

HANDLING OF THE MIGRATION BY THE POLICE AND LAW ENFORCEMENT²

1. Special aspects, special method

The situation related to the migration can be interpreted in many ways. One of these is the analysis of the governmental law enforcement organisations as key actors and their participation in the handling of the situation, and what their internal viewpoint was? There are lots of factors of the law enforcement acts, beyond the media news. It is worth searching under the surface, and highlight some very important circumstances, thus we can see clearer, and can easily understand the role of law enforcement.

The study is based on interviews with police officers in leading positions who 'combated' in the front line, and coordinated police actions. Thanks to Dr. János Balogh major-general, Head of Intervention Police Department, Deputy Commander-in-Chief of the National Headquarters of the Hungarian Police, for the permission to do the following interviews. Special thanks to the following persons, for being at service.

- a) Ferenc Szabó colonel,
- b) dr. Sándor Levente Karsai major
- c) dr. Balázs Pethő lieutenant-colonel
- d) other law enforcement officers, who handled the migration in practice

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² I am grateful to my colleague dr. Violetta Rottler for her efforts in stylistics.

2. Start-up grounds, relevant circumstances

The official website³ of the Hungarian Police reported that the number of the acts against the illegal migrants from 01.01.2015 to 24.10.2015. on the Hungarian external Schengen- borders was 390 861. The number of the criminal processes based on the new Penal Code, form 15.09.2015. to 24.10.2015. on the Hungarian-Serbian border was 849.

Illegal migration is a very serious, complex problem. If it is uncontrolled, it can result in a catastrophe in different countries, and in the European Union. The borders of the sovereign nations are permeable only under strict conditions, in the escalated situation that was in question. This is a new kind of invasion, and we are at the beginning of the process. The problem is not new, and it didn't appear all of a sudden. Over the years we have already had migrants. In 2014 the number of them was increasing, and the problem slowly became current. The Schengen Area is a great achievement, but the Area without borders, and in particular the deep control, was underrated for years.

The uncontrolled inflowing of people into Europe has serious security risks. According to the experiences gained by the police officers who are doing their service in the first line, the migrants at all costs want to avoid registration. One of the interviewed persons held a lecture in January this year, and he estimated the number of the migrants this year about 80-100 thousand people. In January the majority was sceptic about that, nowadays we can see that in reality much more migrants arrived in Hungary.

According to the respondents, firstly the majority of migrants was Iraqi and Afghan, they were war refugees. This tend is changing, this year there are already more people, who don't directly escape from wars. Earlier more families arrived, now 70-80% of the refugees are single males, at the age of 17-35. It is worth highlighting that the families who arrived earlier were much more cooperative, whereas the young men more often have conflicts, which sometimes lead to clashes. The mass invasion as a coplex problem can be handled temporarily and symptomatically. But

³ <http://www.police.hu/hirek-es-informaciok/legfrissebb-hireink/hatarvadasz/napi-tajekoztato-14> (26. 11.2015.)

the problem could be solved by the European countries working together in the refugees' homelands.

Unfortunately, the illegal migration has become the biggest global business for the organized crime. It has big profit with small risk, for instance the penalty of this crime is much smaller than the penalty of drug smuggling. Beyond the human smuggling networks there is an accurate organisation and conspiracy. The organised groups of criminals abuse the migrants' credulity. In spite of the new criminal regulations in Hungary a lot of migrants are sent to Hungary, because this is the shortest way. There is also an all inclusive way, where migrants can travel mainly without registration on the Serbian, Croatian, Slovenian, Austrian corridor towards Germany, the country of their dreams. In spite of the fence and the stricter regulation, migrants still arrive at the southern border of Hungary, who after trespassing the fence will be caught by the police and tried. Here the journey is stopped, because the majority are expelled. By the middle of September daily 2-3 thousand migrants came to Hungary, and the registration process was a big burden for the officers. Due to the stricter regulation and the fence, the number of illegal migrants decreased by 20-30 capita, but there were days, when measures were taken against only 4 people.

3. The Law Enforcement System: living up to its commitments

Since the Act CXLVII of 2010, the Hungarian Police Forces are divided into three parts: the National Police, the National Protective Service and the Counterterrorism Centre. The police organisation and the national security forces are regulated by separate Acts which must be approved of by the two thirds majority of the Parliament.⁴ In 2008 the former Border Guard was integrated in the Police.

The priorities both of the new Criminal Code (Act C of 2012) and the Petty Offence Act II of 2012 are transparent, simple and effective regulations which are more rigorous than the previous ones, in the interest

⁴ László Christián: Law Enforcement, In: *The Basic Law of Hungary (second edition 2015)*, Clarus Press, Dublin, Editors: Lóránt Csink, Balázs Schanda, András Zs. Varga (manuscript).

of fighting against property crime. The rights and properties of citizens are much more protected by the new Acts.

Our authorities usually do the regular tasks, this big pressure caused by the migrational wave must have been handled hard. The main problem was the number of the deployable police officers of the Intervention Police. We can state that the effective handling of the situation without soldiers couldn't have been achieved.

During the last months it turned out that the Hungarian Police, supported by cooperative partners, working hard, could handle the situation. The international professional feedback was also extraordinary positive; the colleagues abroad commended appreciatively about the Hungarian Police. In their opinion the Hungarian Police Officers did their job at a high level. From some problematic countries the police officers will come to study to us.

The Borderguard earlier was an organisation with slighter task and good equipment. The police has every tool and support that is necessary to the effective handling of the situation.

Only law enforcement can give an adequate response to this question, but this response is alone not enough. To handle this situation the following conditions are required: a determined manner based on political authorization, creating technical conditions to guard the border (fence), changing regulations. The earlier acceptable legal environment had several loopholes, for instance the migrants could leave any time from the open receptive station. It caused additional difficulty that the activities in connection with illegal migration evaluated as human smuggling was not enough in discretion of a prosecutor or judge. Nevertheless these were obviously human smugglings. Thus the vehicles of the apparent human smugglers vehicles had to be escorted to the border, then the investigation or jurisdiction authority could testify the assumption only at the moment of trespassing the border. The illegal transport-contractors and their passengers had standard, prepared answers. Without the new legislation of 15 September naming new crime categories, the closed border wouldn't have been enough to solve the problem.

The efforts were multiplied by the wide social support. Fortunately the social expectation and the governmental vision regarding the saving

our border are the same. This consensus is an important start to handle the situation in a successful and efficient manner.

The most frequently asked question in connection with the topic is whether the revival of the Border Guard is reasonable or not. The opinion of the majority of professionals is that it isn't reasonable, because its conditions aren't available, and the police can fulfil the law enforcement tasks at the border. Let us not forget, that the National Police Headquarters has a Border Law Enforcement Department, and in this situation a similar department was created in the Intervention Police from 1 September, while in the country different 'border ranger' units were organized.

Another opinion is that the long term solution would be the revival of the Border Guard, because a big part of the forces were redeployed from the original police service. Due to the changing of the organisation of the work, the forces can be moved simultaneously, therefore police cooperation became fast and effective. For that very reason the human power has been the neuralgic point in the last few months, concerning whether they can send enough police officers to the border. 870 young officers started work. Contrary to the strain, workforce turnover was small, and the media news was false. We must take into account that the Hungarian Police have never done such a huge operation. The multiple task consisted of building logistical basis, transformation based on the needs, and establishing the background conditions. Several decisions had to be made very fast, the preconditions had to be created all of a sudden, and the tasks had to be executed immediately. Mistakes can naturally occur but on the whole, the balance is very positive. Under the given circumstances an effective program has been executed.

The Military and the Police have never been so cooperative like now, it is of historical importance. Soldier-police officer patrol worked together. There was a constant active dialogue under the leadership of the Military and the Police. They have been learning lots of know-how from each other. This cooperation is an important result of the last months.

Meanwhile they had to work against the criminality in the country. The officers spent 4-5 days on the border, and they went home to supply the background work, after that back to the border again. The police staff were very respectable to fulfil their commitment. In the second half

of October, when the situation became significantly better in Hungary, the government made a decision to help Slovenia by sending there 100 (2 × 50) experienced Hungarian police officers. The exhausted officers undertook the mission as volunteers, there was overapplication for the mission unit, though the service could have lasted to all soul's day.

For the sake of reaching the appropriate number of police officers, 870 Police Academy students were deployed on probation as sergeants. The employment of these determined youth was successful. One of their commandant asked if they preferred to stay at the border service, or go back to school. The answer was unanimous: all of them wanted to stay on the border to help the other officers. This attitude is very important, because it is imaginable that the emergency will endure for a long time. The information that the migration-crisis resulted in a serious denunciation wave was desinformation. The workforce turnover was minimal.

The media broadcast the events from a special viewpoint that was sometimes different from the internal experience of police officers. The media priority is marketability. This may be the explanation why there was a journalist in the migrant mass in incognito for a long time. His aim was to criticise the work of the Hungarian Police. It is very difficult to find a good solution, when the migrants are not willing to queue up at food providing, therefore the police officers threw sandwiches to the people who were in the back. From the viewpoint of the media it was wrong and inhuman, but we can hear that the Austrian police officers also did the same.

We can divide the media as a fact-announcer, and an informative medium, which are manipulative, influential, and the latter often misuses their position. The goal should have been to provide credible information. The media influenced the migrant-situation, several times the rebellion was started when the broadcast-vehicles appeared. It seemed that it was an artificially generated situation. Apart from that, the media-presence was not obstructive, they were cooperative.

4. Cooperation in Hungary and abroad

The cooperation in the last few months has been without precedent. A strong social support resulted in creative, innovative initiatives, for in-

stance it created a common website, and in 2 months it attracted 40 000 followers, who supported the soldiers and police officers serving on the border. On the one hand these people gave big mental support, on the other hand they organized material support. Another website, which is also very popular, undertook the task of supplying the officers with things they specifically needed. One of the officers said feelingly that they got everything, for example vitamin C, from these winsome people.

The whole administration also colligated, everybody helped, particularly important was the help provided for the medical corps, the IRS gave jeeps, the paramedics cooked stew, so everybody supported the military and law enforcement, therefore their energy was multiplied.

The internal colleagues could also be seen, the previously hidden conflicts came out, and by handling these problems the governmental organization gained profit. The active officers who earlier served at the Border Guard offered their unselfish help, and were determined to work together.

In international relations it is outstanding that the European national police departments with increasing numbers identify themselves with the Hungarian law enforcement, principally the V4-countries. Beside the solidarity and the unselfish help people came to us to learn, which is a professional appreciation.

Frontex is present in this region, gives extra source to solve the emergency situation, but the reaction of this organization is tardy, this is a sudden problem with forward moving masses.

5. Conclusion

The most urgent question is how long we can keep the status quo? It can be sustainable as long as there exists an open corridor toward Germany. If Germany closed the corridor, the question would be what will happen to the huge masses of migrants who move toward Europe. The European countries have no means to hinder the thousands of people. When one border is closed, the less protected Hungarian border will be a passageway again. Despite the expectations, the cool weather hasn't decreased the migration. The evidence is: since the closing of the Hungarian border,

250 thousand migrants have crossed the Croatian border, meaning that an average of 5-10 thousand people have passed the border a day. According to the professionals, this is only the beginning of the phenomenon, so we need a solution on a European level, and the solution can be found at the roots of the problem.

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