a case-by-case basis for urgent humanitarian reasons or significant public benefit."¹⁰⁹

Despite those congressional limitations on parole, the Morton parole directive was implemented without any court challenge. As could reasonably be expected, the number of illegal migrants at the border who claimed a credible fear of return soared quickly thereafter.

Between FY 2006 and FY 2009, just between four and five percent of aliens subject to expedited removal claimed credible fear -roughly about 5,000 to 5,400 claims per year.^{110, 111}

By the time Trump took office in FY 2017, 44 percent of aliens subject to expedited removal were claiming credible fear, a figure that climbed to 48 percent of the more than 178,000 aliens in expedited removal proceedings by FY 2018.¹¹² Trump at that point could not detain the more than 65,000 aliens who had received positive credible fear determinations, and so he could not reverse the Obama-era parole policy.¹¹³

In lieu of detaining those aliens, however, the Trump administration implemented the Migrant Protection Protocols (MPP), better known as "Remain in Mexico".¹¹⁴ Under that program, OTM aliens apprehended entering illegally across the

¹⁰⁶ ARTHUR 2021a.

¹⁰⁷ ARTHUR 2022e.

¹⁰⁸ BRUNO 2020.

¹⁰⁹ 8 U.S.C. § 1182 2023.

¹¹⁰ DEP'T OF HOMELAND SECURITY 2019, p. 7.

¹¹¹ ARTHUR 2022e.

¹¹² *Ibid.*

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*

Southwest border were sent back across the border to await their removal hearings at “port courts”. If those migrants received asylum, they would be admitted; if denied, they would be removed.¹¹⁵

In DHS’s October 2019 assessment of the program, the department found that MPP was “an indispensable tool in addressing the ongoing crisis at the southern border and restoring integrity to the immigration system”, particularly as related to alien families.¹¹⁶ Asylum cases were expedited under the program, while at the same time, MPP removed incentives for aliens to make weak or fraudulent claims when they were apprehended, and therefore less likely those to enter illegally.¹¹⁷

Despite the success of Remain in Mexico, Biden derided the program as “inhumane”, and on his first day in office stopped new enrollments in the program.¹¹⁸ Subsequently, Secretary Mayorkas has terminated MPP (twice) even while conceding that MPP “likely contributed to reduced migratory flows”, albeit by “imposing substantial and unjustifiable human costs.”¹¹⁹

The states of Texas and Missouri filed suit in the U.S. District Court for the Northern District of Texas in April 2021, seeking to force DHS to reinstitute MPP, in *Texas 2*.¹²⁰ The judge hearing *Texas 2*, Matthew Kacsmaryk, issued an order enjoining DHS from terminating Remain in Mexico in August 2021.¹²¹ After hearing the government’s appeal of Judge Kacsmaryk’s decision, the Fifth Circuit affirmed that order. The Biden administration appealed the Fifth Circuit’s decision in *Texas 2* to the Supreme Court.¹²² On June 30, 2022,¹²³ the justices invalidated Judge Kacsmaryk’s injunction on largely procedural grounds.¹²⁴ The justices then remanded the matter back to the lower courts for further consideration, while passing on the questions of whether DHS is required to detain inadmissible aliens and is exceeding its statutory parole authority.¹²⁵ *Texas 2* has been pending on remand ever since, and the Biden administration has not returned any migrants under MPP since August 2022.¹²⁶

¹¹⁵ *Ibid.*

¹¹⁶ DEP’T OF HOMELAND SECURITY 2019, p. 2.

¹¹⁷ *Ibid.*, pp. 2-3.

¹¹⁸ AHMED 2022.

¹¹⁹ NIEDZWIADK 2021.

¹²⁰ Complaint, *Texas v. Biden*, No. 2:21-cv-00067-Z N.D. Tex. 2021.

¹²¹ *Texas v. Biden*, ___ F. Supp. 3d ___, No. 2:21-cv-067-Z, slip op. at 52 N.D. Tex. 2021.

¹²² Pet. for a Writ of Cert., *Biden v. Texas*, No. 21-954 U.S. 2021.

¹²³ *Biden v. Texas*, ___ U.S. ___, No. 21-954, slip op. U.S. 2022.

¹²⁴ *Ibid.*, p. 22.

¹²⁵ *Ibid.*, p. 25.

¹²⁶ CBP NEWSROOM 2022.

Remain in Mexico may have been the most successful of Trump's border initiatives, but it was not the only one. One Trump-era program, Prompt Asylum Claim Review (PACR), enabled DHS to quickly review asylum claims made by OTM migrants, facilitated by Trump's third-country transit bar.¹²⁷ A similar program, the Humanitarian Asylum Review Process (HARP), allowed DHS to quickly review credible fear claims by Mexican nationals.¹²⁸

The Trump administration was also able to obtain crucial assistance from the Mexican government in securing the two nations' common border.

Remain in Mexico only worked because the Mexican government had agreed to accept the return of OTM migrants who had crossed the border illegally, and to "ensure that foreigners who have received their notice to appear have all the rights and freedoms recognized in the Constitution, the international treaties to which Mexico is a party, and its Migration Law."¹²⁹

Mexico had also agreed during the Trump era to secure its own southern border with Guatemala, to stop U.S.-bound migrants from continuing their treks north.¹³⁰

Those Trump-administration initiatives and others created the security that Chief Scott referenced in his September 2021 letter, even before CDC issued its first Title 42 order in March 2020.

While Biden had campaigned on reversing the Trump border policies (including and especially MPP), as president-elect he explained that he would have to end those policies "at a slower pace than he initially promised, to avoid winding up with '2 million people on our border", and only after "setting up the guardrails' to find a solution to the immigration issue."¹³¹

Once in office, however, Biden quickly reversed nearly all those Trump-era border policies. In a February 2, 2021, executive order, for example, the president ended PACR and HARP, and implemented a review of MPP,¹³² resulting in the ongoing litigation in *Texas 2*.

¹²⁷ ARTHUR, Andrew 2020.

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ LONG – FOX 2020.

¹³¹ MIROFF – SACCHETTI 2020.

¹³² BIDEN Pres. 2021.

While that executive order also called for a review of CDC's Title 42 orders,¹³³ the Biden administration nonetheless retained that policy voluntarily until it successfully ended Title 42 on May 11.

Title 42 was essentially the only Trump-era border policy Biden kept as he broke his vow to “set up guardrails” around immigration. Worse, Biden is the first president in history to reject the deterrence of illegal migrants as a border policy. Nowhere was this clearer than in an exchange between Secretary Mayorkas and host Bret Baier on the May 1, 2022, edition of “Fox News Sunday”.¹³⁴ Baier asked Mayorkas: “Is it the objective of the Biden administration to reduce, sharply reduce, the total number of illegal immigrants coming across the southern border? Is that the objective?”¹³⁵ To which Mayorkas replied: “It is the objective of the Biden administration to make sure that we have safe, orderly, and legal pathways to individuals to be able to access our legal system.”¹³⁶

By “pathways . . . to access our legal system”, Mayorkas means to “apply for asylum”, and in fact the Biden administration has treated all illegal entrants as “asylum seekers”, regardless of the strength of their claims or even whether they come seeking asylum at all.¹³⁷

In line with the administration's shift from reducing the total number illegal immigrants coming across the border to providing all migrants with “safe, orderly, and legal pathways . . . to access our legal system”, the president has also largely rejected using the primary tools Congress has given the executive branch to deter illegal entrants-detention and prosecution.

Illegal entry is both a civil violation (subjecting the offender to removal) and a criminal offense, punishable as a misdemeanor carrying a sentence of up to six months and a fine for the first offense and a felony subject to up to two years' imprisonment and a fine for subsequent offenses under section 275 of the INA.¹³⁸

Criminal prosecutions under this provision peaked in 2018 and 2019 under Trump and then plummeted with the onset of the COVID-19 pandemic, which reduced detention space.¹³⁹ Even as illegal entries surged under the Biden administration

¹³³ Ibid.

¹³⁴ FOX NEWS SUNDAY 2022.

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ ARTHUR 2022d.

¹³⁸ 8 U.S.C. § 1325 2023.

¹³⁹ TRAC 2020.

and pandemic-related restrictions on detention have eased, however, the number of prosecutions for improper entry have remained low.¹⁴⁰

Part of the reason for that low prosecution rate under Biden was due to the availability of Title 42. Aliens expelled under Title 42 weren't also prosecuted for illegal entry, but note that even under those CDC orders, DHS could have referred "egregious" reentrants who had been expelled two or more times for prosecution. Under Biden, it simply chose not to do so.

The same lack of deterrence also applies to the Biden administration's near blanket-refusal to detain illegal migrants it hasn't expelled.

Since Biden took office, Border Patrol at the Southwest border has set new yearly records for migrant apprehensions, first in FY 2021, as agents apprehended nearly 1.6 million illegal migrants,¹⁴¹ and again in FY 2022, as apprehensions exceeded 2.2 million.¹⁴²

Despite that historically unprecedented surge in illegal migrants, however, Biden asked Congress to cut the number of daily beds DHS has available for immigration detainees, to 25,000 from 34,000, in its FY 2023 budget request.¹⁴³

Instead of detaining those illegal migrants-as, again, Congress has mandated-Biden has released an estimated 1.8 million of them since taking office.¹⁴⁴

Initially, the Biden administration released most of those aliens with "Notices to Report" (NTRs), documents directing those migrants to appear at an ICE office near their intended destinations in the United States within 60 days, at which time they would be served with a "Notice to Appear" (NTA), the charging document in removal proceedings.¹⁴⁵

Not only were releases of illegal entrants without an NTA and a hearing date "unprecedented",¹⁴⁶ releasing aliens on NTRs isn't statutorily authorized under the INA. Not surprisingly, many of those migrants released with NTRs failed to later appear.¹⁴⁷

¹⁴⁰ TRAC 2022.

¹⁴¹ ARTHUR 2021b.

¹⁴² ARTHUR 2022f.

¹⁴³ SULLIVAN 2022.

¹⁴⁴ ARTHUR 2023e.

¹⁴⁵ KIGHT 2021.

¹⁴⁶ Ibid.

¹⁴⁷ ARTHUR 2022b.

Increasingly, however, the administration has been releasing apprehended border migrants on parole. In FY 2022, more than 378,000 illegal migrants apprehended by Border Patrol at the Southwest border were paroled into the United States, while nearly 311,000 others were released on their own recognizance with an NTA.¹⁴⁸

In the first three months of FY 2023 alone, however, Border Patrol has paroled more than 295,000 illegal migrants who had been apprehended at the Southwest border into the United States, while fewer than 66,000 others were released on their own recognizance with NTAs.¹⁴⁹

This shift toward releasing migrants on parole is being driven by efficiency. Aliens released on their own recognizance must be given a date to appear in immigration court before they are released, while Secretary Mayorkas has explained that DHS is not placing migrants who have been granted parole into removal proceedings until *after* it terminates parole.¹⁵⁰

That is a break from the practice under prior administrations, even for aliens released pursuant to the 2009 Morton parole directive (which paroled aliens after they received NTAs and court dates), but in any event it raises the question of how long those aliens remain free in the United States before they are ever served with an NTA and expected to appear in removal proceedings.

NBC News reported in early February 2023 that of the more than 800,000 migrants who were released with NTRs or on parole between March 2021 and late January, only about 214,000 of them have received NTAs and court dates, “meaning that roughly 588,000 did not know when or where to report for their asylum hearings.”¹⁵¹

At this point, it’s questionable whether DHS will be able to even find those individuals to begin the removal hearing process (which can take years¹⁵²), but in any event it’s beyond cavil that the Biden administration’s “catch and release” border policies are driving the massive increase in illegal entries. Or, as the judge hearing a challenge by the state of Florida to Biden’s release policies put it, the administration has:

¹⁴⁸ CBP NEWSROOM 2022.

¹⁴⁹ CBP NEWSROOM 2023.

¹⁵⁰ JOHNSON 2022.

¹⁵¹ AINSLEY 2023.

¹⁵² CHISHTI – GELATT 2022.

*[E]ffectively turned the Southwest Border into a meaningless line in the sand and little more than a speedbump for aliens flooding into the country by prioritizing “alternatives to detention” over actual detention and by releasing more than a million aliens into the country . . .*¹⁵³

Consequently, those release policies (and DHS’s release of hundreds of thousands of migrants under its limited parole authority in particular) are currently being challenged by state plaintiffs under the APA in two separate federal court actions: *Texas 2*-wherein, as noted, the states are attempting to force DHS to reimplement Remain in Mexico in lieu of parole releases; and *Florida v. U.S.*,¹⁵⁴ in which the state directly claims DHS is exceeding its limited parole power and maintaining a “non-detention” policy for illegal migrants.

This massive surge in migrants has taken its toll on Border Patrol’s ability to fulfill its mission of preventing terrorists and terrorist weapons, drugs and other contraband, and unauthorized aliens from entering the United States at the border.¹⁵⁵

Agents are so busy apprehending migrants who have surrendered themselves to Border Patrol in the expectation of release (known colloquially as “give ups”) and then transporting, processing, caring for those migrants prior to release that they are unable to stop the drugs and apprehended other migrants who don’t want to be caught.

During a February 2023 hearing before the House Committee on Oversight and Accountability, John Modlin, the Border Patrol’s Tucson sector chief, explained: “Agency-wide, we recognize we need more people. . . . I certainly know I do not have enough agents within Tucson sector to deal with the flow that we’re dealing with now.”¹⁵⁶

As a result, 1.2 million migrants (referred to as “got aways”) have crossed the Southwest border illegally under the Biden administration, evaded Border Patrol agents, and successfully entered the interior.¹⁵⁷

Title 42 alleviated some of the burdens those agents would have borne and freed up limited resources by enabling CBP to expel unauthorized aliens within just a few hours, instead of the more extended periods INA processing requires.¹⁵⁸

¹⁵³ *Florida v. U.S.*, ___ F. Supp. 3d ___, slip op. at 5-6 N.D. Fla. 2023.

¹⁵⁴ Complaint for Declaratory and Injunctive Relief, *Florida v. U.S.*, No. 3:21-cv-1066 2021.

¹⁵⁵ CUSTOMS AND BORDER PROTECTION 2021.

¹⁵⁶ KATZ 2023.

¹⁵⁷ HAGSTROM – MELUGIN 2023.

¹⁵⁸ MONTOYA – GALVEZ 2023.

Which is why states fought all the way to the Supreme Court to keep Title 42 in effect.

Conversely, the Biden administration opposed Title 42 because it has outlived its stated purpose as a public health measure with the COVID-19 pandemic waning, but more importantly because aliens expelled under those CDC orders are prevented from applying for asylum in the United States-and ensuring aliens have access to asylum is, as Secretary Mayorkas' explained on May 1, 2022, the administration's main border objective.

5. Conclusion

CBP encounters of illegal migrants and other inadmissible aliens have reached historically high levels since Joe Biden took office in January 2021 and reversed nearly every policy that the Trump administration implemented to enable DHS to gain operational control of the Southwest border.

Unless and until the Biden administration implements border policies to deter foreign nationals from undertaking the dangerous trek¹⁵⁹ to enter the United States in violation of U.S. law, tens of thousands of migrants will continue to cross the Southwest border illegally per month.

CBP generally, and Border Patrol in particular, lacks the manpower and resources to handle that illegal migrant surge. Although the Biden administration has recently issued policies to funnel would-be illegal migrants into the United States through POEs in lieu of entering illegally, those policies will provide-at best- short-term relief, and in the long run will encourage even greater numbers of migrants to enter the United States illegally at the Southwest border.

Worse, however, those administration policies are of questionable legal validity, and face a significant risk of being vacated or enjoined. Should that occur, illegally entries between the POEs are likely to exceed even current historically high levels.

Title 42 is a public-health initiative, but in the absence of an effective border response from the administration it provided what little relief there was for overworked CBP officers and agents in the field.

¹⁵⁹ ARTHUR 2018.

As Justice Gorsuch noted in his dissent in *Arizona*, however, “courts should not be in the business of perpetuating administrative edicts designed for one emergency only because elected officials have failed to address a different emergency. We are . . . not policymakers of last resort.”

Given that, and absent a sea change in the administration’s border policies, it will be incumbent on the newly installed Republican majority in the House to force the White House to comply with congressional mandates to detain inadmissible aliens at our borders, and to keep DHS’s use of its parole authority within its statutory limits.

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Ukrainian refugees and their initial situation in the European Union*

Viktor Marsai – Nikolett Pénczváltó (eds.)

Abstract

In just five months after the escalation of the Russian-Ukrainian war on 24 February 2022, more than 6 million Ukrainian citizens fled to the European Union. The war in Ukraine has caused the biggest refugee crisis in Europe since the Second World War. Although in February almost everyone expected the war to end in a few months at the most, there is no sign of an end to the armed fighting, nor of when and how many Ukrainian refugees will return to their countries of origin on a permanent basis. The EU and its Member States have adopted a number of emergency measures to deal with the influx of refugees. The Temporary Protection Directive 2001/55/EC has set out a framework for the care of refugees from Ukraine, but there are a number of differences between Member States' practices. The study examines the situation of Ukrainian refugees in eleven EU countries: Poland, Germany, Czech Republic, Italy, Spain, Bulgaria, France, Slovakia, Austria, Hungary and Romania. Migration dynamics change as the military, political and economic situation evolves, as do the perceptions of the host societies. This is why this study can only provide a snapshot of how the situation of Ukrainian refugees in the most important EU frontline and host countries looked in early August 2022.

Keywords: Ukraine, Ukrainian refugees, integration, European Union

1. Introduction

After the escalation of the Russian-Ukrainian war on 24 February 2022, more than six million Ukrainian citizens fled to the territory of the European Union in just five months. The war in Ukraine has caused the biggest refugee crisis in Europe since the Second World War. The EU and its member states have adopted a number of extraordinary measures to deal with the influx of refugees. While in February 2022 almost everyone expected that a ceasefire would be reached within a few months at most, the end of the armed conflict is not yet in sight, and nor is

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it clear when and to what extent Ukrainian refugees will be able to permanently return to their homeland. Although the return flow has started as of July 2022 – Frontex registered 4.7 million exits from the EU to Ukraine during the period under review – the longer the war drags on, the greater the chance that those who remain permanently in the EU may number in the millions.¹ After initial optimism, voices are being heard in an increasing number of countries, saying that the presence of refugees puts a disproportionate burden on the social care systems, while making the integration of the new arrivals more difficult, and that the time frame for their stay remains very unclear. Migration dynamics change with the evolution of the military, political, and economic situation, as do perceptions in receiving societies. That is why in this study we can only give a snapshot of how Ukrainian refugees' situation appeared in the most important EU frontline and host countries in July 2022. After the methodological introduction and an outline of the EU-level framework, we examine eleven European Union member states: Poland, Germany, the Czech Republic, Italy, Spain, Bulgaria, France, Slovakia, Austria, Romania and Hungary. These comprise the eight largest receiving countries and three EU frontline countries.

2. About the numbers

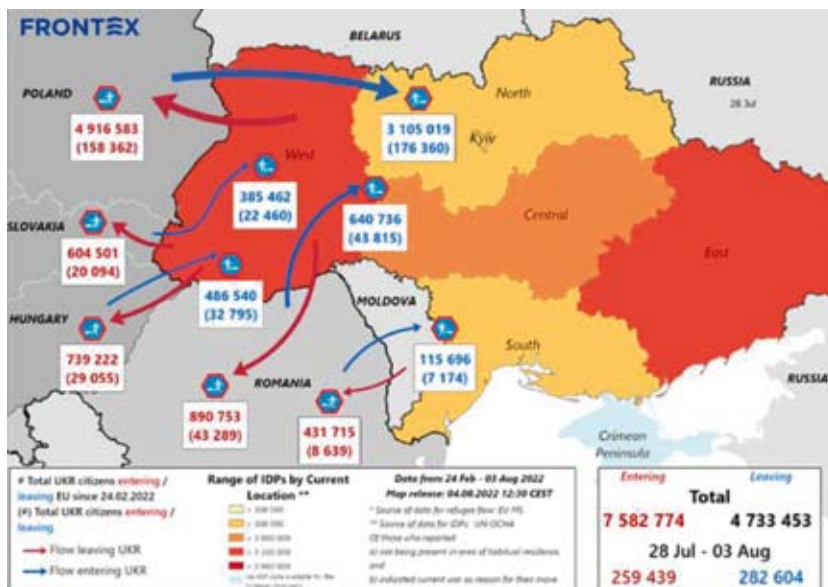


Figure 1 The flow of Ukrainian refugees to and from frontline countries (Frontex 2022.)

¹ For more information on the plans for Ukrainian refugees in the near future, see the following survey: UNHCR 2022.

Despite the large amount of available data, we are not able to say with absolute certainty how many Ukrainian refugees were residing in individual EU states as of July 2022. We can be certain of only two figures: the number of border crossings registered at the external borders of the European Union, and the number of applications for temporary protection submitted in individual countries. The number of border crossings from Ukraine or Moldova to the EU is not the same as the number of Ukrainians who fled to the EU. It should be made clear that this data also includes commuters who pass through every day for work or shopping, travelling from Ukraine to neighbouring states. Each trip by an employee of a humanitarian organisation delivering aid to Ukraine and then returning is counted as a border crossing, and even EU heads of state and government officials visiting Kyiv are included in this statistic. And after the Ukrainians have entered the territory of the EU, they can move freely between the individual states within the Schengen area without border controls, so their place of residence cannot necessarily be tracked.

It is equally difficult to calculate the number of returns. At the beginning of the war, for example, many men fled their families and then returned to fight, and several men who had previously been abroad returned home to fight for their country. The difficult-to-determine figure for commuters and guest workers must also be added to the number of border crossings. We cannot even know whether those who have returned home now have returned home permanently. In the case of similar armed conflicts, it is not uncommon for people to return to their homes after the direct fighting has subsided to see what is left of their towns and houses – but when they have done so (and especially if the answer is “nothing”) they may easily decide to return to Western Europe and start a new life there.

We also know the number of people who applied for temporary protection (or similar status) and the number of accepted applications. Since 2017, Ukrainian citizens in possession of a biometric passport have been able to spend 90 days within a six-month period inside the EU without a visa, and until that point they do not need another permit. This fact must also have influenced the number of applications submitted for asylum status. Keeping the above limitations in mind, in this study we use data from the UN and Frontex, supplemented, where available, with national data.

	Number of Ukrainians registered for temporary protection	%*
Poland	1,256,568	33%
Germany	670,000	18%
Czechia	400,402	11%
Italy	146,451	4%
Spain	131,681	3%
Bulgaria	124,489	3%
France	92,156	2%
Slovakia	86,834	2%
Austria	77,960	2%
Romania	50,857	1%
Hungary	27,861	0.9%
Total of the 11 examined countries	3,065,259	81.9%

* The total number of Ukrainian citizens registered for temporary protection, i.e. 100%, was 3,766,794 people at the beginning of August 2022.

Table 1 Number of Ukrainians registered for temporary protection in the examined countries at the beginning of August 2022²

3. EU-level regulation

On 4 March 2022, the European Union invoked Directive 2001/55/EC on temporary protection.³ The aim of this legislation is to ease the pressure on national asylum systems and enable displaced people to enjoy harmonised rights across the EU. According to Directive 2001/55/EC, member states are obliged to provide those entitled to temporary protection with a residence permit, suitable accommodation, employment opportunities, welfare and social care, and at least emergency medical care, and are obliged to provide those under the age of 18 with the same educational opportunities as their own citizens, though this can be limited to the state education system. In order to enjoy the rights they are entitled to as asylum seekers, and to stay in the EU after the visa-free period of stay, Ukrainian citizens need to register themselves in the manner specified by the national authorities.

Those fleeing Ukraine were initially granted temporary protection for one year from the adoption of the above-cited EU decision, i.e. until 4 March 2023. Thus, even if the hostilities had ended as rapidly as the most optimistic forecasts predicated,

² UNHCR 2022a.

³ EUR-LEX 2001.

with the situation in Ukraine quickly stabilizing and its citizens once again able to live in peace and security, refugees would still have been entitled to remain in the EU until the above deadline, thus allowing them to plan the future course of their lives in an orderly manner. (For example, the continuation of children's education at home, completion of notice period at work, etc.) However, depending on the future course of the crisis, the temporary protection status can remain in effect for up to three years.

The EU has also enabled the reallocation of certain funds, which member states can use to deal with the refugee crisis. At this point it is worth highlighting in particular REACT-EU (Recovery Assistance for Cohesion and the Territories of Europe) and CARE (Cohesion's Action for Refugees in Europe) two response frameworks within which a total of nearly 17 billion euros can be allocated. Funds were originally allocated to REACT-EU to counter the economic stagnation caused by the coronavirus pandemic. Countries affected by the Ukrainian refugee crisis are able to draw resources from this framework as part of the sequence based on the following calculation principle, following the Commission's decision of 23 March 2022 and the Council's approval on 6 April.⁴ The pre-financing of the 2021 tranche of REACT-EU will be increased from 11% to 15% for all member states, and for those member states in which the number of refugees from Ukraine exceeded 1% of the population at the end of the first month after the Russian invasion, the pre-financing rate increases from 11% to 45%. As for CARE, the European Council defined its framework on 8 March 2022, and then on 4 April 2022 it adopted the Regulation on Cohesion's Action for Refugees in Europe. As a result, funds from programmes financed by the European Regional Development Fund and the European Social Fund can be reallocated to deal with the Ukrainian refugee crisis in member states.⁵

4. Situation of Ukrainian Refugees in the eleven examined member states

Poland

Even before the escalation of the conflict in Ukraine in 2022, a significant Ukrainian immigrant community lived on Polish soil. According to various estimates, the number of Ukrainian workers in the period 2014–2022 was between 800,000 and

⁴ EUROPEAN COUNCIL 2022.

⁵ EUROPEAN COMMISSION 2022a.

two million people.⁶ As such, Poland became, after Ukraine, the state employing the largest number of Ukrainians in the world. It is therefore unsurprising that, according to UNHCR data, Poland is also the EU member state receiving the most Ukrainian refugees. According to data from 5 July, Polish border protection agencies registered a total of 1,207,650 Ukrainian refugees, while the total number of border crossings from Ukraine reached 4,472,349.⁷ There is no exact state data on how many people arrived in the country. The only available data source is the number of registrations for so-called UKR status.⁸ This status was created for Ukrainian refugees who received a Polish national identification number (PESEL) in order to speed up their integration into society.⁹ With a PESEL number, refugees can work in Poland, their children can go to school, and parents can receive child support. An application for a PESEL number can be submitted to any municipality throughout the country.¹⁰ Mass registration points were also opened in Warsaw and Krakow in order to give as many people as possible access to the identification number as quickly as possible. As of 30 June 2022, a total of 1.2 million Ukrainians registered to receive a PESEL number.¹¹

In addition to extending the PESEL system to Ukrainian refugees, Warsaw significantly facilitated entry into the country,¹² despite the fact that this border also forms part of the EU's eastern frontier, and also announced the production of new identity documents.¹³ Furthermore, the Polish state has opened reception centres across the country,¹⁴ where local authorities provide free accommodation, food and all necessary care to those seeking asylum there.¹⁵ (Nevertheless, according to a report by the United Nations High Commissioner for Refugees, a much higher

⁶ GÖNCZI 2021.

⁷ UNHCR 2022a.

⁸ PIŁCZYK 2022.

⁹ Pursuant to the Polish special law of 12 March 2022 (“On assistance to Ukrainian citizens in connection with the armed conflict on the territory of Ukraine”), all Ukrainian residents who crossed the border section with Poland after the 24 February 2022 Russian invasion can apply for a PESEL number. (FUNDACJA DELOITTE 2022.)

¹⁰ FUNDACJA DELOITTE 2022.

¹¹ RELIEFWEB 2022b.

¹² As in most other border states, Ukrainian refugees in Poland do not need to show any documents upon entry; it is sufficient that they reach the Polish border from the direction of Ukraine.

¹³ GOV.PL.

¹⁴ Unfortunately, the organisation responsible, the Polish Office of Foreign Affairs, has not updated its information on the number and quality of reception centres since 2021. As far as we can determine from earlier data, there were ten reception centres in Poland in 2020 and nine in 2021: Dębak, Kolonia-Horbów, Białystok, Czerwonny Bór, Bezwola, Łuków, Grupa and Linin. These were supplemented by several newly opened reception centres, including one in Warsaw. ASYLUM INFORMATION DATABASE & EUROPEAN COUNCIL ON REFUGEES AND EXILES 2022., and KARTAL 2022.

¹⁵ BLIKÓWSKA 2022.

proportion, about 72% of all asylum seekers, prefer to rent their own apartments than to stay in reception centres.)¹⁶ The government has also implemented legislative changes that aim to simplify the employment of Ukrainians in Poland, which previously required an employment visa.¹⁷ On 12 March 2022, the President of Poland signed a new law regulating the status and support of refugees from Ukraine in Poland.¹⁸ The provisions of this act include legal residence for 18 months with a PESEL number, full access to the labour market and health care, a one-time financial allowance of 300 zlotys (63 euros) for refugees, support for households hosting refugees (40 zlotys per day for a maximum of 60 days), and many social benefits. In addition, the Ministry of Education and Science prepared information in Polish and Ukrainian for parents of children coming from Ukraine on how to enrol their children in school. On 30 March 2022, the ministry announced the creation of a special chatbot called #SzkołaDlaWas (#SchoolForYou) allowing Ukrainian speakers to get relevant information in Ukrainian about the education system, available school opportunities and application procedures. According to the law of 12 March 2022, access to pre-school and compulsory education is free for everyone up to the age of 18, regardless of the student's legal basis for staying in Poland. On 30 March 2022, the head of the Ministry of Education and Science noted that while 150,000 – 160,000 Ukrainian students joined the Polish education system, the majority of newly arrived children were not attending school. Many students use the Ukrainian government's distance learning platform to connect to their classes. These students are exempt from compulsory education in Poland. Within the framework of the "Solidarity with Ukraine" government program, from March to September 2022, higher education students and doctoral students can also continue their studies in Poland and submit their theses in the country. The National Academic Exchange Agency is responsible for the programme. The Ministry of Education and Science is providing 180 million zlotys to local governments to support psychological and pedagogical help for Ukrainian students. This financial fund will enable schools to provide approximately three million more lessons to their Ukrainian students.

However, many claim that the Polish refugee system is far from perfect. Between 22–29 March 2022, Human Rights Watch conducted research at the Medyka border crossing, Przemyśl, Krakow and Warsaw, where it was discovered that protection measures were inconsistent and there is a lack of government coordination, which increases the risk of abuse, especially for women and girls.¹⁹ Human Rights Watch shared the exploratory research with the Polish government on 31 March, asking them to improve their refugee system in these areas.

¹⁶ UNHCR 2022b.

¹⁷ BUSINESS INSIDER 2022.

¹⁸ UNESCO 2022.

¹⁹ RELIEFWEB 2022a.

The acceptance of refugees naturally affects Polish society as a whole. According to the opinion of the Budapest-based China-CEE Institute, the mass acceptance of Ukrainian refugees is a very costly and brave, but ultimately profitable move, as it could easily offset negative demographic trends, have a positive effect on labour market shortages, and strengthen Poland's regional position and image.²⁰ A joint research study conducted by the EWL Migration Platform and the Centre for East European Studies of the University of Warsaw found that 7% of Ukrainians who fled to Poland want to permanently settle there.²¹ According to the China-CEE Institute, however, the Polish state will soon face serious challenges related to mass immigration, such as runaway real estate prices, the need to expand public and higher education capacities, and a slowdown in wage growth. In Poland, the population is essentially supportive of Ukrainian refugees. The far-right Confederation Liberty and Independence Party, which has 11 seats in Sejm, was the only significant political formation that spoke out against the "privileged" status of asylum seekers, but this did not resonate sufficiently with the public mood, and so was removed from active political communications.²²

With the transformation in the nature of the fighting in Ukraine, a considerable wave of return from Poland also started in the May–June period. According to data from 5 July, 2,385,120 border crossings into Ukraine have so far taken place.²³ However, this cannot become a dominant trend for the time being, as the Ukrainian authorities themselves encourage those who have fled abroad not to return home yet in order to guarantee their own safety.²⁴

Germany

The proportion of people in German society with a migrant background is relatively high (26% of the nearly 83 million population), of which the largest group is made up of post-Soviet immigrants: in 2019, there were 3.5 million people in Germany who had moved there from the territory of the former Soviet Union, of whom approximately 10% were Ukrainians.²⁵ Before the war, 331,000 Ukrainian citizens lived in Germany,²⁶ and since February 2022 this has increased by an additional approximately 900,000 people. According to UNHCR data, 670,000 people applied for temporary protection by the beginning of August 2022.²⁷

²⁰ RAJCA 2022.

²¹ ZYMNIN 2022.

²² TILLES 2022.

²³ UNHCR 2022a.

²⁴ GÖNCZI 2022.

²⁵ PANAGIOTIDIS 2021.

²⁶ DESTATIS 2021.

²⁷ UNHCR 2022d.

Germany is also one of the twelve EU member states that received Ukrainian refugees via the Moldovan airlift. As part of this, they promised to host a total of 2,500 people, of whom approximately five hundred arrived as of end of July 2022. The registration of refugees takes place on a large scale throughout the country in fifteen arrival centres, in branches of state bodies (the Federal Office for Migration and Refugees, the Federal Police), and in so-called AnKER centres (an organisation created to enhance cooperation between all parties involved in the asylum procedure), while it is also possible to register when crossing the border.²⁸

In addition to the state sphere, civilians also play a key role in crisis management, as alongside the continuously operating aid organisations (Caritas, Red Cross, etc.), other actors immediately joined in assistance and coordination. A collaboration of non-governmental organisations, companies, foundations and state institutions called “Alliance4Ukraine” was established under the oversight of the Ministry of the Interior,²⁹ and the association of the Ukrainian community in northern Germany, the so-called Ukrainian Help Staff (Ukrainische Hilfsstab), was established, which provides education and work opportunities, and is active in the fields of humanitarian aid to Ukraine, fundraising, event organisation, refugee reception and medical care.³⁰

In accordance with the EU provision, persons with temporary protection are entitled to employment, education, social and medical care through health insurance, and some form of centrally provided accommodation, all of which are organised at the provincial level. In terms of monthly financial support, single persons receive 367 euros, and couples sharing accommodation receive 330 euros per person. Adults under 25 living in the same household as their parents receive 294 euros and young people aged 14 to 17 receive 326 euros, while 283 euros are provided for children aged 6 to 13, and 249 euros for parents of children under five years of age.³¹ As of 1 June, these benefits have been supplemented, as since then Ukrainian refugees can also receive unemployment or social assistance (Hartz IV),³² totalling 449 euros per month. In addition, working parents can also claim child support (Kindergeld) of 219–250 euros,³³ and can also request mediation and counselling services from the Federal Employment Agency or local job centres. By the end of June, more than 350,000 Ukrainians had applied to job centres in search of employment.³⁴ For the German state, this labour surplus may help resolve the labour shortage that has persisted in Germany for many years, at

²⁸ BAMF 2021.

²⁹ BMI 2022.

³⁰ UKRAINISCHER HILFSSTAB 2022.

³¹ BMAS 2021.

³² MIGAZIN 2022a.

³³ BfA 2022.

³⁴ MIGAZIN 2022b.

least if they stay in the country long-term. This trend is also supported by the draft law adopted on 6 July, which makes it easier for those who have been admitted and those who have submitted asylum applications to find work.³⁵ Participation in integration courses also facilitates this, and of the more than 144,000 Ukrainian refugees who were entitled to participate, 52,000 already joined up by the end of July 2022.³⁶

In addition to employment, education is also a key issue for refugees, as the Ministry of the Interior registered 310,199 persons under the age of eighteen among the arrivals. Of these, 146,000 children and young people were admitted to primary or vocational schools by 3 July. The organisation of education shows a different picture: 16 provinces have indicated that they plan to create so-called *Willkommensklassen* for Ukrainian refugees, but most federal states require that pupils in reception also be able to attend normal classes, often in subjects such as art, sports or music. Young people approaching graduation were given the option of completing their studies in Germany.³⁷ At the same time, there were also children who continued to participate in the Ukrainian education system online.³⁸ The German Teachers' Association (Deutscher Lehrerverband) criticised the education of Ukrainian refugee children, largely because of the already-existing inadequacies of the education system. In their view, without a long-term plan and federal financial support, the regions will not be able to cope with the increased number of students from September. The association also argued that in addition to this support, the number of social support teachers and translators would have to be augmented by the start of the next school year.³⁹

Refugee accommodation was also provided at the regional level. However, only a small proportion of the centrally provided accommodation facilities were used; instead, refugees have typically sought refuge with family members and friends (41%), and in rented hotel rooms (7%) and apartments (10%). Subsidies can also be obtained for the latter, though the amount depends on the income of the individuals concerned, rental costs and the number of people in the rental property. In addition, support can also be requested for utility costs, with the minimum amount set at 270 euros.⁴⁰ Until 31 May, they could also use domestic travel for free in order to more easily find a suitable place to stay, but from 1 June, in addition to normally priced transport tickets, only the three-month, 9-euro-per-month transport pass is available to them.⁴¹

³⁵ BMI 2022a.

³⁶ MIGAZIN 2022b.

³⁷ INTEGRATION 2022.

³⁸ BMI 2022a.

³⁹ MIGAZIN 2022b.

⁴⁰ INTEGRATION 2022.

⁴¹ ÖPNV 2022.

The attitude of German society towards refugees was positive from the start: in a public opinion survey from April 2022, 84% of respondents supported granting admission to Ukrainian refugees,⁴² and another study showed that they judge the new arrivals more positively than those who arrived during the crisis of 2015.⁴³ Nevertheless, Ukraine's ambassador to Germany said in a statement that Ukrainian refugees were not satisfied with Germany's support (generally understood as the supply of heavy weapons), so they were planning to return home as soon as possible.⁴⁴ In an April poll, nearly two thousand Ukrainian refugees were asked about their ambitions to return home. Of these, 42% said they wanted to stay, 32% said they wanted to return home, and 19% did not yet have any plans for the future.⁴⁵ Another argument against any sense of widespread dissatisfaction is the fact that Germans collected an unprecedented 752 million euros to help Ukrainian refugees as of July 2022.⁴⁶

The Czech Republic

During the examined period, 391,856 refugees arrived in the Czech Republic from Ukraine, of whom 391,703 were granted temporary protection.⁴⁷ These refugees, mostly women, children and the elderly, arrived via Poland, Slovakia and other states. Many require medical help and support, including those with chronic illnesses and those with mental and physical disabilities. The government of the Czech Republic reacted with extraordinary speed, mobilizing considerable energy to meet the urgent and immediate needs of the arrivals, including access to health care, education, temporary accommodation and other social services.

In order to ensure a favourable and protective environment, the UNHCR is supporting efforts led by the Czech government through multi-sectoral measures focusing on protection, reception, asylum and financial assistance to the most vulnerable groups and those with special needs.⁴⁸

Labour migration from Ukraine to the territory of today's Czech Republic began to increase in the early 1990s. In 1991, there were barely 8,500 Ukrainian citizens in the Czech Republic, but by October 2018, according to data from the Czech Statistical Office, this number had increased to 132,481, making Ukrainians the largest foreign national grouping in the country.⁴⁹

⁴² STATISTA 2022.

⁴³ FOCUS 2022.

⁴⁴ TAGESPEIGEL 2022a.

⁴⁵ BMI 2022c.

⁴⁶ TAGESPEIGEL 2022b.

⁴⁷ The data refer to the period between 24 February 2022 and 12 July 2022. See UNHCR 2022a.

⁴⁸ UNHCR 2022e.

⁴⁹ MARKUS, 1994; CSO 2009.

The Czech government hopes that the new arrivals can help alleviate the country's chronic labour shortage, although this will surely take some time, as the new arrivals must learn the host country's language and receive training. However, this is by no means a new strategy for the Czech Republic, which had already begun recruiting workers from Ukraine in the years before the Covid-19 pandemic. This was seen as a way of maintaining workforce numbers and keeping up with demand. After the pandemic subsided, the "hunt" for additional workers continued. At the beginning of 2022, approximately 200,000 Ukrainians lived and worked in the Czech Republic. This made the life of refugees from Ukraine much easier. The Czech government tried to make their lives even easier through unrestricted access to the labour market and the provision of social assistance, in the hopes that the Ukrainian refugees would be able to adapt to local conditions more quickly. However, analysts warn that the number of arrivals is a drop in the ocean compared to the needs of the Czech labour market.⁵⁰

Law No. 65/2022, on measures related to the armed conflict in Ukraine, includes the decision of the EU Council of 4 March 2022, and defines the conditions for granting "temporary protection" to Ukrainians fleeing the war.⁵¹ The law defines the range of persons who can be granted temporary protection: namely, Ukrainian citizens and their family members who were resident in Ukraine before 24 February, 2022, but also other persons, such as those receiving international protection in Ukraine or with a valid permanent residence permit. The law defines special rules for the provision of health care, and grants foreigners receiving temporary protection a public health insurance policy.

The measures taken in the field of employment and social security in connection with the conflict in Ukraine are regulated by Law No. 66/2022. This stipulates that a foreigner under temporary protection must be considered to have a permanent residence permit. This status gives them free access to the labour market and exempts them from the obligation to obtain a work permit. Under a law known as "Lex Ukraine", Ukrainian refugees are granted temporary humanitarian benefits of 5,000 Czech crowns (€200), financed by the corresponding regional office of the Labour Office of the Czech Republic. If the refugees lack income and assets, or suffer from "social anxiety", this benefit can be provided for five months after the month in which temporary protection was granted.⁵² In addition, the Czech Republic provides refugee children with access to classes in schools and children's groups.

In June 2022, the Czech House of Representatives amended the "Lex Ukraine" law, adopting somewhat stricter rules for Ukrainian refugees in the country. 158

⁵⁰ DW 2022.

⁵¹ KPGM 2022.

⁵² Ibid.

of the 161 representatives present at the vote supported the decree, according to which Ukrainian refugees receiving free accommodation and food are no longer entitled to the 5,000-Czech-crown state aid. In doing so, the government sought to prevent “benefit tourism”. According to the amendment, the state shall cover the health insurance of refugees for a maximum of 150 days (with the exception of children and the elderly).⁵³ In addition, they adopted a resolution whereby visas and residence permits will no longer be issued to the citizens of Russia and Belarus.⁵⁴

While the authorities and local communities in the Czech Republic have generously committed themselves to the reception of refugees from Ukraine, the unprecedented scale and rate of arrivals has in many cases overstretched existing capacities, creating major challenges for information provision, registration, temporary accommodation and the identification of vulnerable categories of people. Precisely for this reason, from 15 June 2022, Prague closed its main refugee centre and terminated free public transport for refugees.⁵⁵ At the end of May, the city government stopped providing aid at the main train station and instead erected temporary “tent cities” for Ukrainians,⁵⁶ which caused other aid organisations to withdraw from the site.⁵⁷

Italy

Before the outbreak of the war, between 220,000 and 230,000 Ukrainians lived in the country, making up 6.4–6.6% of the non-EU citizens legally residing there. Ukrainian immigrants made up the fourth largest non-EU community, and, after Poland, Italy was the country which had issued the largest number of residence permits to Ukrainians. The immigration of Ukrainians began as early as the 1990s: the majority of arrivals were women, who predominantly worked with families and in the fields of elderly and childcare.⁵⁸ After the Russian invasion, like the states neighbouring Ukraine, Italy also took refugees in a large number. According to the latest data provided by the Italian Ministry of the Interior, 149,540 people had

⁵³ LACHMANN – ORSÁGOVÁ 2022.

⁵⁴ INTELLINEWS 2022.

⁵⁵ Ukrainian refugees can use public transport free of charge for five days after arrival/registration. See DPP 2022.

⁵⁶ The tent city provides temporary shelter for only 150 people. The closure of the main refugee centre in Prague has generated great controversy, and the decision has been sharply criticized by various refugee aid organisations. The Czech government argued that in doing so they were attempting to relieve the capital. The Czech Prime Minister stated on 17 June that the centre would be reopened as soon as the flow of refugees into Prague stopped. See INTELLINEWS 2022.

⁵⁷ RYŠAVÝ 2022.

⁵⁸ MINISTERO DEL LAVORO E DELLE POLITICHE SOCIALI 2022.

arrived from Ukraine by 15 July 2022: 79,315 women, 25,561 men and 44,664 children. Experts explain the high number of arrivals by saying that many Ukrainian families already have relatives, friends, and acquaintances living in Italy.

After the outbreak of the war, the Italian government took action almost immediately: on 25 February, it declared a state of emergency in response to the Russian invasion of Ukraine. It adopted operational guidelines regarding the reception of new arrivals and the observance of Covid-19 prevention measures. The General Directorate of Civil Protection, regional administrations, autonomous provinces, prefectures, local authorities and the civil sector were all involved in the provision of services to facilitate inclusion. In addition, the country's leaders established regional coordination systems to ensure proper management of services. The measures also included the allocation of funds to ensure access to national health services and the introduction of a special exemption to facilitate the recognition of the qualifications of Ukrainian doctors, nurses and medical assistants. On 8 March, the Ministry of the Interior announced the expansion of the capacity of the Italian reception and integration system (S.A.I.). In the first round, the S.A.I. network was expanded, with an additional 3,530 places, as well as an additional 1,000 reception staff. On 21 March, a new decree announced a reform of the available housing support: accommodation facilities for 15,000 people were made available, as well as three months of financial support for people who arranged their own accommodation, for which a maximum of 60,000 people could apply.⁵⁹ This amounted to 300 euros per month per adult for three months, but all parents or guardians of minors under the age of 18 were to receive an additional 150 euros per month for each child.⁶⁰

Since Directive 2001/55/EC on temporary protection is also in force in Italy, all Ukrainians fleeing the war can apply for temporary protection. Due to the state of emergency, Ukrainian citizens do not need a visa to enter Italy. The Embassy of Ukraine in Italy made it clear that Ukrainian citizens fleeing the war without identity documents will be identified at the consulates upon arrival, but all persons entering Italy must report their arrival at the immigration office of the competent police authority in the region, and fill out the “presence declaration”.⁶¹ Under the terms of the above-mentioned directive, member states are to provide healthcare for the arrivals, and as such the Italian state provides this service as follows: those who have not submitted an application for temporary protection must request an STP code,⁶² but if this has already been submitted, then just as for any Italian citizen, it is necessary only to register with a family doctor and/or paediatrician. Importantly, emergency medical care is always guaranteed, even if the individual

⁵⁹ EUROPEAN COMMISSION 2022b.

⁶⁰ ITALIAHELLO 2022d.

⁶¹ ITALIAHELLO 2022a.

⁶² *Straniero Temporaneamente Presente*, or “temporarily present foreigner”.

does not have an STP code.⁶³ Regarding accommodation, refugees are urged to contact the civil defence or its office in the city where they are located. The Italian government is in charge of organizing the reception of all people from Ukraine, but the procedure may vary between individual cities and regions. Refugees typically receive free accommodation in hotels, reception centres or with families.⁶⁴ Interestingly, according to an announcement by the Italian government, Ukrainian refugees are also to be housed in properties seized from mafia and other criminal organisations.⁶⁵

Educational institutions also welcome school-age students with open arms, and do everything they can to ensure that young Ukrainians can continue their studies or training in the Italian educational system.⁶⁶ Employment is one of the rights granted by Directive 2001/55/EC to those applying for temporary protection in Europe. Pursuant to Civil Protection Decree No. 872/2022, Ukrainians can work both as employees (including seasonal workers) and as self-employed workers by submitting an application for a residence permit related to said protection to the competent police.⁶⁷

Spain

On 1 January 2022, 111,000 people from Ukraine were officially registered as residents in Spain, while between the start of the war and the end of June 2022, approximately 140,000 refugees arrived from Ukraine.⁶⁸ The Spanish authorities granted temporary protection to 127,500 people, of whom 53,000 were under the age of 18.⁶⁹

In addition to refugees from Ukraine, those entitled to temporary protection in Spain include members of the Ukrainian diaspora; those who could not return to Ukraine after February 24; and citizens of third countries, if they have lived in Ukraine for five years and possess a Ukrainian residence permit. In addition to the ninety police stations designated for this purpose across the country, temporary protection could be requested at four newly established integrated administration centres, which offer a one-stop administrative solution for all types of cases involving refugees. Applications for temporary protection for those arriving from Ukraine are processed within 24 hours. The status automatically comes with a residence permit and, in the case of adults, a work permit. Additional entitlements

⁶³ ITALIAHELLO 2022b.

⁶⁴ ITALIAHELLO 2022c.

⁶⁵ THE LOCAL 2022.

⁶⁶ CEDEFOP 2022.

⁶⁷ Ibid.

⁶⁸ MONCLOA 2022a.

⁶⁹ VOZPOPULI 2022.

include: provision of housing in reception centres or housing support; financial support; educational opportunities and Spanish language courses; guaranteed free healthcare and a 60% off the price of medicines; acceptance of the validity of Ukrainian driving licenses for one year; roaming service for Ukrainian mobile numbers; psycho-social and legal assistance; employment support; and training, as well as formal recognition of training qualifications. Based on a cooperation agreement signed between the Cervantes Institute and the Spanish Red Cross, Cervantes has provided 6,500 free licenses for its online Spanish language courses to Ukrainian refugees, and 15% of arrivals have had the opportunity to learn the Spanish language within the state educational system.⁷⁰

Central, provincial and local governments coordinate activities related to refugee care. In addition to the already mentioned integrated administration centres operating in four cities (Alicante, Barcelona, Madrid, and Málaga), 25,000 new emergency accommodation units were created specifically for the accommodation of Ukrainian refugees, about a third of which belong to the reception system maintained by the central government (provided in reception centres and vacant tourist accommodation). Of these, 21,000 were being used in July 2022. Other refugees are accommodated by members of the already-settled Ukrainian diaspora (family and friends), NGOs specializing in the care of refugees, and private entrepreneurs (for example, operators of tourist accommodation). Furthermore, a pilot programme was launched for placement with Spanish families, for which 480 families had been selected at the time of writing.⁷¹

A government decree was due to be passed at the time of writing and temporary economic assistance to Ukrainian refugees who are not present in the reception system, as well as to their family and social networks, primarily due to the increase in the cost of living due to inflation. Support would increase to 400 euros per family per month, with an additional 100 euros for each dependent child, for a maximum of six months. The preconditions for taking advantage of this aid are as follows: temporary protection status, lack of financial means, registration in a settlement in Spain and a social security number. Based on the criteria, approximately 40,000 refugees will be able to claim this support.⁷²

In addition, the central government provides support for additional costs arising in connection with obligations falling within provincial governments' competence to provide healthcare and education opportunities to Ukrainian refugees. Funded

⁷⁰ MONCLOA 2022a.

⁷¹ Comment by Juan Luis Vallterra de Simón, head of the department responsible for international protection programs (Ministry Responsible for Social Integration, Social Security and Migration) at a panel discussion held by the CIDOB research institute entitled "The reception of refugees in Spain in connection with the war in Ukraine: limitations, challenges and future opportunities" on 28 June 2022. See CIDOB 2022 and MONCLOA 2022b.

⁷² MINISTERIO DE INCLUSIÓN 2022. and MONCLOA 2022b.

expenses include, among others, the employment of educational support staff and translation assistants, support for school meals and educational materials, reimbursement of medication and health care expenses, and personal expenses and care for unaccompanied minors.⁷³

According to data from 23 May 2022, 26,300 Ukrainian refugee students were enrolled in kindergartens or schools across the country, and 80% of them were attending kindergartens or elementary public education institutions.⁷⁴ 47,800 social security cards were issued for normal administrative reasons, meaning that – given refugees’ age distribution – most were linked to employment.⁷⁵ Unemployment in Spain is currently at 13.65%, but according to official data there are currently 109,056 unfilled vacancies. Immigrant workers have the greatest chance of finding a job in the transport, agriculture, hospitality, construction and digital sectors, which suffer from longstanding labour shortages.⁷⁶

The reception of refugees from Ukraine accelerated changes to the Spanish state asylum system, as well as the creation of integrated administrative centres. In the 2021 NIEM report,⁷⁷ the shortcomings of the Spanish reception system were confirmed by the crisis arising in connection with Ukrainian refugees, which included a lack of resources, limited financing mechanisms, and deficiencies in the management of the institutional system. One difficulty that arose was that three quarters of refugee arrivals chose to reside in just four provinces. New integration plans had to be created for those receiving temporary protection, the medium- and long-term planning (and financing) of which is made difficult by the fact that it is not possible to foresee how long it will be necessary to maintain and expand them. Flexible solutions are needed in order to ensure that basic needs are met without necessitating the entry of refugees into the emergency support mechanism.⁷⁸

No parallel reception facilities were created for refugees from Ukraine. The procedures launched as part of the emergency support system, as well as those initiatives and projects that prove to be workable, will be incorporated into the support system for those applying for international protection. The aim is to provide a uniform response meeting the needs of all refugees, regardless of which international convention or directive applies to them.⁷⁹

⁷³ MONCLOA 2022a.

⁷⁴ VOZPOPULI 2022.

⁷⁵ Ibid.

⁷⁶ EL SIGLO DE EUROPA 2022.; EPDATA 2022.

⁷⁷ The National Integration Evaluation Mechanism. See NIEM 2022.

⁷⁸ Contribution from Francesco Pasetti, senior analyst at the CIDOB research institute, at a panel discussion held on 28 June 2022 by the CIDOB research institute, entitled “The reception of refugees in Spain in the context of the war in Ukraine: constraints, challenges and future opportunities”. See CIDOB 2022.

⁷⁹ Juan Luis Vallterra de Simón, CIDOB 2022.

Spanish culture has a longstanding tradition of acceptance and inclusion, supportive of integration and solidarity. More than 10% of the population (about 5 million people) are immigrants. Humanitarian aid and the protection of the human rights of migrants are socially supported values, and government communication presents orderly migration as a solution to labour shortages and the deteriorating demographic situation. In addition, refugees from Ukraine are the beneficiaries of special solidarity, as members of the diaspora who previously lived here are viewed positively. Russian aggression is condemned by Spanish society and the social composition of the refugees (mostly women: 65% and minors: 34%) evokes empathy. In addition, 62% of refugees have a university degree, and 27% possess secondary education.⁸⁰

Bulgaria

In the case of Bulgaria, before the Russian-Ukrainian war that began on 24 February 2022, we cannot speak of a large Ukrainian population. The Ukrainian minority first appeared in the 2001 census, numbering 2,489 people,⁸¹ but this had decreased to 1,789 people by the time of the 2011 census.⁸² However, it is important to highlight the close relationship between the two peoples, primarily fuelled by shared historical traditions, Slavic linguistic and cultural ties, and strong economic links. In addition, it is worth mentioning that the Bulgarians are the fifth largest minority in Ukraine, numbering between 200,000 and 500,000 people.⁸³ The lack of official data makes it difficult to know the exact number of Bulgarians living in Ukraine. According to the last Ukrainian census in 2001, the Bulgarian minority numbered some 204,000 people.⁸⁴

After the start of the Russian invasion, the Sofia government led by Prime Minister Kiril Petkov immediately sent buses to evacuate Bulgarian citizens trapped in Ukraine. At the same time, Svetoslav Ivanov, the Bulgarian consul general in Odessa, indicated that several Ukrainian citizens were interested in the possibility of leaving for Bulgaria. Prime Minister Petkov then announced that Bulgaria was ready to provide accommodation and security to Ukrainian refugees.⁸⁵ In the days following 24 February 2022, according to the Bulgarian Asylum Agency, almost 37,000 Ukrainian citizens arrived in Bulgaria, but 60–70% of them were only interested in passing through the country.⁸⁶ After the continuous increase in the

⁸⁰ Assessment by the Hungarian Embassy in Madrid and CIFRAS 2022.

⁸¹ NSI.BG 2001.

⁸² NSI.BG 2011.

⁸³ KARAMFILOV 2022.

⁸⁴ ALL UKRAINIAN POPULATION CENSUS 2001.

⁸⁵ THE SOFIA GLOBE 2022b.

⁸⁶ THE SOFIA GLOBE 2022c.

number of refugees, the first errors in the Bulgarian system appeared. The reception centres operated by the government were not able to provide adequate care for the large number of Ukrainian refugees, so many of them were placed in hotels on the Bulgarian coast,⁸⁷ in accommodation provided by local governments,⁸⁸ and in private residences.⁸⁹ However, the issue of accommodation was not satisfactorily resolved, as beach accommodation could not reserve places for refugees during the high season,⁹⁰ despite the 40 leva (20 euro) per-person subsidy received from the government.⁹¹ The government was planning to deal with the problem by using accommodation used during the winter skiing season, but NGOs argue that hotels are not suitable accommodation for refugees who have suffered trauma.⁹² In addition, it is important to point out that in several cases, the refugees indicated that they did not have access to sufficient food and drink at the reception centres operated by the government.⁹³ On 23 March, Sofia replaced the head of the asylum agency due to the faltering operation of the migration system.⁹⁴

Data from the Bulgarian government indicates that a total of 450,131 Ukrainian refugees arrived in Bulgaria since the beginning of the war, and 87,245 were in the country at the time of writing.⁹⁵ According to the head of the asylum agency, Maria Tosava, 45,000 refugees in the country were minors.⁹⁶ She also stated that more than 5,800 Ukrainian refugees were working in Bulgaria, principally in the IT sector.⁹⁷ In addition to the current numbers, it is important to highlight that the number of Ukrainian refugees in the country has been showing a downward trend since May 2022.⁹⁸ Sofia's decision to end financial support for refugees is probably a factor in this.⁹⁹ According to Minister of Tourism Hristo Prodanov, starting from 30 May, the government would remove all financial support for Ukrainian refugees, with the exception of free nursery care. According to the minister's announcement, the aim of the measure is to encourage Ukrainian refugees to actively participate in the operation of the Bulgarian economy.¹⁰⁰

⁸⁷ NIKOLOV 2022.

⁸⁸ THE SOFIA GLOBE 2022d.

⁸⁹ CHERESKAVA 2022.

⁹⁰ FACSAR 2022.

⁹¹ THE SOFIA GLOBE 2022e.

⁹² CHERESKAVA 2022.

⁹³ THE SOFIA GLOBE 2022f.

⁹⁴ THE SOFIA GLOBE 2022g.

⁹⁵ UKRAINE.GOV.BG 2022.

⁹⁶ THE SOFIA GLOBE 2022h.

⁹⁷ Ibid.

⁹⁸ THE SOFIA GLOBE 2022i.

⁹⁹ OZTURK – RADOYKOV 2022.

¹⁰⁰ Ibid.

Pursuant to the government's decision, Ukrainian refugees have been entitled to apply for temporary protection status in Bulgaria since 15 March.¹⁰¹ They can submit their applications at regional and local police stations, while two information telephone numbers have been published to facilitate the dissemination of accurate information.

On 13 April, the Bulgarian parliament voted to amend the national health insurance law,¹⁰² which allows refugees with temporary protection status to receive health care. In addition, the government's information website¹⁰³ highlights that all Ukrainian refugees are entitled to free basic healthcare. In order to facilitate this, the contact details of Russian- and Ukrainian-speaking doctors were published on the website.

According to the government's website, the country's educational institutions accept refugees and their children who have either obtained their temporary protection status or submitted their application in this regard.¹⁰⁴ Bulgarian educational institutions are also ready to accept studies completed or begun in Ukraine, provided the person in question is able to provide documentary proof. In addition, the first kindergarten specifically for Ukrainian children was opened in the city of Plovdiv.¹⁰⁵

Support for refugees from Ukraine is largely financed from the state budget, as well as from grants sent by the European Union. In response to a question from a member of Parliament, Finance Minister Asen Vasilev stated that the government had spent a total of 16 million leva¹⁰⁶ (8.2 million euros) on support for refugees as of May 2022. Later, the finance minister announced that the expenses related to refugees for the first two months were covered entirely from the state budget, and after that from subsidies from the European Union.¹⁰⁷

France

Before the Russian-Ukrainian war, just 18,000 Ukrainian citizens lived in France,¹⁰⁸ but as of July 2022, more than 100,000 arrived.¹⁰⁹ Those who had registered with the French authorities before 24 February 2022, or were already in the Schengen area, were still permitted to travel to France without a visa. In accordance with

¹⁰¹ UKRAINE.GOV.BG 2022b.

¹⁰² THE SOFIA GLOBE 2022j.

¹⁰³ UKRAINE.GOV.BG 2022c.

¹⁰⁴ UKRAINE.GOV.BG 2022d.

¹⁰⁵ THE SOFIA GLOBE 2022k.

¹⁰⁶ THE SOFIA GLOBE 2022l.

¹⁰⁷ THE SOFIA GLOBE 2022m.

¹⁰⁸ INSEE 2021.

¹⁰⁹ BFM TV 2022.

the decision of the European Council on 4 March, Paris offered them temporary protection.

In the first weeks of the war, 30% of the refugees from Ukraine were citizens of other countries, including 7.5% from Algeria, 3.5% from Côte d'Ivoire, 3.5% from Morocco, 2.4% from India, 2% from Congo, 1.5% from Cameroon, and 1% from Pakistan, as well as Nigerian, Ghanaian and Angolan citizens.¹¹⁰ Later, the proportion of non-Ukrainians declined significantly: 98% of asylum seekers arriving from Ukraine between February 24 and July 7, 2022 were Ukrainian citizens. The government also announced a moratorium on the deportation of foreign students studying in Ukraine.

Unlike Germany, France did not establish a direct bridge from Ukraine or the neighbouring states as of July 2022, so refugees must plan their own journey there. 44.4% arrived in the country by land, 30.3% by air, and 13.1% by rail.¹¹¹ The inter-ministerial delegation for the reception and integration of refugees (*Délégué interministériel à l'accueil et à l'intégration des réfugiés*, DIAIR) established in 2018, is responsible for supporting them. Those registered are entitled to an allowance of 6.80 euros per day.¹¹² DIAIR has also created a web portal called "Pour l'Ukraine", where citizens who want to help can register donations.¹¹³ In addition to financial contributions, such support can include accommodation, language training, food, translation, interpretation, administrative assistance, and much else.

Among the refugees, 13,000 were accommodated in state and municipal apartments, 11,000 in public institutions (leisure centres, student dormitories and other institutions), 5,000 in hotels, 15,000 in hostels and other guest accommodation, and 11,000 with registered civilians. There is no official information on the housing of nearly 50,000 people, indicating that they found accommodation themselves.¹¹⁴

Regardless of age, each Ukrainian refugee is entitled to 400 hours of free French language lessons.¹¹⁵ A total of 19,000 Ukrainian students have enrolled in French schools so far. The Ministry of Education is helping teachers of Ukrainian children with an online preparation programme.¹¹⁶ Dormitory places have also been allocated for children. For those between the ages of 16 and 18 who do not want to participate in education, the Departmental Directorate of National Education Services (Direction des Services Départementaux de l'Éducation Nationale) organises qualification courses and helps them find work.

¹¹⁰ LA CROIX 2022.

¹¹¹ INTERIEUR 2022.

¹¹² L'EXPRESS 2022.

¹¹³ Page available at: <https://parrainage.refugies.info/>.

¹¹⁴ LE MONDE 2022.

¹¹⁵ FLE 2022.

¹¹⁶ LE FIGARO 2022.

Public discourse in France was dominated by the presidential elections in April 2022 and the parliamentary elections in June 2022, as well as the economic effects of the Russian-Ukrainian war. The need to accept Ukrainian refugees did not generate social debates, and due to their small number, their presence is not especially noticeable. The position of the French government has not changed, France continues to have an open-door policy towards Ukrainians, who are entitled to the same rights and benefits as those who arrived before. However, the number of civilian volunteers helping refugees has decreased significantly compared to the beginning.¹¹⁷

Slovakia

Before the current wave of refugees, Slovakia had a Ukrainian diaspora of around 30,000 people, as well as many Ukrainian citizens who came to the country temporarily for work.¹¹⁸ According to data from the United Nations High Commissioner for Refugees, 610,201 border crossings from Ukraine into Slovakia took place since 24 February 2022.¹¹⁹ Only a small fraction of the refugees from Ukraine were third-country nationals: according to the IOM survey, 14,686 third-country nationals crossed the Ukrainian-Slovakian border between 9 March and 30 June.¹²⁰

The government in Bratislava is working closely with state authorities and local NGOs to help refugees from Ukraine. The most important local NGOs are The League for Human Rights, the Slovak Red Cross, the International Organisation for Migration (IOM) and the SOS Ukraine Slovakia community.

“Slovakia is prepared to cope with the expected arrival of people fleeing the war,” reads the official website of the government.¹²¹ It is possible to enter the country at three border crossings: Ublá, Vyšné Nemecké and Veľké Slemence.¹²² Any person fleeing from Ukraine to escape the war can enter Slovakia. Currently, persons without a valid travel document can also enter the country, but in such cases they are required to prove their identity with another official document.¹²³ In the case of minors, a birth certificate is required to cross the border. If an unaccompanied minor crosses the border, the competent authority coordinates the placement of the child in a competent institution in cooperation with the police.¹²⁴

¹¹⁷ L’OBS 2022.

¹¹⁸ IOM 2021a, data from 19 July 2022.

¹¹⁹ UNHCR 2022a.

¹²⁰ IOM 2021b.

¹²¹ U.A.GOV.SK 2022.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Ibid.

After crossing the border, all refugees receive humanitarian aid. The Slovak Republic provides temporary shelter for Ukrainian citizens and their families, which includes accommodation, food, healthcare and access to the labour market.¹²⁵ Transportation from the border crossing point to temporary accommodation is coordinated by the authorities on duty on the spot.¹²⁶ At the time the interviews were conducted, 28% of the refugees participating in the referenced IOM survey were living in reception centres, 19% with friends, 14% in private accommodation, and 12% with relatives.¹²⁷ 17% of the respondents did not know where they could stay, while 10% found housing in another way – typically in temporary accommodation provided by an employer.¹²⁸

Ukrainian citizens with a valid biometric passport can stay in Slovakia (and the Schengen area) for 90 days. To extend their legal stay, refugees have the option to apply for temporary protection or submit an asylum application.¹²⁹ The application for temporary protection can, among other locations, be submitted at the registration centres (of which there are currently four in operation) or in the offices of the immigration authority, and will be considered within a maximum of 30 days. According to UN data, as of 19 July, 85,771 people have received temporary protected status.¹³⁰ To claim temporary protection, a declaration must be submitted to the Migration Office of the Slovak Ministry of the Interior. In Slovakia, the Ukrainian hryvnia can now be exchanged only in exchange offices, as banks do not provide this service. At the same time, financial institutions are attempting to help refugees: they increased the number of ATMs at border crossings, waived the fee for transfers to Ukraine, and made withdrawing money with a Ukrainian bank card free of charge.¹³¹ Citizens of Ukraine under temporary protection are free to find a job, and need only an employment or agency contract.

Slovakia provides financial support to refugees who cannot provide for their basic living needs. The total support depends on the number of members of the household, and must be applied for at the Labour, Social and Family Office.¹³² Adults receive 80 euros per month, minors between the ages of 3 and 18 receive 60 euros per month, and children under 3 receive 160 euros per month. The maximum amount is 380 euros per household per month.¹³³ Healthcare is provided to refugees fleeing Ukraine depending on the type of international protection they fall under. When submitting an application for temporary protection, they

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ IOM 2021b.

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ UNHCR 2022a.

¹³¹ UA.GOV.SK 2022.

¹³² Ibid.

¹³³ EC.EUROPA. EU 2022.

are entitled to urgent medical care or necessary care recommended by a medical examination.¹³⁴ However, if their claim for asylum is successful they will also be entitled to full health care. In Slovakia, education is compulsory under the age of 16, so going to school is also compulsory for refugee minors. They are assigned to classes depending on their knowledge of the Slovak language and their grade, and they also receive Slovak language education.¹³⁵

Romania

Romania did not have a particularly large Ukrainian diaspora before the war began. According to the 2011 census, they numbered around 51,700, or 0.3% of the total population.¹³⁶ According to UNHCR data from 5 July, a total of 569,702 people entered Romania from Ukraine since the start of the conflict on 24 February, of which 83,704 were registered by the Romanian authorities.¹³⁷ According to the new laws passed after the escalation of the war in Ukraine, refugees can – after registration – remain on the territory of Romania until the end of the war, participate in public and higher education, request health and social services, and rent or request accommodation from the state. They can also apply for asylum status in Romania, which entails the possibility of employment. This status cannot be applied for at the border, only at designated domestic offices.¹³⁸ According to the latest UNHCR data, a total of 37,832 Ukrainian refugees had applied for asylum status by 15 June.¹³⁹

In response to the crisis, Romania's government was the first to create a high-level decision-making working group, which is coordinated by the Prime Minister.¹⁴⁰ In addition, the Operational Working Group and the Strategic Coordination Centre for Humanitarian Aid were set up, which are responsible for solving the various challenges caused by the crisis. Romania's response to the refugee crisis is based on two levels of intervention: the first is the emergency response, and the second is the protection response. The latter is a mechanism developed to ensure medium- and long-term protection and reception measures for Ukrainian refugees who wish to remain in Romania until the end of the war. The government also set up working groups alongside a number of inclusion and protection policies (e.g. health, education, employment, etc.). One of the most serious challenges in

¹³⁴ UA.GOV.SK 2022.

¹³⁵ Ibid.

¹³⁶ БУКОВИНА ТОЛЕРАНТНА.

¹³⁷ UNHCR 2022a.

¹³⁸ If, for example, a refugee arrives in Romania via Sighetu Marmației, the nearest place to apply for asylum is in Șomcuta Mare. See GÖNCZI 2022.

¹³⁹ UNHCR 2022c.

¹⁴⁰ GUVERNUL ROMÂNIEI 2022.

Romania was the lack of capacity. At the beginning of the crisis on 24 February, in the county of Maramureş bordering Ukraine, for example, only one reception camp with capacity for 200 people was available for asylum seekers.¹⁴¹ The situation was similarly serious in the counties Botoşani, Suceava and Tulcea. The reason for this is that Romania has before never faced such a serious humanitarian crisis; on the contrary, the country was more used to facing the challenge of mass emigration.¹⁴² That is why the Romanian state needs the support of civil and international organisations.

Although there is no precise data on how many Ukrainians have returned from Romania to Ukraine, and the field experience of the Migration Research Institute shows that this was not a typical trend,¹⁴³ according to data from the UNHCR, as of 5 July, a total of 455,138 border crossings from Romania to Ukraine took place.¹⁴⁴ Presumably, however, this is primarily a sign of a commuting population, who travel to Romania to shop because of the difficult economic situation caused by the war.

The European Commission announced on 28 April that it had disbursed more than 3.5 billion euros to member states in the form of advances in order to successfully manage the Ukrainian refugee crisis throughout the EU.¹⁴⁵ Poland, Italy and Romania received the most support, with the latter receiving 450 million euros.¹⁴⁶ The payments were made within the framework of the Cohesion Action for Refugees in Europe (CARE), and the money can be used to provide food, accommodation, healthcare, education or work to refugees from Ukraine. In addition, the Romanian state reallocated 100 million euros from EU funds and 18 million euros from the national budget to support refugees from Ukraine.¹⁴⁷

Austria

The Ukrainian population in Austria has been proportionally smaller than in the surrounding countries, but their number has increased exponentially in recent years. The past decade has seen a doubling of both the number of people born in Ukraine but living in Austria (from 8,118 to 16,452) and those with Ukrainian citizenship (from 6,239 to 12,668).¹⁴⁸ At the same time, in the months following the outbreak of the war, the proportion of Ukrainians in this country of nearly

¹⁴¹ GÖNCZI 2022.

¹⁴² *Ibid.*

¹⁴³ *Ibid.*

¹⁴⁴ UNHCR 2022a.

¹⁴⁵ CHIRILEASA 2022a.

¹⁴⁶ *Ibid.*

¹⁴⁷ CHIRILEASA 2022b.

¹⁴⁸ ÖIF 2022a.

nine million increased significantly, because according to UNHCR data, 74,492 Ukrainian refugees had arrived there by 5 July, and the same number registered for temporary protection.¹⁴⁹ Additionally, Austria is one of the twelve EU member states that were receiving Ukrainian refugees via the Moldovan airlift at the time of writing.

Registration is possible at more than thirty points in the country, both in border settlements (Nickeldorf, Kittsee) and in larger cities further from the border (Vienna, Linz, Graz), where the police usually carry out the tasks. Among state actors, the Ministry of the Interior also participates in the coordination of refugee services, and at the provincial level, local governments also have a prominent role in crisis management.¹⁵⁰ The added value of the civilians and church communities is also decisive, since in addition to the larger NGOs (Caritas, the Red Cross, Doctors Without Borders) the civilian population has also come together to provide care for refugees (including through gifts, accommodation, and financial donations). The Orthodox and Greek Catholic faith communities also play a prominent role in this situation.¹⁵¹

So-called primary care coordination offices were set up in many Austrian cities.¹⁵² In these locations, refugees are issued an “identification card for displaced persons” (*Ausweis für Vertriebene*, also known as the “*Blaue Karte*”), which entitles them to make use of all the state services provided by the Republic of Austria.¹⁵³ In addition to the provision of accommodation, food and medical care (health insurance), this basic welfare provision also includes access to education and the labour market. The federal and state governments share the costs of basic care at a ratio of 40:60, but the cost of the first reception of refugees in arrival centres is fully funded at the federal level, which averages 190 euros per person. The total support increased from 365 euros per person per month to 425 euros from June (retroactive to March).¹⁵⁴ Broken down, this means the following: if refugees do not use organised accommodation (where the host receives 25 euros per day, up from 21 euros), single refugees will receive 165 euros for accommodation (up from 150 euros), and families will receive 330 euros (up from 300 euros), while for meals, single people can claim support of 260 euros (up from 215 euros) and children 145 euros (up from 100 euros).¹⁵⁵ In addition to all of this, an annual clothing subsidy of 150 euros is provided, and a school enrolment subsidy of 200 euros per child.¹⁵⁶

¹⁴⁹ UNHCR 2022d.

¹⁵⁰ KOMMUNAL 2022.

¹⁵¹ EXPERTENRATS FÜR INTEGRATION 2022.

¹⁵² BMI 2022d.

¹⁵³ BMI 2022e.

¹⁵⁴ WIENER ZEITUNG 2022.

¹⁵⁵ BMI 2022f.

¹⁵⁶ ÖIF 2022a.

In addition to basic care, refugees can also seek employment. If they find a job, 110+80 euros can be earned per family member without this leading to a reduction in basic care.¹⁵⁷ The Labour Market Service (*Arbeitsmarktservice*) helps refugees find a job and select the appropriate language course. Furthermore, other programs promoting labour market integration are available at the provincial or city level, such as the “Fast Track” programme in Vienna.¹⁵⁸

Education is also organised at the local level, and is based on free language courses across the country. A large number of refugee children have been able to complete their studies in Austria, including at a Ukrainian Sunday school in Vienna. In this school, too, emphasis has been placed on acquisition of the German language, and by July 2022, more than a hundred children have received a German–Ukrainian picture dictionary to encourage later language acquisition.¹⁵⁹

The commitment of the Austrian population to provide adequate care for those arriving in the country continuously strengthened during the initial months of the crisis. While at the outbreak of the war, only 48% of those polled in a public opinion survey spoke positively about the reception of refugees,¹⁶⁰ by the end of March and the beginning of April, the proportion with a positive view had risen to 72%.¹⁶¹ This change in attitude can also be seen at the state level, as unemployment figures for June showed a decrease, which can also be explained by Ukrainian refugees starting work. At the end of May, 6,850 people were already registered with the State Employment Service, 31% of whom had a higher education.¹⁶² According to experts, it is likely that the aforementioned trend will not last, as the return to Ukraine began as early as the spring.¹⁶³ At the same time, they are convinced that the measures taken to integrate them into the labour market, the educational system and Austrian society will also benefit those who return to their country of origin with new qualifications, knowledge and experience, as this can create an additional basis for the future exchange of economic and cultural goods with Ukraine.

Hungary

There are thirteen historical national minorities in Hungary, of which the Ukrainians were the seventh largest at the time of the 2011 census. This meant there were a total of 7,396 Ukrainian citizens in the country, of whom more than

¹⁵⁷ Ibid.

¹⁵⁸ FAST TRACK 2022.

¹⁵⁹ AEJ AUSTRIA 2022.

¹⁶⁰ ÖIF 2022a.

¹⁶¹ ÖIF 2022b.

¹⁶² DER STANDARD 2022.

¹⁶³ KURIER 2022.

60% had Hungarian citizenship.¹⁶⁴ Being a frontline country, the first refugees from Ukraine arrived in the first days, which was enabled by the Hungarian government through the passing of a new decree (56/2022).¹⁶⁵ Before 24 February, entry into Hungary as a refugee was only possible by submitting a preliminary application at the embassy in Kyiv or Belgrade.¹⁶⁶ According to UNHCR's 23 August 2022 data, since the escalation of the war in February, 1,242,352 border crossings from Ukraine to Hungary took place¹⁶⁷ while Frontex data from the beginning of August record the crossing of 739,222 Ukrainian citizens.¹⁶⁸ According to both sources, approximately 29,000 persons applied for asylum status (temporary protection), of which approximately 25,600 have already received it. The data indicates that the majority of Ukrainians see Hungary only as a transit country. Due to their Hungarian citizenship, persons with dual Ukrainian-Hungarian citizenship are not entitled to asylum status, but can request state support.¹⁶⁹

After the outbreak of the war, the smaller NGOs immediately set to work, especially in the settlements along the Hungarian-Ukrainian border (Záhony, Beregsurány, Barabás, Lónya and Tiszabecs).¹⁷⁰ At the same time, the large humanitarian organisations supported by the government – the Catholic Caritas, the Hungarian Reformed Charity, the Hungarian Maltese Charity, the Ecumenical Relief Society, the Baptist Charity and the Hungarian Red Cross, which are members of the Charitable Council established in 2000 – also began to operate. In addition, on 2 March, the government launched the Humanitarian Council, which brings together representatives of these organisations and other sectors that are vital in this situation (education, healthcare, transportation, etc.) to ensure proper crisis management.¹⁷¹ It is also important to mention the work of the state disaster prevention specialists and the police, who also helped with coordination to a large extent. We must also highlight the activities of the Hungarian government and universities, which ensured the accommodation and transit home of tens of thousands of third-country nationals, such as a large number of Indians and Nigerians, who were in Ukraine when the war escalated in February 2022.¹⁷²

In order to provide for the refugees, the primary goal was initially to create temporary waiting rooms and accommodation in order to relieve the burden on the railway stations. In addition to the reception facilities along the border,

¹⁶⁴ EMBASSY OF UKRAINE IN HUNGARY 2022.

¹⁶⁵ MAGYAR KÖZLÖNY 2022.

¹⁶⁶ LVIII Act of 2020.

¹⁶⁷ UNHCR 2022a.

¹⁶⁸ FRONTEX 2022.

¹⁶⁹ HELSINKI COMMITTEE 2022.

¹⁷⁰ For more information on the experiences of the first six days, see the analysis based on field research by the staff of the Migration Research Institute: DOBÓ et al. 2022.

¹⁷¹ GOVERNMENT OF HUNGARY 2022.

¹⁷² HUNGARY TODAY 2022.

more and more such places were established in the capital and later throughout the country (for example, the transit station operating since 21 March in the BOK Sport Arena, or the 300-person refugee hostel operated by Migration Aid, converted from a former workers' hostel on Madrid Street, to which refugees were brought by a free bus service). Those who did not travel on to other destinations usually stayed with Hungarian families in the capital or elsewhere in the country, in rented accommodation or accommodation provided by the state or local government.¹⁷³

Persons with asylum status receive a document which is granted based on an application submitted to the regional office of the National Directorate General of Immigration (OIF), which entitles them to benefits provided by the Hungarian state. As of 9 May 2022, refugees from Ukraine can submit their asylum applications at government offices. In addition to extensive, free public transport and healthcare, there is a regular monthly subsistence allowance of HUF 22,800 per adult, and HUF 13,700 for minors, issued for as long as those capable of earning a living do not find employment.¹⁷⁴ In addition, those with this status do not need any additional work permits, and the Hungarian state provides support for employers who employ Ukrainian refugees for at least twenty hours a week.¹⁷⁵ The information on the OIF website also reveals that persons with biometric passports but without asylum status can also work if certain conditions are met.¹⁷⁶ However, knowledge of the Hungarian language is virtually indispensable for employment, which is why free Hungarian language classes are also available for refugees.¹⁷⁷

At the same time, in the field of education, many individual actors also joined in providing assistance, since most of the refugees are children and adolescents. In Budapest and Nyíregyháza there were already Ukrainian Sunday schools, but with so many people arriving, these two institutions were quickly overwhelmed. The Hungarian state provides regular monthly financial support on a per-student basis to educational institutions that accept Ukrainian refugees and provide them with special classes.¹⁷⁸ In addition, the Shelter Association organised a round-table discussion in June 2022, at which organisations involved in education were invited to share good practices. Representatives of several schools, such as the Ukrainian Sunday School and the Budapest Piarist High School, stated that they enabled many young Ukrainians to participate in online education in their home country, or to finish their studies in Hungary. Furthermore, more than one teaching institution set up classes in Hungarian, Ukrainian and even Russian,

¹⁷³ VÁLASZ ONLINE 2022.

¹⁷⁴ OFFICE OF THE COMMISSIONER OF FUNDAMENTAL RIGHTS 2022.

¹⁷⁵ GOVERNMENT DECREE 96/2022. (III. 10.)

¹⁷⁶ OIF 2022.

¹⁷⁷ GOVERNMENT DECREE 301/2007. (XI. 9.) § 51.

¹⁷⁸ PÉNZCENTRUM 2022.

and several Hungarian universities, such as Semmelweis University, were also open to the refugees who wished to complete their interrupted semesters.¹⁷⁹ The organisation of education was complicated by the fact that families settled in many parts of the country, but due to the lack of knowledge of either the Hungarian or English languages, they struggled to avail themselves of learning opportunities there. Although the children of Transcarpathian Roma families arrived in large numbers have knowledge of the Hungarian language, in their case the challenge was caused by low educational attainment.¹⁸⁰

At the end of August 2022, the UNHCR published an extract compiled on the basis of interviews with 538 people between June and August, revealing that half of those interviewed planned to stay in Hungary “for the foreseeable future”, while 23% stated that they would return home, 18% said they would travel on, and 8% did not give an answer.¹⁸¹

5. Summary

The wave of refugees originating from Ukraine – the largest wave of refugees in Europe since the Second World War – presented a significant challenge to the member states of the European Union. By August 2022, the largest number of Ukrainian refugees registered for temporary protection in Poland (33%), Germany (18%) and the Czech Republic (11%), but all member states contributed to the care of refugees. The implementation of Directive 2001/55/EC on temporary protection on 4 March defined the minimum conditions and frameworks within which member states are to accept and support Ukrainian refugees. However, minor and major differences between the practices of individual member states can be discerned. This is not surprising, as individual states have different approaches to migration, as well as differing economic capabilities.

For example, in Spain, they did not create a parallel reception institution system for refugees from Ukraine, but instead plan to incorporate the procedures launched in the emergency situation and the initiatives and projects that prove to be workable into future support plans for all applicants for international protection. In the Czech Republic, they are counting on Ukrainians remaining in the long term, as they plan by this means to alleviate the country’s chronic labour shortage. It is a widely held opinion in Austria that the measures taken for the integration of Ukrainian refugees will be of benefit to Austrian society, even if the refugees

¹⁷⁹ SEMMELWEIS UNIVERSITY 2022.

¹⁸⁰ The mass immigration of Hungarian-speaking Roma from Transcarpathia may also present a challenge in the future. See Válasz ONLINE 2022.

¹⁸¹ UNHCR 2022f.

merely return home with new knowledge and experiences, as this can create an additional basis for future economic and cultural exchange with Ukraine.

There are also states where, after the initial enthusiasm had subsided, they have decided to cut back on subsidies for refugees. In the Czech Republic, for example, it was decided in June 2022 that Ukrainian refugees who receive free accommodation and food will no longer be entitled to state aid of 5,000 Czech crowns, and that the state will cover refugees' health insurance for a maximum of 150 days (with the exception of children and the elderly). This was part of an attempt to promote the integration of refugees and prevent "welfare tourism". In Bulgaria, as of 30 May, all financial support for Ukrainian refugees, with the exception of free nursery care, has been withdrawn. According to the announcement, the aim of the measure is for Ukrainian refugees to actively participate in the operation of the Bulgarian economy.

On the other hand, support for refugees was extended in Germany. While single people previously received a subsidy of 367 euros, starting from June they were entitled to unemployment or social assistance amounting to 449 euros per month. In Austria, the amount of support was also increased from June 2022, from 365 euros per person per month to 425 euros. Additionally, refugees from Ukraine can also make use of an annual 150-euro clothing allowance, as well as 200 euros per child per year for schooling. These two states provide the most significant financial support to Ukrainians.

We can also identify practices worth considering in the area of individual, solutions in specialist areas. One such example is the provision of free language education to Ukrainians. In France, refugees of all ages are entitled to 400 hours of free French language courses per person, while in Spain they also provide free permits for online Spanish language courses. In France, the Ministry of Education also supports teachers teaching Ukrainian children as part of an online training program.

Although fewer people applied for temporary protection status in Hungary than in the other examined states, it nevertheless proved (and proves) a serious challenge to manage the entry and internal travel of so many people passing through the country, and to provide them with temporary accommodation and car. Despite the initial difficulties, this can be assessed as an overall success. Hungary also provides a wide range of support services for those who remain in the country.

At the time of writing, the end of the war in Ukraine is still not in sight, nor is it clear when and to what extent Ukrainian refugees will be able to return permanently to their homeland. The challenge of the war-induced refugee crisis is expected to remain with us for a long time to come.

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From Besieger to Gatekeeper? – An Insight into the Relationship between Hungary and Turkey

Nikolett Pénczváltó

Abstract

Turkey is an important partner for Hungary, primarily due to its geostrategic location, while for Ankara Hungary is primarily an important partner due to its EU membership. Turkey lies at the intersection of geopolitical fault lines, continents, and civilisations. From the point of view of Europe, for example, its role as an “insulator state” is particularly important in terms of stopping illegal migration from different regions (from the Middle East, Africa, Asia), while for energy transit, Turkey forms a key connecting link. In recent years, Turkey has become one of the key countries for Hungary’s interest-oriented and global-economy-focused foreign policy. Military-industrial cooperation has also increased. The two states and their citizens are likewise connected by many cultural and historical threads.

Keywords: Turkey, Hungary, migration, economy, cooperation

1. Introduction

Turkey regularly features in the European discourse on irregular migration, primarily as a transit country. However, in addition to the fight against illegal immigration, it also appears as a prominent strategic partner of Hungary in many other areas.

Hungarian Prime Minister Viktor Orbán has stated on several occasions that Hungary is situated on a Berlin–Moscow–Istanbul triangle. In November 2021, for example, he put it as follows:

“One of the most important geopolitical lessons that we Hungarians have learned is that we need to look to three countries forming a triangle within which we live our lives. Our forefathers used to talk about Moscow, Berlin and Istanbul, but now we must replace the latter with Ankara. This is the triangle within which Hungarians live; and it is important for us to be in a friendly, strategic alliance with the Ankara side of this triangle.”¹

¹ CABINET OFFICE OF THE PRIME MINISTER 2021.

Turkey's special importance for Hungary is also shown by the fact that it was mentioned in Hungary's National Security Strategy:

*“The Republic of Turkey is a dynamically developing regional power and an Ally in NATO. Due to its geostrategic position, it plays an important role in the security of Europe and Hungary, exerting significant influence on the stability of regions including the Middle East and the Western Balkans. Turkey is also a key partner in handling the migration pressure aimed at our continent. It is in Hungary's interest to maximise the benefits of the potential inherent in Hungarian–Turkish political, economic, cultural and defence industry cooperation.”*²

This study reviews some of the key aspects of Hungarian–Turkish relations from a Hungarian point of view. First, it briefly presents an evaluation of the relationship between Turkish and Hungarian government communication and policies on the migration issue, then reviews the bilateral economic relations (including trade, investments and energy policy aspects), as well as emerging military-industrial cooperation. Finally, it also covers the cultural links between the two countries.

2. Cooperation against illegal migration

According to UN data, there are still more than 3.7 million registered Syrian refugees and about 320,000 asylum seekers of other nationalities in Turkey.³ Since the beginning of the European migration and refugee crisis, Prime Minister Viktor Orbán has emphasised Turkey's central role in the fight against mass illegal/irregular migration at every high-level Hungarian–Turkish meeting. On 30 June 2017, the Hungarian Prime Minister said the following in Ankara, at a joint press conference with the then Turkish Prime Minister Binali Yıldırım:

*“Without Turkey we are unable to successfully take action against two major problems of the modern era: in this you are indispensable. One of these is the fight against terrorism, and the other is the need to address international migration.”*⁴

He then added that Turkey not only protects Hungary, but also the entire European Union.

² MAGYAR KÖZLÖNY 2020.

³ UNHCR 2022.

⁴ CABINET OFFICE OF THE PRIME MINISTER 2017.

“It would be as well for everyone else in Europe to also recognise this. We look upon you as a people who also protect us. Following from this, it is in our best interests for Turkey to be a strong and stable country, with clear leadership able to enforce its will. This is in the interest of both Hungary and Europe, and therefore we welcome the constitutional changes which you have introduced – although I should add that these are Turkey’s internal affairs, and therefore not for us to judge. But we believe that these changes, these constitutional changes, increase Turkey’s ability to defend Europe, and thereby Hungary. We wish you every success in seeing this process through; we also send heartfelt greetings to President Erdoğan.”⁵

Two years later, on 7 November 2019, Viktor Orbán said the following regarding migration cooperation after a meeting with Turkish President Recep Tayyip Erdoğan in Budapest:

“From this it follows that Turkey is a strategic partner for Hungary in terms of both security issues and the issue of migration. In line with this, in our meeting today we conducted an overview of questions which are linked to security and migration. We expressed our recognition to Turkey of the fact that this year alone, up until the middle of October, it has detained some 350,000 people for illegally crossing its border. If it had not done this, all these people would be somewhere in the vicinity of Hungary’s southern border.”⁶

And on 11 November 2021, in Ankara, the Hungarian Prime Minister highlighted the following:

“As far as the migration crisis is concerned, we Europeans are now under pressure from three directions: from the Mediterranean; through the Western Balkans; and now also from Belarus. In this situation Europe needs allies. It needs allies which can extend the ring of defence around Europe as widely as possible. If Europe has no ring of defence surrounding it, Europe will collapse. Turkey is providing Hungary with such a ring of defence by stopping migrants, and for this we cannot thank them enough.”⁷

Viktor Orbán then touched on some specific areas of cooperation related to migration. He announced that it had been agreed that Turkey would send 50 border guards to protect the Hungarian border, and underlined that the Hungarian government also argues the European Union that Turkey should be assisted to the greatest extent possible:

⁵ Ibid.

⁶ CABINET OFFICE OF THE PRIME MINISTER 2019.

⁷ CABINET OFFICE OF THE PRIME MINISTER 2021.

“We are urging the European Union to provide Turkey with as much financial support as possible in the fight against migration – not indirectly, but directly to the Turkish government. Let us support them financially. Our proposal is that the European Union should provide financial support for the southern and eastern border defence line. The European Union should not only pay the costs incurred by the Hungarians, Poles and Lithuanians in border defence and the building of fences, but also the costs incurred by Turkey – because this is in the interest of Europe. And Hungary is urging the European Union to provide substantial funds to help Turkey stabilise the northern Syrian region, so that Syrians can return home. This is extremely important for Europe.”⁸

Migration, and Turkey’s role as a protective bastion, have served as reference points on several occasions, with regard to certain issues arising in the European Union. In October 2019, tensions rose when Hungary prevented the EU from issuing a statement condemning Turkey’s military intervention in Syria, partly citing this. The statement was finally published half a day later – after the start of the Turkish offensive – as the position of the High Representative for Foreign Affairs and Security Policy. The Minister of Foreign Affairs and Trade, Péter Szijjártó, stated in relation to the specific case that, in his view, there were approximately 4 million refugees in Turkey, with whom the Turks were working to enable them to return to their homeland, and from a global perspective migration policy should serve this very purpose, thus he did not support the publication of a statement of condemnation.⁹

3. Economic relations: trade, investments, energy

Commerce

Turkey has become one of the key focuses of Hungarian foreign policy, with a foreign economic focus part of the “Opening to the East” policy.¹⁰ The development of trade has long been the engine of bilateral relations. In 2013, the Prime Ministers of Hungary and Turkey set the goal of increasing trade turnover to 5 billion dollars,

⁸ Ibid.

⁹ HVG 2019.

¹⁰ For more about the global and eastern opening in relation to the Middle East, see: RÓZSA NAGYÉ 2016.

and in 2019 they raised this objective to 6 billion dollars. Bilateral trade has been continuously expanding in recent years, reaching 3.38 billion dollars in 2020. In the period between 2010 and 2020, Hungary conducted 1.05-1.47% of its annual trade with Turkey, which also shows that there is still room for progress.¹¹

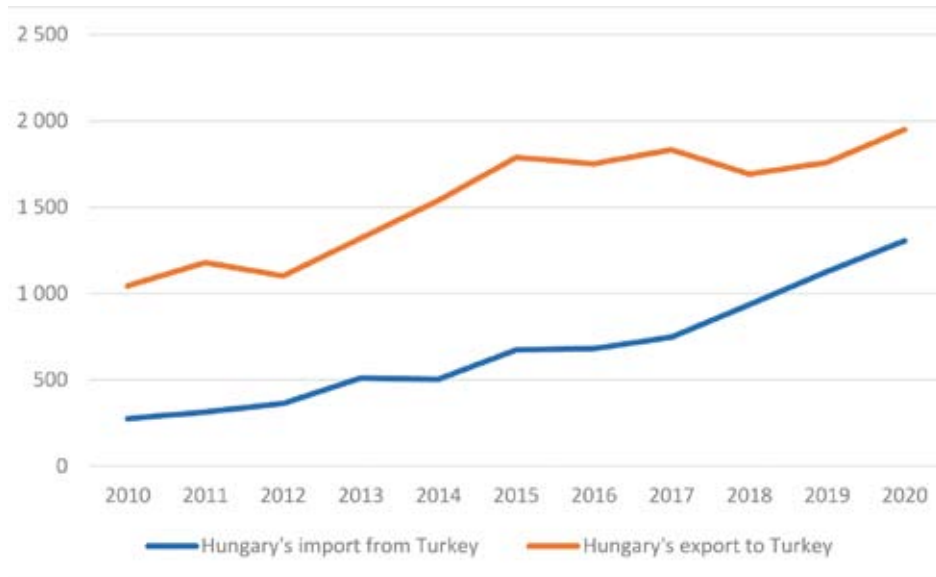


Figure 1: Hungarian-Turkish trade turnover (millions of dollars)¹²

In terms of the composition of trade, more than half of Hungarian imports from Turkey are electrical equipment (26.8%) and transport equipment (24.8%), followed by textile products (16%) and metals (12.9%), followed by the “plastic and rubber” category (6.3%) and processed goods (4.9%). Hungarian exports to Turkey are likewise led by electrical equipment (38.5%) and transport equipment (16.2%), followed by chemical products (10.9%) and products belonging to the plastic and rubber category (8.4%), followed by processed products (6.6%), and live animals or products of animal origin (5.4%).¹³

Investments

Several Turkish investment projects have been realised in Hungary in recent years. In 2020, 0.64% of foreign investment in Hungary came from Turkey, which was the second largest share since 2001, after 0.98% in 2011. The Turkish share

¹¹ Source: Hungarian Central Statistical Office (CSO).

¹² Hungarian imports from Turkey and Hungarian exports to Turkey. Source: CSO.

¹³ KÖVECSI-OLÁH et al. 2021.

of the Hungarian investment portfolio has grown continuously in recent years, accounting in 2020 for 0.122%.¹⁴

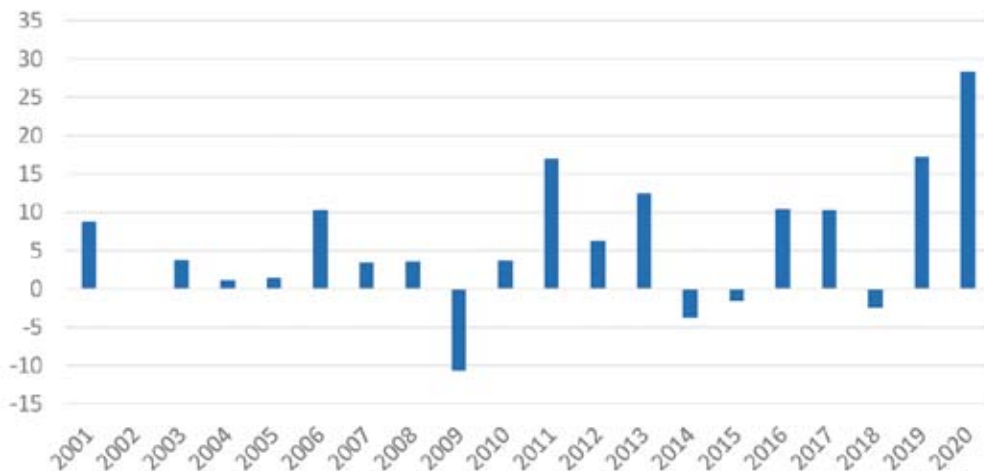


Figure 2 Turkish direct capital investments in Hungary (million euros)¹⁵

Among the largest Turkish investors in Hungary are the transport company Ekol Logistics, Çelebi Ground Handling Hungary Ltd. (which can be found at Liszt Ferenc International Airport), Metyx Hungary Kft. (which primarily deals with the production of glass and carbon fibre raw materials, and composite products made from them) and Yarış Kabin Hungary Kft. (which primarily manufactures safety cabins for tractors and construction machinery). In June 2021, it was announced that Şişecam would establish its first European glass packaging material factory in Kaposvár, which represents an investment worth 220 million euros. This is the largest investment ever made by a Turkish company in Hungary, for which the Hungarian government is providing 12.5 billion forints in non-refundable support, and as a result of which 330 new jobs will be created.¹⁶

As far as Hungarian investments in Turkey are concerned, Hungarian companies have in general tended to withdraw capital in recent years, though of course not exclusively. In February 2021, for example, it was announced that the Hungarian health industry company Medicor would build a factory in Ankara costing 800 million forints. The plant will manufacture medical devices for new-born babies. The Hungarian government will provide 480 million forints to support the investment.¹⁷ Among the Hungarian players present on the Turkish market, Béres

¹⁴ Source: HUNGARIAN NATIONAL BANK 2022.

¹⁵ Source: Ibid.

¹⁶ GOVERNMENT OF HUNGARY 2021a.

¹⁷ GOVERNMENT OF HUNGARY 2021b.

Pharmaceuticals Ltd., Egis Pharmaceuticals PLC. and Hunland Trade Kft. are the most notable.

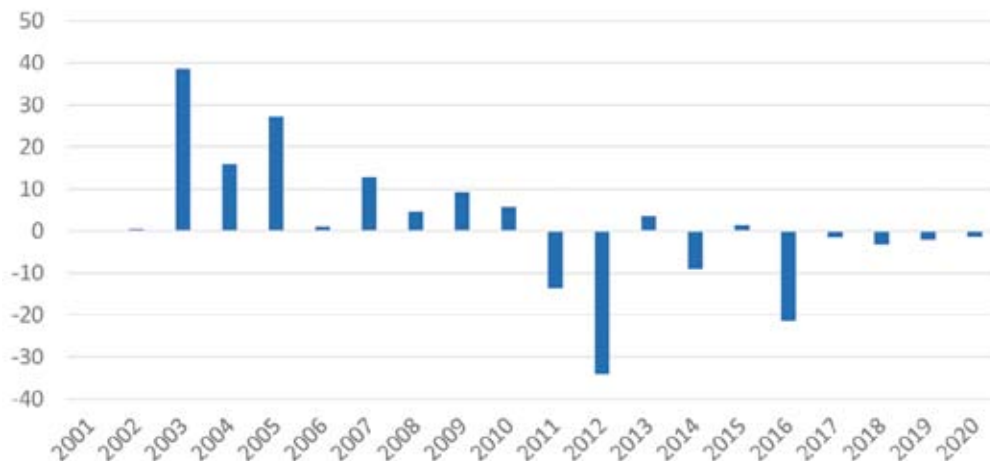


Figure 3 Hungarian direct capital investments in Turkey (million euros)¹⁸

We should also mention the “Go Africa” (“*Irány Afrika*”) project, a Hungarian–Turkish cooperation in connection with investments in Africa. On 25 February 2021, after a meeting with the Turkish Foreign Minister, Péter Szijjártó announced:

*“We have also achieved the first success in our economic cooperation in Africa: Hungarian and Turkish companies are jointly equipping seven Ghanaian hospitals with oncology equipment as part of a project worth 100 million dollars. All of this is jointly financed by the Hungarian–Turkish Eximbank.”*¹⁹

Energy policy

Looking at the strategic aspects of Hungarian–Turkish relations, we can also highlight energy policy. „According to the new long-term (10+5 year) gas purchase contract signed with Russia in September 2021, of the 4.5 billion cubic metres of natural gas per year, 3.5 billion cubic metres will come from the south, via the TurkStream natural gas pipeline to Hungary. The Serbian–Hungarian interconnector came into operation on 1 October that year.”²⁰

¹⁸ Source: HUNGARIAN NATIONAL BANK 2022.

¹⁹ GOVERNMENT OF HUNGARY 2021c.

²⁰ GOVERNMENT OF HUNGARY 2021d.

One priority area of cooperation for the Hungarian government is scientific, research and training cooperation in the field of nuclear energy. After the fifth meeting of the *Hungarian-Turkish High-Level Strategic Cooperation Council* in November 2021, at the joint press conference with Erdoğan, the Hungarian Prime Minister said that the number of Hungarian scholarships available to Turkish students would be increased from 150 to 200, “*and I have asked the President to make a certain ratio within this available specifically for nuclear specialists – for those pursuing studies related to nuclear energy*”, Prime Minister Orbán added.²¹

4. Military industrial cooperation

In the field of Hungarian–Turkish military cooperation, the most significant element so far is clearly the Hungarian purchase of Turkish-made four-wheel-drive (4x4) armoured, multi-purpose (e.g. transport, patrol, reconnaissance, fire support) combat vehicles with increased mine protection, as well as an agreement on the production of these vehicles in Hungary, based on a Turkish license.

Speculations about the purchase started in May 2019, at a show organised on the occasion of National Defence Day at the Budaörs airport, when the Turkish Ejder Yalçın and NMS 4x4 (also known as Yörük) vehicles, with Hungarian insignia, unexpectedly appeared among the displayed military equipment. In December 2020 it was announced that the Hungarian Armed Forces will introduce more than 300 4x4 wheeled armoured military vehicles in the near future.²² As a first step, the Turkish company Nurol Makina will deliver these armoured vehicles to Hungary, and in the second phase of the programme, based on the Turkish license, they will be manufactured, rebuilt, and further developed in Hungary in cooperation with the German company Rheinmetall.²³ The first ten Ejder Yalçın, which have been renamed Gidrán (after a Hungarian breed of horse), were handed over to the Tata MH 25th Klapka Rifle Brigade in February 2021. According to the announcement at the end of 2020, another 40 4x4 vehicles will arrive from Turkey in the near future, and the agreement for this has already been signed.²⁴

²¹ CABINET OFFICE OF THE PRIME MINISTER 2021.

²² HUSZÁK 2021a.

²³ Gáspár Maróth stated that the Turkish vehicles will serve merely as the starting point for domestically produced 4x4 vehicles, which will be made to Hungarian and German specifications. HUSZÁK 2021b.

²⁴ MTI 2020.

Hungary is the sixth country in the world and the first country in the European Union to purchase this particular vehicle.

Regarding the future, the acquisition of additional Turkish military equipment cannot be ruled out. For now, however, in the absence of official announcements, we can only speculate. It has been suggested in expert circles that the Karayel-SU drone of the Turkish company Vestel could be next, after the unmanned aerial vehicle was exhibited at the Kecskemét flight day in August 2021, and appeared in Pápa in November 2021, where it performed a test flight.²⁵ In an interview with *Hír TV* in May 2021, Gáspár Maróth, the government commissioner responsible for defence procurement, stated that Hungary had been monitoring Turkish drones for years, and that they are in contact with several Turkish companies, having visited Turkey several times to test these devices.²⁶

In addition to military procurement, there are several forms of military cooperation between the two countries. Hungarian and Turkish soldiers serve together, for example, in Kosovo, as part of the NATO KFOR operation, and in Bosnia and Herzegovina, as part of the EUFOR ALTHEA operation. (The stability of the Balkans is a priority interest of both countries.) In September 2014, a Turkish contingent also participated in the *Cooperative Sarex* international search and rescue exercise in Pápa. And in February 2021, Turkey expressed its intention to join the work of the Central European Multinational Division Centre (HQ MND-C), which officially began its work in Székesfehérvár in August 2020.²⁷

5. Cultural relations

The Yunus Emre Turkish Cultural Institute has been operating in Budapest since 2013, and the Hungarian Cultural Centre (re)opened in Istanbul in the same year. Those interested can also study Turkology in Hungary and Hungarian studies in Turkey. The Turkish Cooperation and Coordination Agency (TİKA) is also active in Hungary.²⁸ After the November 2021 meeting of the Hungarian-Turkish High-Level Strategic Cooperation Council, it was announced that 2024 would be the Hungarian-Turkish year of culture.

²⁵ IHSN.HU 2021.

²⁶ HírTV 2021.

²⁷ SNOJ 2021.

²⁸ For more information on projects and activities, see: TİKA 2015.

The two countries and peoples are connected by many threads. One may cite, for example, the many Turkish loanwords present in the Hungarian language. Most of them (in the order of hundreds) date back to the time before the Hungarians settled in the Carpathian Basin. Examples of such early Turkic words include the Hungarian terms for ox, goat, barley and apple. There are also Turkish loanwords from the time of Hungary's subjugation by the Ottoman Turks (amounting to some 60–70 Hungarian words, of which about 15–20 are in common modern use) including words for coffee or slippers.²⁹

Throughout history, the Ottoman Empire hosted many Hungarians who were forced to flee their homeland. The memory of Ferenc Rákóczi's exile is preserved today in the Ferenc Rákóczi II Memorial House and Museum in Rodosto. Imre Thököly and his wife Ilona Zrínyi lived in İzmit from 1701 until their death (where there is also a memorial house today). Lajos Kossuth stayed in the Ottoman Empire between 1849 and 1851 as a political refugee (and today, the Lajos Kossuth Memorial Museum in Kütahya preserves traces of this).³⁰ Several military leaders of the 1848–1849 Hungarian War of Independence also found refuge in the Ottoman Empire. Later, several of them served in the Ottoman army, such as József Bem (Pasha Murad), György Kmety (Pasha Ismail) or Richárd Guyon (Pasha Hursid).³¹

From a historical perspective, the Turks owe many things to Hungarian specialists. Born in what was then Kolozsvár, Transylvania, Ibrahim Mütefferika (his Hungarian name is unknown) founded the first printing house of the Ottoman Empire in 1727. In 1874, Ödön Széchenyi (the youngest son of István Széchenyi) was entrusted with the establishment of the Constantinople (Istanbul) fire department, and in recognition of his merits, later became the first Christian to be named Pasha. Antal Réthly (1879–1975) established Turkey's first Meteorological Institute on behalf of the Turkish government.

Many buildings and monuments from the Ottoman Turkish era have survived in Hungary. These include the mosque of Pasha Gazi Kasim (now familiar as the Inner City Parish Church in Pest), the Pasha Yakovali Hassan Mosque in Pécs, the tomb of Gül Baba in Buda (which is the northernmost Turkish pilgrimage site), four spas in Buda (Király, Rác, Rudas, and Veli Bej), and the minaret of Eger. One of the most significant archaeological sensations of recent years was when a research group led by Norbert Pap and Pál Fodor successfully located and

²⁹ KAKUK 1987.

³⁰ LISZT INSTITUTE – HUNGARIAN CULTURAL CENTRE 2022.

³¹ HÓVÁRI 2013.

excavated the tomb of Sultan Suleiman the Great / The Lawgiver (1494–1566) and the complex connected to it in Szigetvár (on a vine-clad hill in Turbék).³²

The number of Turks living in Hungary today is around 3,000 (although their visibility in Budapest is much higher, mainly thanks to the many Turkish restaurants). Most came to the country after the end of the Cold War, typically as university students or entrepreneurs. According to Turkish statistics, during the parliamentary elections in Turkey in June 2018, there were 2,156 eligible Turkish voters in Hungary (970 of whom participated in the vote, with a majority voting for Turkish opposition parties).³³

Turkey is a popular destination for Hungarian tourists. In 2019, the year before the coronavirus pandemic, nearly 150,000 Hungarians visited Turkey. Due to COVID-19, this number fell to 16,563 in 2020, and although it began to grow strongly in 2021, it has not yet approached the pre-pandemic level.³⁴

6. Summary

For Hungary, Turkey is primarily an important partner due to its geostrategic location, while for Ankara Hungary is primarily an important partner due to its EU membership.³⁵ Turkey is located at the intersection of geopolitical fault lines, continents, and civilisations. From a European perspective, for instance, its role as an insulator state is particularly important in terms of stopping illegal migration from various regions (including the Middle East, Africa, and Asia), while for fossil fuel transit, Turkey is a key connecting link. There is a slight irony in the fact that while the Kingdom of Hungary was the “bulwark of Christianity” against the Ottoman Empire, today Turkey has come to act as a sort of “bulwark” for Europe.

In recent years, Turkey has become one of the key countries for Hungary’s interest-oriented and global-economy-focused foreign policy. The value-based approach and criticism of the increasingly authoritarian processes in Turkey typically only appeared on the left of centre side of the Hungarian political spectrum. The clash of the two approaches within the European Union has led to tensions

³² For more information visit the homepage of: MTA BÖLCÉSÉSZETTUDOMÁNYI KUTATÓKÖZPONT 2022.

³³ T.C. YÜKSEK SEÇİM KURULU 2018.

³⁴ ERGÖÇÜN 2021.

³⁵ For more information on the Hungarian perspective regarding Turkish EU accession, see: EGERESI – SZIGETVÁRI 2017.

between member states on more than one occasion. Increasing bilateral trade and investment is the declared goal of the Hungarian government. In addition, military industrial cooperation between the two NATO allies has also increased. Hungary has become the first EU state to purchase Turkish-made Ejder Yalçın armoured fighting vehicles.

The two states and their citizens are likewise connected by many cultural and historical threads. The image of Turks in Hungarian popular culture is generally not hostile, despite the fact that the renovation of Ottoman-era memorials or, for example, the popular television series *Magnificent Century* (known in Hungary as *Szulejmán*) evokes the period of the conquest of historical Hungary. One of the probable reasons for this is the good relationship that later developed: the Ottoman Empire gave shelter to such exiled Hungarian national heroes as Ferenc Rákóczi and Lajos Kossuth, and the parties fought on the same side in the First World War, which is also preserved in historical memory. The appearance of the intellectual current known as Turanism, which emphasises the common, eastern origin of the Hungarians and the Turks, and the similarities between the two peoples, has further strengthened the positive image of Turkey.³⁶

³⁶ EGERESI – PÉNZVÁLTÓ 2021.

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Aid activities of Hungary Helps in the Middle East

Meszár Tárík

Abstract

The Hungary Helps Agency is a governmental, non-profit organization under the Hungarian Ministry of Foreign Trade and Foreign Affairs. Through this initiative, the Hungarian government is able to provide effective assistance to Christian and other communities in difficult situations. This paper examines the organization's programs in the Middle East, as it is known that Hungary Helps carries out projects in countries and territories such as Iraq, Syria, Jordan, Lebanon, Israel and Palestine. Thanks to the organization's activities, the perception of Hungary in these countries is positive, and one can often find appreciative articles and posts on Arabic-language websites. In the following, we present the most important developments and aid activities in the aforementioned states, without claiming to be exhaustive. The paper also examines the extent to which the agency's assistance has led to changes in the lives of the communities mentioned, and describes how the communities supported feel about Hungary Helps' activities. Despite the fact that Hungarian migration policy has received a lot of criticism during the last decade, in this paper we want to present the positive results of the Hungarian policy of local support and give more insight into the so-called concept of externalization.

Keywords: Middle East, Hungary, Hungary Helps, Christians, Christian persecution

1. Introduction

The Hungarian government recognized the problem that there are many indigenous Christian communities in the world that are at a disadvantage compared to the majority population. The Hungary Helps Agency has changed the lives of many Christians in difficult situations. About the establishment of the agency, its website states: „The Hungary Helps Agency was established on 14th April 2019 based on Act CXX of 2018 on the Hungary Helps Program. The Hungary Helps Agency is a governmental agency which works as a non-profit organization under the coordination of the Ministry of Foreign Affairs and Trade of Hungary”.¹

¹ HUNGARY HELPS n.d.

In this study, our emphasis is solely on the aid initiatives initiated in the Middle East by the Hungary Helps Agency, although their campaigns span across multiple continents. The primary rationale for this focus is rooted in the fact that the Middle East – being the birthplace of Christianity – experiences events that directly impact Christian communities, such as persecution and terrorist attacks. These events have a profoundly adverse effect on the survival and well-being of these communities. It is also important to note that supporting these communities can be considered as a kind of missionary activity, since several of the Christian groups living in the Middle East have been continuously present in this area since the birth of the religion.

The theoretical framework of this paper is the concept of externalization. In this paper, externalization is understood as a concept during which developed countries undertake humanitarian efforts to prevent asylum seekers and other migrants to leave their home countries and migrate to other nations.² These activities are often carried out by the destination countries with the participation of private or public organizations. Externalization policies have been the subject of heavy criticism, as many believe that extraterritorial state policies in general aim to deny migrants, including asylum seekers, entry into the territory of destination countries without individually assessing the migrants' need for protection.³ Externalization can occur through unilateral, bilateral, and multilateral engagement by states, but it can also involve the active participation of private actors.⁴ In terms of instruments, externalization can include prohibitive and preventive measures as well as more indirect measures such as support for security or migration management practices or assistance in third countries.⁵

According to FitzGerald, “keeping refugees at a distance is a public relations scheme to render them invisible so their plight can be ignored” and also an attempt to evade legally binding human rights obligations.⁶ According to critics of nations pursuing externalization policies, certain destination and transit countries often misrepresent their activities; claiming to pursue their own security-based agenda or engaging in life-saving humanitarian efforts, rather than simply following a strategy to contain and control migration.⁷ Nevertheless, these theories underestimate the importance of local connections and the willingness of people to stay in their motherland if

² FITZGERALD, 2019.

³ FRELICK at al., 2016

⁴ Ibid., GAMMELTOFT-HANSEN 2011.

⁵ CRÉPEAU, 2013.

⁶ FITZGERALD, 2019.

⁷ CRÉPEAU, 2013.

external circumstances make it possible. Consequently, these theories ignore the fact that externalization can be a positive instrument welcomed by vulnerable communities as well.

In the case of Hungary, as the country's leadership has openly stated on several occasions that people and communities who are in a difficult situation must be helped in their own country in order to prevent them from being forced to leave their homes. Tristan Azbej, the State Secretary for the Aid of Persecuted Christians and the Hungary Helps Program said that: "If we want to preserve these communities and prevent migration, efforts should be made to ease the plight of refugees. It is a basic principle of the Hungary Helps Program that help should be provided at the point where it is needed instead of bringing trouble over here".⁸ Regardless of any criticism, it can be stated without doubt that the aid provided by the Hungarian government improves the lives of families and helps people in precarious situations to live a dignified life in their own country. Moreover, the Hungarian government believes that it is much more sustainable and effective to address the causes of migration, not just the consequences. According to the Hungarian Minister of Foreign Affairs and Trade, "migration is a loss for the countries of origin and a destabilizing factor and danger for the transit and destination countries".⁹

In addition to assisting migrants' countries of origin, the Hungarian government has also taken steps to improve living conditions of Christians and other minorities¹⁰, including access to legal aid, education, and health care. Despite these efforts, the Hungarian government's approach to refugees and migration, as noted above, has sparked debate and criticism both domestically and internationally. Some accuse the Hungarian government of adopting an anti-immigrant stance and attempting to prevent refugees and migrants from entering Hungary. However, the government rejected these accusations¹¹ and emphasized its commitment to supporting and caring for people in need from the Middle East and other regions,¹² details of which are presented in the study. Tristan Azbej's recent statement also reflects this, during which he explained: "Through the Hungary Helps' Program, we have been able to help save the lives or improve the tragic fate of nearly one million people..."¹³

⁸ HUNGARY TODAY 2021a.

⁹ KORMANY.HU 2023.

¹⁰ The following chapters will explore in detail the various projects undertaken by the Hungary Helps Agency.

¹¹ SZÉKELY 2015.

¹² HUNGARY TODAY 2021a.

¹³ GERZSENYI 2023.

2. The projects

Because of the limitations on scope not all of the projects can be listed in the following compilation, rather, Hungary's most important aid activities will be presented in the countries under scrutiny.

Iraq

The first country to be examined is Iraq, because the area formerly known as Mesopotamia has been a home to Christians since the first century, and their situation has deteriorated considerably during the last decades. For this reason, the agency has implemented numerous humanitarian and development projects in Iraq in recent years. The beginning of activities in Iraq dates back to 2016, when the threatening presence of the Islamic State greatly affected the situation of religious minorities living in the Middle Eastern country.

In December 2018, a cooperative agreement was signed between the Hungary Helps Program and the United States Agency for International Development (USAID) to support the return of persecuted minorities who had fled to other regions of the Middle East, and to restore their communities in parts of northern Iraq liberated from Islamic State control.¹⁴

Qaraqosh, an almost exclusively Christian city in Iraq, was once a thriving commercial and intellectual center. After the U.S.-led invasion toppled the dictatorship of Saddam Hussein in 2003, many Iraqi Christians moved to the city, consequently the economy boomed. Between 2014 and 2017, the city of Qaraqosh was controlled by ISIS. During this time, part of the population fled, and the town was pillaged and razed.¹⁵

The website of Hungary Helps states: „Thanks to Hungarian help, professional demining, demolition and renovation work made almost 200 housing units habitable again after complete debris removal, so that Christian families could return to their homes. With Hungarian assistance, the city's drinking water network was restored, providing water to some 26,600 people. Also worth mentioning

¹⁴ HUNGARY HELPS 2020a.

¹⁵ AHVALNEWS 2021.

is the psychosocial support provided by the Hungary Helps Program, which is available to families who have experienced much suffering in Qaraqosh”.^{16, 17}

It is important to highlight the efforts to support the Yazidis living in Iraq. This group is an ethno-religious community whose members live in the governorate of Nineveh in northern Iraq. Their religion is distinctive from both Islam and Christianity, being influenced by the beliefs and practices of Zoroastrianism, Islam, and Christianity it is highly syncretic.¹⁸ Yazidis are primarily impoverished farmers and pastoralists with a strict religio-political hierarchy, who tend to form more cohesive communities than other ethnic or religious groups in Iraq. Some of them describe themselves as ethnically Kurdish, while others consider themselves to have a specific, different ethnic identity.¹⁹ The support to Yazidis also demonstrates that the Hungary Helps Agency does not exclusively concentrate on Christian communities, but also on other vulnerable groups. The Yazidi community suffered extraordinary losses between 2014 and 2017 in areas under the control of the Islamic State. Their community has been severely mistreated, and many Yazidis were tortured and raped. Because of their vulnerability, they still need help today. Therefore, Hungary Helps pays special attention to improving the quality of life of the most vulnerable groups of the Yazidis: girls, women and children who have experienced trauma.²⁰ The Hungary Helps website states, “through targeted aid and concrete projects, Hungary Helps supports the rehabilitation of women belonging to the Yazidi religious minority and the creation of decent living conditions”.²¹ The Erbil Diocese of the Babylonian Chaldean Catholic Church has been helping women who are victims of violence and stigmatization with the Hungary Helps program providing shelter for 42 Yazidi women and children.²²

Another project to support the Yazidi community was also carried out. With the help of Hungary Helps, a bakery was opened near the refugee camp in the town of Khanke in the Kurdistan Region. The possibility of vocational training for Yazidi women with future job prospects was also created. The Free Yazidi Foundation (FYF) writes on its website: “FYF has been operating the Bakery Training Center since the early part of this year. Every few months, Yazidi women graduate with new skills – not only in baking but also basic mathematics and business training. The bakery is now functioning, and the women have worked hard to establish

¹⁶ The original quotations are in Hungarian.

¹⁷ HUNGARY HELPS 2020a.

¹⁸ TÁRIK 2022.

¹⁹ DFAT 2020; TÁRIK 2022.

²⁰ HUNGARY HELPS 2020b.

²¹ Ibid.

²² Ibid.

a spectacular café for the host and IDP community to enjoy... we are thankful to Hungary Helps and Hungarian Interchurch Aid for supporting this innovative project”.²³

Jordan

Hungary Helps also carries out extensive relief work in Jordan, part of which benefits Iraqi Christians. Thanks to Hungarian support, the Garden of Mercy training center in Jordan is enabling the adult members of dozens of persecuted Christian refugee families from Iraq to learn a new profession. Commenting on his visit, Tristan Azbej said, “Integrating the training participants into the local labor market helps them stay in the region of their home country”.²⁴ The Hungary Helps Program also sees the education of persecuted youth as an important task. Tristan Azbej appeared at the opening ceremony of the school in the settlement of al-Husn that was renovated with Hungarian funds. Extensive infrastructural measures were carried out in the educational institution.²⁵

Tristan Azbej also participated in the laying of the foundation stone for the “Eternity” church in the Tabarbour district of the Jordanian capital Amman, which is supported by the Hungary Helps Program. Thousands of Christian refugees live in the Tabarbour district, for whom the city’s first church is now being built.²⁶

Syria

The Syrian civil war began in 2011 with the brutal suppression of protests against the government. It later evolved into a complicated conflict during which the country’s armed forces clashed with foreign armies, local militias, and fighters funded from abroad, killing hundreds of thousands of people and driving millions from their homes. The ongoing conflict in Syria has caused an almost unimaginable level of destruction. To date, more than 350,000 confirmed deaths are directly attributed to the war, but the death toll is almost certainly much higher.²⁷ The negative social and economic consequences of the civil war are increasing over time, as the lack of continuous access to health care, education, housing and food has exacerbated the effects of the crisis and pushed millions of people into unemployment and poverty.

²³ FREE YAZIDI FOUNDATION 2021.

²⁴ MAGYAR NEMZET 2019.

²⁵ KORMANY.HU 2019; MAGYAR NEMZET 2019.

²⁶ Ibid.

²⁷ OMAN OBSERVER 2021.

With a tragically weakened health care system, Syrians are extremely vulnerable to further shocks such as the COVID-19 pandemic. In addition, the neighboring Lebanon experienced an economic and political crisis that further limited Syria's external economic relations. All of this led to fuel shortages, spiraling inflation and a rapid devaluation of the national currency. Experience has shown that members of minorities are the most vulnerable in various crises. Looking specifically at the situation of the Christian community in Syria, it is clear that they suffered severe atrocities during the rule of the Islamic State. Recovering from various crises comes with greater difficulties for them, a fact that has also been noted by the Hungarian government.

One of the cornerstones of the Hungary Helps Program's activities in Syria is to help resettle people who have been forced to flee their own country. Within this framework, residential buildings in the city of Homs have been made habitable again. This town is of great importance to Christians of various denominations, because before the civil war and the threat of jihadist groups, Catholics, Orthodox and Maronites lived here in large numbers.²⁸ Hungary is committed to supporting Christian family businesses through the Hungary Helps Program. For example, through the partner organization Christian Hope Center in Syria, they have contributed to the establishment and restoration of 22 family businesses in Aleppo, significantly improving the living conditions of these families.²⁹ In addition, other projects were carried out in Syria, about which the following can be read on the website of the Hungary Helps Program: "Within the framework of the Hungary Helps Program, the Hungarian government has ensured the operation of the St. Louis Hospital in Aleppo, the French Hospital in Damascus and the Italian Hospital in Damascus for one year. These facilities provide care to people in need regardless of their religious affiliation and strengthen trust between different communities and the possibilities of peaceful coexistence".³⁰

The continuous Hungarian help does not remain without gratitude. Bishop Armash Nalbandian, Primate of the Armenian Diocese of Damascus, thanked the Hungarian government for its help to persecuted Christians. The bishop considers it extremely important to provide assistance on the ground, that is, in the home country of the persecuted, which can contribute to the survival of Christian communities in the Middle East.³¹

²⁸ HUNGARY HELPS 2020c.

²⁹ HUNGARY HELPS 2020d.

³⁰ HUNGARY HELPS 2020e.

³¹ HUNGARY TODAY 2022b.

Lebanon

The Hungarian government provided significant support to Lebanese Christians by allocating \$2.2 million to build a cultural and vocational training center to revitalize the local Christian community. Tristan Azbej pointed out that Lebanon hosts about 2 million refugees, adding that if the humanitarian crisis worsens, not only these already displaced people but also parts of the Lebanese population would likely flee the country and the flow of illegal migrants to Europe would increase. For this reason, it is in Hungary's strategic interest to support and strengthen the local community and protect the region's Christian heritage.³²

On August 4, 2020, one of the largest non-nuclear explosions in the world destroyed most of the port of Beirut and part of the capital. The massive explosion claimed more than 200 lives and injured more than 6,500 people to varying degrees; approximately 300,000 homes were damaged or completely destroyed.³³ The Christian community was particularly hard hit by this tragedy, as a majority Christian neighborhood is located in close proximity to the partially destroyed port. For this reason, a large-scale fundraiser was organized, with Hungary Helps participating in the delivery of equipment and food purchased from donations.³⁴

Hungary Helps and the Sovereign Order of Malta agreed to launch an education program in Lebanon at the end of 2021.³⁵ The main goal of the initiative is to ensure an adequate level and acceptable quality of education for children from injured, orphaned or poor families. Another project in Lebanon aims to reestablish formal education, to which the Hungarian state has made an important contribution of HUF 229 million (approximately \$655,000).³⁶ The continuous Hungarian help is not without gratitude. Bechara Boutros Rai, Patriarch of the Lebanese Maronite Church, and Joanna Maria Azzi, Ambassador of Lebanon to Hungary, praised the efforts of the Hungarian government and its efforts to help persecuted Christian communities.³⁷

According to Minister of Foreign Affairs and Trade Péter Szijjártó, migration pressures can also be reduced by supporting the reconstruction of churches. Following the funding of \$1.8 million so far, Hungary is helping to renovate 30 Christian churches in Lebanon with an additional \$2 million, thus contributing

³² HUNGARY TODAY 2021b.

³³ BBC ARABIC 2022.

³⁴ MAGYAR KURÍR 2021.

³⁵ Ibid.

³⁶ Ibid.

³⁷ S4C 2021.

to the reduction of migration pressure, Foreign and Trade Minister Péter Szijjártó announced in Beirut.³⁸ The negative effects of the armed conflict in Ukraine, Szijjártó said, are being felt not only in the region but around the world. As an example, he cited the food crisis, which hits countries in a difficult situation the hardest. In Lebanon, too, you can see how much effort it takes to feed the population. We know that these difficulties can lead to new waves of migration from already unstable regions that are larger and more serious than ever before. We also know that these waves of migration have a destabilizing effect and are usually directed toward Europe, the minister said, warning that Europe will not be able to cope with these pressures if they increase. In his view, refugees from Syria make up about one-fifth of the population in Lebanon, so the international community should facilitate their return, as their care is a major burden on the host society. If this does not happen, together with the food crisis, it could lead to new masses flocking to Europe.³⁹

State of Palestine and Israel

With the Hungary Helps Agency, Hungary contributes to the stabilization of the social situation of the inhabitants not only in Israel, but also in the Palestinian territories. This has manifested itself in the past period in several significant projects for the renovation and maintenance of schools, of which the aid to the Brotherhood School in Bethlehem is particularly noteworthy. In addition, Hungary supported the construction of the educational facility in Cana, Israel, as well as the expansion of the Terra Sancta Museum in Jerusalem.⁴⁰

In addition, Hungary provided considerable support to the Christian schools in Palestine, about which Father Jamal, the head of the Palestinian schools of the Latin Patriarchate, said: “Hungary was our greatest supporter, and thanks to the aid they were able to continue teaching, and two thousand of our staff received their salaries even during the pandemic. The Latin Patriarch is proud that they are doing a lot for the next generation and therefore for the families”.⁴¹

³⁸ INDEX 2023.

³⁹ Ibid.

⁴⁰ HUNGARY HELPS 2020f.

⁴¹ VASARNAP.HU 2021.

3. Scholarship Program

The Christian Youth Scholarship Program was launched by the Hungarian government in 2017. Since August 2020, the Hungary Helps Agency has been responsible for coordinating the scholarship program. The basic goal is to give Christian youth living in crisis regions of the world and persecuted in their own country for their faith the opportunity to pursue higher education studies at host institutions in Hungary.⁴² The Hungary Helps Scholarship Program has several advantages for both students and Hungary. For the students, the program offers the opportunity to receive a quality education that they may not have access to in their home country. It also offers them the opportunity to learn from leading Hungarian experts in their fields of study and gain international experience. After completing their studies, the scholarship holders can become key components of their country's development and contribute to the prosperity of their home country with the knowledge they acquire here. For Hungary, the program promotes long-term relations with countries in need. By awarding scholarships to students from countries in crisis, Hungary not only contributes to overcoming global challenges, but also creates positive relations with other countries and promotes cultural exchange and understanding.

Currently, nearly 200 students from nine different countries (Syria, Pakistan, Iraq, Israel and Palestine, Lebanon, Nigeria, Kenya, Ethiopia and Armenia) are studying in this program. Scholars can take a range of courses in English, such as medicine and health sciences, engineering, architecture, social sciences, business, agriculture, arts and humanities, and information technology. The program offer about 300 courses at 14 universities in Hungary, covering all areas of higher education and all announced degrees, from bachelor's to doctoral. The program fully covers tuition fees, and scholarship recipients also receive assistance with travel and accommodation costs.⁴³

4. Summary

To summarize, Hungary favors local aid policies that improve the lives of thousands of people. This activity can also be seen as a kind of externalization policy, which, contrary to the accusations in this regard, is by no means hidden,

⁴² HUNGARY HELPS 2020g.

⁴³ Ibid.

since the government has previously expressed the opinion on several occasions that the lives of people in their own country should be improved.

In recent years, the Hungarian government has made great efforts to help Christians and other minorities living in the Middle East through the Hungary Helps Program. This initiative was established with the aim of providing assistance and support to those affected by conflict and persecution in the region. The situation of minorities living in the Middle East has deteriorated significantly in recent years due to the actions of groups such as ISIS and others. Many have been forced to flee their homes and seek refuge in other parts of the world, while others have faced violence, discrimination and exclusion in their own communities. The Hungarian government is committed to addressing this situation and has made it a priority to support Christians and other minorities in the region, with the goal of creating better living conditions for them. To achieve this goal, the Hungary Helps Agency launched a number of projects in the Middle East, including the reconstruction of schools, hospitals and other infrastructure, as well as humanitarian aid and support for local communities hosting refugees.

One of the Hungary Helps Agency's most important initiatives is the establishment of the Hungary Helps Scholarship Program. Under this program, scholarships are awarded to students from the Middle East who wish to study in Hungary. The goal is to equip them with the skills and knowledge they need to contribute to the development of their own communities. In addition to these projects, the Hungarian government has also provided financial support to churches and other organizations working with refugees and internally displaced persons in the Middle East. Thanks to this support, these organizations have been able to provide shelter, food, and other basic needs to those in need.

Despite these efforts, the Hungarian government's handling of refugees and migration has generated controversy and criticism both domestically and internationally. Critics claim that the Hungarian government is not pursuing a humane migration policy, but these critics ignore the important assistance that Hungary has been providing for many years to communities in difficulty. However, the Hungarian government maintains its goal of supporting Christians and other minorities in the Middle East and preventing them from leaving their own countries. Through the Hungary Helps Program and other initiatives, the government strives to provide aid and assistance to those affected by conflict and persecution in the region, in the hope of creating a more sustainable and just future for all.

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“Islamophobia”, or is it Permissible to Criticise Islam?

Omar Sayfo

Abstract

Due to terrorist attacks and failures of integration in Western societies, the tension between majority social groups and Muslim immigrants is increasing, which often leads to verbal and physical violence. Many organisations have been established to monitor perceived and real attacks against Muslims, and often accuse not only those who hurl the insults, but also politicians and public figures who speak critically about Islam, of “Islamophobia”. In the absence of a universally accepted definition, the accusation of “Islamophobia”, as well as its dismissal, have now become political weapons, and the discourse is now dominated by the extremes on both sides.

Keywords: Islamophobia, Islam in Europe, Anti-Muslim Discourse, Xenophobia, Immigration

1. Introduction

Due to terrorist attacks, mass migration, and challenges of integration, fear of cultural loss and other reasons – not the mention the activity of fearmongers – antipathy towards Muslims, and Islam in general, is constantly on the increase in some Western societies.¹ Some sociological research examining this topic views this simply as a result of the increase in the number of Muslims in European countries.² Others see it as largely counterproductive that, due to various government measures and institutional policies, the visibility of Muslims in public life and the public sphere far exceeds their actual numbers, so people perceive the Muslim presence and cultural influence to be greater than it actually is.³ Still others see the antipathy as a symptom of frustration with multicultural societies.⁴

Muslims also sense this growing tension. Since September 11, 2001, public discourse has been radicalised in both America and Europe, and in the wake of

¹ PEW RESEARCH 2019.

² HADDAD 2002.

³ VERTOVEC 2002.

⁴ MEER 2009.

the 2015 migration crisis and the increasing number of terrorist attacks, insults to their communities and physical attacks against mosques and Muslim-owned properties have increased.⁵ Of course, in many cases, the awareness of being frowned upon or discriminated against is not based on objective facts, but on the basis of subjective experiences and feelings in individuals and groups. What is more, members of minority communities can be more sensitive to perceived or real grievances: the consciousness of collective victimhood strengthens the sense of identity among those belonging to the group, increases solidarity within the community, and at the same time reifies the categories of “us” and “them”, thereby destroying social cohesion.⁶

The term “Islamophobia” entered Western public discourse more than three decades ago. First, academic cliques used it against their Islamic-critical political and ideological opponents, whence it spread throughout both political and social discourse. In the absence of a clear, universally accepted definition, “Islamophobia” and the fight against it have become highly politicised. In many cases, the monitoring of violence against European Muslims is not carried out by state institutions, but by human rights organisations, peripheral immigrant groups and institutes established by foreign countries, often further worsening the relationship between majority societies and Muslim communities.

This study examines the debate surrounding “Islamophobia” and the social and political fight against it. First, explores the processes and important events that led to the development of the negative image of Islam, and how Western European and North American political discourse reacted to it. It then examines the birth and spread of the term “Islamophobia”, and investigates the most important groups and organisations that monitor “Islamophobia”, focusing on their political and ideological affiliations.

2. The history of a sometimes problematic relationship

In the distant past, the security of European political entities was threatened more than once by powers that happened to be Muslim. However, the Moorish occupation of Iberia and the Ottoman conquests of South-Eastern Europe have not – or just partially – been incorporated into the historical memory of Western European countries (the UK, Germany, the Netherlands, Belgium or the

⁵ FRA 2017, PEW RESEARCH 2012, PEW RESEARCH 2020.

⁶ NOOR 2017.

Scandinavian states) where a large number of Muslim immigrants live today. One exception is France, where the memory of the invasion of Iberia and the battles of Charles Martel remained part of French cultural awareness into the twentieth century. Historians, however, have immortalised these not exclusively as religious conflicts, but at least as much as ethnic clashes and power struggles.

In most Western countries, historical memories of the encounter with Islam are linked to a lesser extent to the Crusades (or more precisely, to the reinterpreted memory of them generated during the Renaissance) and to a greater extent to colonialism. In the 19th century and the first half of the 20th century, the available knowledge about Islam came mainly from Orientalists and colonial bureaucrats, who wrote about the Eastern religion and its followers, at times in a positive and at times in a negative light. At the same time, many people (especially French authors) also considered colonisation as a civilizing mission, with the colonised peoples considered inferior to the colonisers on cultural, ethnic or even religious grounds, and for whom – in their interpretation – colonisation meant the arrival of culture and civilisation.

From the 1960s, the inhabitants of former colonies and other regions outside Europe began to flow en masse into Western European countries in search of work, which caused significant social tensions even in the beginning. Since the new arrivals included both Muslims and Christians (and, in the case of France, Jews) who identified themselves not primarily based on their religion, but on the basis of their country of origin and nationality, the nascent anti-immigration forces also framed the problems of integration and culture in the same manner. Anti-immigration discourse followed suit, earning several politicians the label of racism, and putting them in political quarantine.⁷

Third World immigration to the United States in general, and Muslim immigration in particular had different patterns. Strict immigration policies meant that mainly educated people with a higher social status reached the US, and thanks to their small number, they quickly integrated. Americans' image of Islam was thus not shaped by direct experience, but by foreign policy. This essentially neutral relationship turned negative as a result of the 1979 Iranian revolution and the embassy hostage drama, which led to an increase in films, books and other works depicting Muslim societies as violent and barbaric, and these representations soon appeared on European markets as well. The negative image thus formed was again

⁷ Good examples of this include the French National Front (1972), the Belgian Flemish Bloc (1982), the British National Party (1982), or the Swedish Democrats (1988), which initially opposed immigration on the basis of nationality and culture rather than religion.

confirmed in 1989, when Ayatollah Khomeini issued a fatwa calling for the death of Salman Rushdie, the UK-based author of *The Satanic Verses*.⁸

With the end of the Cold War, public discourse again shifted in the United States, as voices interpreting Islam as a political ideology similar to communism became ever louder. In 1993, *Foreign Affairs* published Samuel Huntington's article "The Clash of Civilizations?", which predicted a battle between "the West" and "Islamic civilization". This idea has also been promoted by think-tanks such as the Middle East Forum, founded by Daniel Pipes.⁹

The real shock, however, came with the terrorist attacks of September 11, 2001, after which, on the front page of *Newsweek*, Fareed Zakaria asked a question foremost on the minds of the American masses, who in general knew little about foreign policy: "Why do they hate us?"¹⁰ The answer to this question was not given primarily by scholars of Islam, but by lay public writers on the subject, most of whom tried to explain complex political, social and historical phenomena through Islamic source texts available in English translation. Among many others, these included professional apocalypse watcher Joel Richardson, physics teacher Bill Warner and journalist Robert Spencer, who founded the *Jihad Watch* blog in 2003.¹¹ At the same time, neoconservative and neo-Protestant groups, which interpreted Islam from a Cold War perspective, were given influential positions in the George W. Bush administration, so the distinction between "Islamism" and "Islam" became increasingly blurred. In 2007, the Reverend Pat Robertson – who himself campaigned for the 1988 presidential election, on a platform of placing American politics on evangelical foundations – defined Islam as a "worldwide political movement".¹² His views then spread throughout the Western world through various born-again Christian networks.

In the 1990s and 2000s, Islamist movements such as the Muslim Brotherhood, Tablighi Jamaat, various Salafist networks and other groups established themselves in Western European countries, where they began the "re-Islamisation" of second- and third-generation Muslim immigrants who do not practice the religion, or who lived it only as a cultural tradition. Although their social base was not very significant, the vast majority of the members of Muslim communities had reservations about them, their most prominent figures demanded exclusivity and made statements in the name of "Islam", made alliances with various political

⁸ THE GUARDIAN 2009.

⁹ THE NATION 2004.

¹⁰ ZAKARIA 2001.

¹¹ The website can be accessed at: <https://www.jihadwatch.org/>

¹² THE WASHINGTON POST 2017.

(typically left-wing) forces and successfully steered the agenda of Muslim public discourse. They set themselves up as “defenders of Islam” and responded with aggressive rhetoric to perceived or real criticism of their religion, as well as to the growing number of insults against Muslims.¹³ The same groups (frequently in conjunction with their more moderate sympathisers) adapted notions thematising the Palestinian-Israeli conflict, and the invasions of Afghanistan in 2001 and Iraq in 2003, as part of a “war against Islam” and reinforced the illusion among Muslim immigrants of a kind of global “persecution of Muslims”.

The relationship between societal majorities and Muslim minorities was further worsened by the terrorist attacks in Madrid in 2004, the murder of the Islam-critical Dutch film director Theo Van Gogh in the same year, the 2005 London terrorist attacks and the Danish caricature scandal, also in 2005. Anti-immigration parties, such as the French National Front, the Dutch Freedom Party, the Sweden Democrats and other formations, seeking to inoculate themselves against accusations of racism and anti-Semitism, have increasingly adopted the predominantly American conception of Islam as an ideology, i.e. as something not inherently linked to a particular ethnicity, and so open to criticism. They quickly found allies in authors with Muslim and/or Middle Eastern roots, both in the Old and New Worlds, such as Ayan Hirshi Ali, Ibn Warraq, Robert Spencer and Tawfik Hamid, who, although they did not have academic backgrounds in the subject, nevertheless positioned themselves as authorities on religious and complex social issues simply by virtue of their origins. In addition, since 2003, numerous lobbying groups linked to the Israeli right have been established to counterbalance what they regarded as biased pro-Palestinianism of Western European mainstream politics, and these reinforced the narrative that Europe and Israel face the same common enemy: radical Islam.¹⁴

In response to the radicalisation of public discourse, more and more Muslim and non-Muslim organisations began to monitor European “Islamophobia”, often boosting their own political careers in the process.

¹³ In 2000 there were 354 hate crimes against people of Middle Eastern origin in the United States, but in 2001 this figure rose to 1,501, representing an increase of 324 percent. OSWALD 2005.

¹⁴ Examples of such lobby groups include the European Coalition for Israel, the Friends of Israel Initiative, the AJC Transatlantic Institute, the Israel Allies Caucus, the European Foundation for Democracy and the European Leadership Network.

3. The scholarly and “Islamophobia”

Many terms are used in European languages to describe antipathy towards Islam (anti-Islam, anti-Muslim, etc.), but of these, “Islamophobia” is the most politicised. The word is a 20th-century neologism, combining “Islam” with the Greek “phobia” (meaning unreasonable anxiety or instinctive fear). It first appeared in the 1910s in various French works, used by the French elite ruling Algeria, as well as Western-educated Muslims, to characterise antipathy towards practicing Muslims and popular religiosity.¹⁵ The term later appeared in various Spanish and French writings, typically paired with anti-Semitism.

The word entered the English language, which now dominates international public discourse, in 1985, when Edward Said, the Palestinian-Christian literature professor at Columbia University, in his article “Orientalism Reconsidered”, like previous French authors, compared Western prejudices towards Islam and Muslims to anti-Semitism.¹⁶ The term began to spread slowly, but after the social tensions and political conflicts following September 11, 2001, it became a focus of left-wing academic interest.

Since the 1990s, the left-wing, anti-colonialist, pro-Palestinian trend, which defends minorities, such as Muslims and Islam in general, on liberal grounds, has significantly strengthened in the English-speaking academic world. These groups are in a constant ideological battle with conservative and/or pro-Israeli scholars, who are in the minority in academic life, as well as with conservative think tanks and political activists who attack Islam.

The loudest voices in the discourse surrounding “Islamophobia” have thus started to take place on an ideological level, where scholarship and political activism are blurred. One example of this is the Islamophobia Research and Documentation Project, established under the aegis of the Race and Gender Center of the University of California in the second half of the 2000s, whose members also started a scholarly journal called the *Islamophobia Studies Journal* to investigate the phenomenon.¹⁷

¹⁵ ALLEN 2007.

¹⁶ SAID 1985.

¹⁷ The official website of the project: <https://www.crg.berkeley.edu/research/islamophobia-research-documentation-project/>.

In the English- and French-language academic environments, it is common to see left-wing scholarly apologists for Islamism. One prominent representative of this trend is John Esposito, a professor at Georgetown University and one of the doyens of research on Islamist movements, who defended Islamists in the Egyptian and Malaysian contexts, and has authored several books and countless articles on the topic of “Islamophobia”.¹⁸

There are quite a few immigrant academics with a Muslim background who have personal ties to Islamist groups. One of the most well-known is the Swiss-Egyptian Tarik Ramadan, a teacher at Oxford University, who, in addition to his academic career, has appeared in the role of a “Muslim reformer” and had close ties to various Islamist movements, including the Muslim Brotherhood, whose founder was his grandfather. Tariq Ramadan has also spoken out against “Islamophobia” (see later).

4. Interpretative frameworks for “Islamophobia”

Academic works examine “Islamophobia” primarily at the level of discourse, starting from what was laid down by Edward Said in the book *Orientalism* (1978), according to which the colonialist West considers the once colonised peoples – thus, Muslims – to be culturally inferior to itself in order to justify its power ambitions. Some people consider the prejudice against former Catholic Irish immigrants to be among the historical antecedents of 21st-century American “Islamophobia”: according to this, Anglo-Saxon Protestants viewed Catholicism – like Islam now – as an incorrigibly totalitarian religion, and looked down on Catholic immigrants for being poorer and less educated than themselves. They also feared that these communities would produce criminals and terrorists.¹⁹ Others believe that anti-Islamism has its roots in McCarthyism, i.e. the “witch hunt” carried out against perceived and actual communists during the 1950s.²⁰ Still others see “Islamophobia” as a religious reinterpretation of traditional racism against Arab and other non-white immigrants.²¹

¹⁸ Books written and edited by John Esposito on the subject: *The Islamic Threat: Myth or Reality?* (1999), *Islamophobia: The Challenge of Pluralism in the 21st Century* (2011) and *Islamophobia and Radicalization* (2019).

¹⁹ SAUNDERS 2012.

²⁰ KAPLAN 2007.

²¹ POYNTING 2007.

On the European scene, several scholars have drawn parallels with pre-World-War-Two anti-Semitism, claiming that, just like Muslims now, Jews were once accused of believing themselves to be better than others due to their secret religious doctrines, of wanting to build a parallel society, of reshaping the culture of the majority and striving for power, and of representing a privileged group posing an internal threat.²²

Such views support the declared goal of some groups to classify “Islamophobia” as a political label similar to racism and anti-Semitism, excluding all those tarred with it from public and political life.

5. Criticisms of the term “Islamophobia”

Following the Jyllands-Posten Mohamed cartoon scandal, in March 2006 twelve writers and public figures, known for their hostile attitude towards Muslim, or at least for their controversial notions on Islam including Salman Rushdie and Ayaan Hirsi Ali, published a joint article in the French satirical newspaper Charlie Hebdo, in which they warned that accusations of “Islamophobia” would prevent criticism of “Islamic totalitarianism”.²³ Later, Hirsi Ali called it an artificially constructed term, used as a screen by radicals to avoid criticism.²⁴

Douglas Murray, a British critic of Islam, went further, pointing out that the term has no meaning, since the word phobia means irrational fear, while the fear of Islam in general, and especially of its most fundamentalist sects, is entirely rational.²⁵ The British writer Maajid Nawaz, who used to be a member of Hizb ut-Tahrir and then left it to become an anti-radicalisation expert, pointed out that “Islamophobia” is a misleading term when it comes to discrimination against Muslims. There is a big difference between criticizing an idea and rejecting a specific person because of their political or religious views.²⁶ Philippe d'Iribarne, an anthropologist at the Centre national de la recherche scientifique, one of France's most prestigious scientific institutions, took a similar position, arguing that the term Islamophobia “is a trap created to prevent the understanding of reality, and to hinder the free spirit in the exercise of its rights”, and suggesting that the term is impeding rapprochement between the Muslim and non-Muslim

²² SCHIFFER 2011.

²³ BBC 2006.

²⁴ THE GUARDIAN 2017.

²⁵ MURRAY 2013.

²⁶ LBC 2020.

French population.²⁷ Similarly, many public figures have suggested abandoning the term “Islamophobia” and instead using “anti-Muslim”, “anti-Islamic”, “Islam-critical” and others.

6. Organisations fighting against “Islamophobia”

In all Western European countries, discrimination on the basis of ethnicity or religion, and especially hate speech or violence, carry criminal consequences. As such, insults against Muslims, if they are reported by their victims and the fact is proven, will lead to charges. On the other hand, a more general critique of Islam, especially if it criticises the religion on an ideological basis, is not punishable.

Muslim countries and larger diasporas rarely respond to Western criticism of Islam in general. There are many layers to the identity of Muslim societies and individuals, of which religion is only one and often not the most defining one. Since the authority and responsibility of religious and political leaders does not extend to Muslims in general, but only to particular groups of them, and since, additionally, there are innumerable ideological, religious, political, economic, social and other contradictions within the Islamic world, “Islam” and the generic protection of “Muslims” is almost always overridden by rational considerations: one generally only enters a conflict that does not seem to entail too much risk and damage.

It follows that the formulation of the problem as one of “Islamophobia”, as well as monitoring it or challenging it, are largely the preserve of actors who have some sort of political and/or economic interest in this, or who, thanks to their position, can afford to approach the topic from an ideological rather than a pragmatic perspective. These are typically the above-mentioned academic circles, human rights organisations, socially alienated Islamist groups, international organisations and – in rare cases – state actors. In the absence of a single definition, various groups tend to define “Islamophobia” both broadly and arbitrarily.

Below, we provide a non-exhaustive list of the most important past and present actors in the fight against “Islamophobia”.

²⁷ LE FIGARO 2019.

Local focus groups

The UK

In Europe, the formulation of “Islamophobia” as a problem, and its inclusion in political discourse, is linked to the left-wing English think tank the Runnymede Trust, which in its 1994 study investigating anti-Semitism, found that, like Jews, Muslims also suffer insults in their everyday lives.²⁸ In 1996, the organisation founded the British Muslims and Islamophobia Committee (CBMI), which a year later, with the support of Labour Foreign Secretary Jack Straw, issued a report on attacks and negative discrimination against British Muslims.²⁹

In 2000, liberal Muslims in London founded the rights group Forum Against Islamophobia and Racism (FAIR), which primarily investigated the portrayal of Muslims in the media. After the terrorist attacks of 2001, FAIR began investigating security measures against Muslims and violence against Muslims.³⁰ FAIR organised several joint movements with the Muslim Council of Britain (MCB). The organisation, which considers itself representative, but which is highly divisive among British Muslims, partnered with the British government after the 2005 terrorist attacks, but that cooperation ended after some of its conservative statements proved unacceptable to the government, and some of its high-ranking officials were proven to be in contact with Islamist organisations such as the Muslim Brotherhood and Jamaat-e-Islami.³¹ Since then, FAIR has ceased operations and the MCB has shrivelled.

The United States

In the United States, the history of the civil rights movement goes back more than a century and there is a long tradition of organizing to campaign for the rights and interests of various religious and ethnic groups. Since Muslims were traditionally few, came from many countries and represented many ethnicities and religious trends, and were moreover geographically scattered in terms of settlement, they were late in coming together to represent their interests, and their influence lags far behind that of African-American, Latino, Jewish and other groups. The pioneering

²⁸ RUNNYMEDE 1994.

²⁹ The website of the organisation: <https://www.runnymedetrust.org/projects/commission/OnBritishMuslims>

³⁰ FAIR 2004.

³¹ THE ECONOMIST 2014.

Muslim lobby group, the Council on American–Islamic Relations (CAIR), was founded in Washington in 1994 and organised its operations on the model of American human rights organisations. Since its establishment, CAIR has not been able to gain serious popularity among Muslim communities, but it has strengthened its political connections on the left.³² Monitoring of “Islamophobia” is one of the organisations’s most important activities, as part of which it documents incidents, and also monitors the network of contacts of institutions and persons classified as Islamophobic.³³ Similar activities are carried out by various Democratic think tanks, including the Center for American Progress (CAP).³⁴

France

The Collective Against Islamophobia in France (Collectif contre l’islamophobie en France, CCIF) was founded in 2003 by Samy Debah, who is affiliated with the Islamist organisation Tabligh Jamaat, together with his colleagues. The CCIF has long worked with the Collective of Muslims in France (Collectif des musulmans de France, CMF), which is linked to the aforementioned Tariq Ramadan and the Muslim Brotherhood. In 2011, the UN Economic and Social Council (ECOSOC) granted the CCIF special consultative status, and in 2015 they submitted their first report. The organisation was also invited by the Organisation for Security and Cooperation in Europe.³⁵

Emmanuel Macron has declared war on groups classified as radical and under foreign influence, as part a campaign to bring Islam under state supervision in France.³⁶ In December 2020, the Council of Ministers passed a motion dissolving the CCIF, and the decision was approved by the State Council in September 2021.³⁷ The French President is also trying to bring the monitoring of Islamophobia under state control: the French Islam Forum (FORIF), an organisation called into existence by Macron, proposed the creation of a group that monitors the increasing number of attacks against Muslims and mosques.

³² MACFARQUHAR 2007.

³³ CAIR 2022.

³⁴ WAJAHAT et al. 2011.

³⁵ LE FIGARO 2016.

³⁶ SAYFO – VERES 2021.

³⁷ RFI 2022.

Global focus groups

Organisation of Islamic Cooperation

One of the most important players internationally is the Organisation of Islamic Cooperation (OIC). The organisation, which was founded in 1969 and now has 57 member countries, 49 of which are Muslim-majority, has been publishing its annual and monthly Islamophobia reports, which are global in scope, since 2008.³⁸ They typically interpret “Islamophobia” in a broad sense, including physical and verbal attacks against people and institutions, as well as negative statements. At the same time, due to the number of member states in the organisation, as well as the complexity of their interests and international relations, it approaches the topic cautiously. This is clearly demonstrated by the 2010 declaration on “Islamophobia” signed by the foreign ministers of the OIC, the content of which does not go beyond general platitudes emphasizing the need for peaceful coexistence.³⁹ For similar reasons, the (anonymous) authors of the reports also shy away from holding any state actor responsible for perceived or real atrocities. The investigated events are usually described by quoting relevant material from the mainstream media, followed, in any exist, by an acknowledgement of official reactions or refutations. Criticism is typically directed only at peripheral groups/persons.⁴⁰ The preface to the 2013 report, in which the organisation’s general secretary of Turkish origin, Ekmeleddin İhsanoğlu, writes about the worrisome processes taking place in the West, is perhaps the clearest statement about Islamophobia. It is also a sign of this cautious attitude that the Council of Foreign Ministers has so far issued only one joint communique, back in 2010, in which it criticised the minaret construction ban passed in the Swiss referendum, albeit in a diplomatic, concerned tone.⁴¹

Turkey

Since the ruling AK Party came to power in 2002, Turkey has been pursuing an active diaspora policy in Europe. Going beyond traditional linguistic and ethnic mobilisation, President Recep Tayyip Erdoğan began to open up to non-Turkish

³⁸ The OIC Islamophobia reports are available here: www.oic-oci.org/page/?p_id=182&p_ref=61&lan=en

³⁹ OIC 2010a.

⁴⁰ OIC 2013.

⁴¹ OIC 2010b.

Muslim communities as well, positioning himself in his rhetoric as a defender of Muslims.⁴²

The human rights subcommittee of the Turkish parliament has been monitoring anti-Islamic public discourse in Western Europe and America since the terrorist attack of the Norwegian Anders Breivik in June 2011, and since 2015, the Foundation for Political, Economic and Social Research (SETA), a think tank closely linked to the AK Party, has published its annual European Islamophobia monitoring report, the presentation of which is attended by high-ranking representatives of the AK Party. In parallel with this, Turkish organisations encourage all Muslims living in Europe to report any harassment they face to the nearest Turkish consulate.

SETA's annual publication is edited by a student of the aforementioned John Esposito, Farid Hafez,⁴³ who invites researchers from the examined countries to write the reports.⁴⁴ The report's political implications are indicated by the fact that the cover page of the 2021 report includes a photograph of Emmanuel Macron, whose dispute with Tayyip Erdoğan regarding the Libyan Civil War, the Armenian-Azerbaijani conflict and gas resources in the Eastern Mediterranean region erupted into a sharp exchange of messages in October 2020,⁴⁵ on the pretext of Macron's efforts to reform Islam.

Although the topics of the chapters follow a uniform template, the authors have a great deal of freedom due to the lack of a clear methodology or system of criteria, so their personal opinions find their way into their analyses. This is clearly demonstrated by the analyses of Hungary, which have been prepared by two CEU researchers since 2018. In contrast to the chapters on Germany, Sweden and other countries, which are limited to discourse analysis and a factual listing of events, the chapter on Hungary uses emotive language and presents political opinions as objective facts.⁴⁶

⁴² TRT 2021.

⁴³ Farid Hafez was searched by the Austrian police because of his alleged ties to the Muslim Brotherhood.

⁴⁴ GIOR 2021.

⁴⁵ SAYFO 2020.

⁴⁶ The 2021 report classifies the governing party, Fidesz, together with Jobbik and Mi Hazánk Mozgalom, as a far-right party. Similarly, it lists the social media presence of the Migration Research Institute as a „hate-spreading” site, alongside Dzsihadfigyelő and Vadhajtások.

Summary

Public discourse on Islam, at both a political and social level, has been continuously radicalised in the West since the terrorist attacks of 2001, the migrant crisis of 2015 and the rise of Islamic State, a process chiefly driven by radicals on both sides. Until now, the monitoring of the fears of European Muslims and their incorporation into a unified framework has typically been carried out by ideologically, religiously and politically motivated groups, who had in fact only a limited or non-existent presence in the Muslim communities of Western societies. Thus, their activities cannot be considered genuinely representative or protective of these groups' interests. These organisations often formed alliances with mainstream (primarily left-wing and liberal) political forces, who in turn hoped to win Muslim votes. Recently, Turkey has also used the fight against "Islamophobia" as a tool to increase its international influence.

Although there is no consensus definition of "Islamophobia", the stated goal of the groups listed above is for "Islamophobia" to become a label similar to racism, and for the persons and organisations accused of it to lose their platform, as they are put under political and social quarantine. The most important question is therefore not what can be considered "Islamophobia", but which groups have the power to tar others with this label.

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Book recommendation by Viktor Marsai

Nikolett Pénczváltó: Turkey's Russian roulette. MCC Press, Budapest, 2022.

It is always a thankless task to write about the foreign policy relations of individual countries, though at first glance, it would seem that nothing could be more straightforward: simply examine the agreements, foreign trade balances and summits, as well as certain strategic documents (if they are in the public domain), and one's work is surely almost done. Or is it?

Perhaps the most important realisation of the past decade is that we do not understand the motivations and interests of non-Western powers – often even if they are our direct allies in NATO, for example, and possess as rich a history, spanning continents, civilizations, and the frontiers between cultures, as Turkey does. Not to speak of the added complication if we factor in its relations with the other “sick man” of Europe, Russia.

Nevertheless, Nikolett Pénczváltó painstakingly examines the nature of the relationship between these two powers of outstanding importance from the point of view of Europe – namely by presenting the overall Turkish framework by which to interpret Moscow–Ankara relations. The historical experiences that fundamentally define Turkey's attitude to the outside world might be termed *Tanzimat* and *Sèvres syndromes*, in reference to moments in Turkish history when it felt both undermined and betrayed, dragged into a vortex of Western modernization and political ideas, its territorial integrity challenged, generating traumas that to this day continue to define Turkish thinking – or, as the author puts it, the country's strategic culture.

The role of Russia is particularly interesting in this context. The rapprochement between Ankara and Moscow in recent years is interpreted by many in the context of the new great power competition, placing it in the context of a kind of anti-Western ideological alliance. In this account, what is occurring is nothing more than two Eastern European powers dissatisfied with the hegemony of the United States and its allies joining forces to strengthen their global and regional positions.

Pénczváltó points out, however, that Russian–Turkish relations are essentially pragmatic in character. Ankara needs Russian energy carriers and tourists for its economy. At the same time, when it comes to certain regional conflicts, such

as the Syrian crisis, coordination between the parties is also useful in order to avoid escalation and harm to interests. At the same time, it also appears that Turkey does not shy away from confrontation if it sees it as being in its interests, though this sometimes comes at a price, as was shown in connection with the SU-24 incident. What is more, the two states have supported opposing sides in a surprisingly consistent manner in Libya, Syria, the Nagorno-Karabakh conflict – and even in Ukraine, where Turkey rejects Russian territorial claims. Given all this, it is particularly notable that around 2016, after a period in which Ankara was relatively isolated – at least in the Middle East region – it was Moscow that enabled its return to the negotiating table and facilitated the resumption of the policy of “zero conflict with neighbours” – though the results achieved so far have been rather modest.

The author discusses in detail the anti-Western, primarily anti-American, attitude of Turkey’s political leadership and public opinion. At the same time, she also clearly points out that it is precisely the Western protective umbrella that enables this: Historically, for Turkey, the primary threat is not the United States or France, but Russia, with which it has fought numerous wars in recent centuries. As such, it is precisely the collective defence provided by NATO that allows Ankara to take measured risks and confront Moscow on certain matters, knowing that its allies will stand by it – as happened after the Russian fighter bomber was shot down in 2015. Moreover, from the other side, Turkey’s allies recognise its influence and interests in the Middle East, giving NATO additional influence in the region. It is no coincidence that, in the spirit of this reciprocity, neither party ever actually considers breaking up – even when it comes to such heated matters as Turkey’s acquisition of Russian S-400 air defence missile systems, or the suspension of Turkish participation in the F-35 program.

At the same time, reading Pénczváltó’s book, it is also apparent that the West has a lot to learn about how to deal with Turkey. It could, for instance, show less arrogance and more understanding towards Ankara’s suspicions of Kurdish minorities at home and abroad. At the same time, the present Turkish leadership ought to make it clear that it has more important interests beyond regime security and survival – maintaining the country’s well-being and prosperity, for example.

This volume, divided into six large chapters, is written in an extremely readable style. The author guides us with a sure hand through the history of Turkish–Russian relations up to the present day, extending this in the fifth chapter to the role of the United States in the development of the relationship between the parties, with

particular regard to the acquisition of the S-400 system and the F-35 program. Illustrations, maps and graphs aid comprehension of the text. Perhaps one minor criticism of the volume could be formulated here: namely that deciphering the colour codes of the black and white graphs is not always easy, and printing the book in colour would have made them clearer.

All in all, it can be said this work fills a crucial gap, helping readers understand the competing and converging interests that shape the relationship between Ankara and Moscow, including both its potential and the clear boundaries limiting cooperation. That is why we hope that the volume will soon be read not only in Hungarian, but also in English.

Book recommendation by Kristóf György Veres

**Roy Beck: *Back of the Hiring Line. A 200-year history of immigration surges, employer bias, and depression of Black wealth.*
NumbersUSA, Arlington, Virginia, 2021.**

How is it possible that in late 2020, more than 150 years after the end of the Civil War, the median Hispanic household's net wealth was 3 times higher than that of the median African American household? This comparison is even more striking if we consider the fact that a large majority of Hispanic immigrants arrived in the U.S. after 1960 mostly as unskilled workers without significant assets. According to Roy Beck's *Back of the Hiring Line* this phenomenon – i.e., the displacement of African American jobs and the depression of Black wealth – can be linked to periods high immigration.

Beck argues that the primary responsibility lies with elected officials who tended to establish immigration policies without considering their impact on the most vulnerable members of the local population. Their inaction in turn enabled employers – the author also lays blame at their feet – to replace Black workers with immigrant labor. As Ronald F. Ferguson – quoted by Beck – summed up quite succinctly in 1995: „If employers hire from the front of the queue and if Blacks are disproportionately at the back – behind immigrants and native-born members of other racial groups – then Blacks will suffer the greatest deterioration in employment when the number of immigrants grows.”

Beck's book doesn't only examine the recent decades to establish the connection between high immigration and the depression of Black wealth, rather he covers the period between 1820 and 2020. His *longue durée* approach reminiscent of the French Annales School enables the author to employ an abundance of parallels between the great wave (1880s-1924) and the modern wave (1965-) of immigration. The picture that the author paints is the following: European immigrants of the late 19th century displaced African Americans in a similar fashion that Hispanic immigrants did after the 1960s. Consequently, the connection between sustained high immigration and the depression of Black wealth must be systemic.

The 330-page-long book is made up by a number of thematical chapters covering a wide range of topics (labor riots, multi-racial unions, collapse of middle-class occupations, Black advocacy for immigration reduction) that are in turn organized

in large chronological blocks. All of these subdivisions expand on issues raised in the first chapter which provides a chronological overview of the 200 years covered in the book.

Already in the 1820s the abolitionist advocate Frederick Douglass – an ex-slave himself – tried to raise awareness about the perils of sustained high immigration to African Americans in the North: “Every hour sees the Black man elbowed out of employment by some newly arrived immigrant whose hunger and whose color are thought to give him a better title to the place.” During Reconstruction, African Americans enjoyed a short period of wealth expansion: as during the post-war demand for labor Northern employers had to heavily rely on the Black workforce. However, when the great wave of immigration commenced in the 1880s, African Americans started to get pushed out of the Northern workforce. With opportunities for Black workers declining many descendants of slavery “were forced to move back to the rural South in search of subsistence wages and former connections near the plantations.”

From the closing years of the 19th century, elected officials in Congress repeatedly tried to limit immigration with the House of Representatives voting to end the great wave in 1897, 1902, 1906, 1912, 1913, 1915, 1916, 1917, 1921 and 1924. The Senate passed restrictionist bills in 1897, 1898, 1912, 1915, 1916, 1917, 1921 and 1924. However, on the rare occasions when both chambers agreed, subsequent presidents vetoed the proposed legislation. When the Great Wave finally ended in 1924 only one in four African Americans was in the middle class. However, by the beginning of the 1970s – after forty years of moderate immigration – this figure increased to 75%. The years between 1924 and 1965 also saw the great migration of Black people to the North, with labor-hungry Northern industries recruiting millions of African Americans from the South. The era of significant wage increases ended after the passage of the Hart-Celler Immigration and Nationality Act of 1965.

Almost two-thirds of Beck’s book is dedicated to the years that followed the “destructive legislative accident” of 1965 that restarted massive immigration. Although proponents of the abovementioned bill promised little or no increase to annual admissions, the yearly average immigration of 300,000 of the preceding years ballooned to 450,000 by 1968 and further swelled to 600,000 by 1978. As African American labor was less and less needed, inflation adjusted low-skill wages started to steadily decline. By the end of the 1980s, a general collapse of middle-class blue-collar occupations was evident throughout the country.

Beck examines in detail how commission after commission from the 1970s onward recommended a reduction in annual immigration – unsuccessfully. Furthermore, immigration reform bills passed in 1986, 1990 and 1996 all resulted in even higher levels of immigration. Finally, a kind of equilibrium was reached by the beginning of the new millennium. Despite the lack of serious consideration by Congress to decrease annual immigration numbers from 2000 to 2020, every expansionist bill during these two decades was ultimately defeated on the Hill.

The most intriguing chapters, however, are not the ones covering legislative history or labor statistics. Beck sheds light on a number of intriguing phenomena that are connected to the depression of Black wealth after 1965. One of them is the seemingly benign practice of ethnic networking – i.e., the practice of hiring through immigrant networks using word of mouth advertising. However, if the practice becomes widespread – as it did in a number of urban centers by the 1990s owing to decades of high immigration – it can lock African Americans out of certain occupations. According to Beck, even affirmative action – originally designed by President Johnson to benefit the descendants of slavery – was hijacked by open-doors immigration policy. For example, in the 1980s a Portuguese-owned construction company was a significant beneficiary of minority set-aside contracts. The result: millions of dollars originally intended to help Black people went to European workers.

All in all, Roy Beck's *Back of the Hiring Line* explores a previously neglected aspect of immigration history. Shedding light on the connection between periods of high immigration and the depression of Black wealth renders his book a must-read not just for experts of migration, but also for social justice advocates.

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