

Destined to Stay – A Case Study of Roma Refugees from Ukraine”

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Abstract

This paper presents the outcome of a survey based on interviews with NGOs, local helpers and administrative leaders in Hungary. The results show that even though the general perception of refugees has ameliorated since the 2015 migration crisis, negative attitudes toward Roma and the poor prevail. When resources are scarce, aid workers must create their own definition of deservingness, resulting in seemingly discriminatory practices. The hostile treatment made many Transcarpathian refugees decide to return to their hometowns, depriving them of a new start. First, the paper gives an overview of relevant international, European and Hungarian laws on the Ukraine refugee crisis. Then it argues that while most of the attention is paid to refugees settling across Europe and, to some extent, in the US, resources should also be allocated to those who have no choice but to stay in their war-stricken homes. Moreover, it demonstrates through the interview results that despite the efforts to eliminate ethnic-based discrimination, members of the Roma community face disproportionate hardship in accessing resources, further impairing their prospects for social inclusion.

Introduction

The war in Ukraine forced millions to flee their homes. Since February 2022, more than eight million refugees from Ukraine have been recorded across Europe, and 4.8 million registered for Temporary Protection or similar national protection schemes in Europe.¹ Even though it is assumed to be the largest refugee crisis in Europe after the Second World War, a recent survey by pollster Ipsos indicates an attitude change: data suggest that public openness to people fleeing war or oppression has increased.²

However, not all refugees are welcomed in the same way; some experience ignorance and even hostility due to their ethnicity or social status. The war has had a different impact on Ukrainian people's life: many homes have been destroyed, and armed conflicts create imminent danger to one's life. Citizens of the Transcarpathian region in South-West Ukraine – most of them belong to the Roma community – live relatively far from the military attacks. Nevertheless, their everyday lives have changed, and their usual resources have dramatically decreased. These people often live in severe material deprivation and social exclusion. Hence, when they joined the flow of refugees, they were soon labelled as “economic migrants” who did not deserve assistance provided for “genuine” war migrants because South-West Ukraine is not directly affected by the armed conflict, and their situation is different compared to those whose homes were destroyed or otherwise fear retaliatory actions by the Russian military.

¹ UNHCR Operational Data Portal, Ukraine Refugee Situation, <https://data.unhcr.org/en/situations/ukraine> (last updated on 07.02.2023).

² Ipsos: The World's Response to the War in Ukraine (2023), available at: <https://www.ipsos.com/sites/default/files/ct/news/documents/2023-01/Global%20Advisor%20-%20War%20in%20Ukraine%20.pdf>.

This paper pursues answers to two interrelated research questions: first, are refugee definitions in international and European law covering people arriving from the Transcarpathian region, and second, is whether the different treatment they encounter during and after they leave Ukraine constitutes discrimination.

1. Methodology

This research is a part of the “Legal Operationalization of Nationality and Ethnicity” project at the Hungarian Centre of Social Sciences, Institute of Legal Studies.³ Between 1 April and 30 June 2022, ten individual semi-structured interviews were conducted with workers of international and domestic non-governmental organizations or churches. In addition, one on-site group interview with volunteers complements the individual interviews, which were taken at a small Hungarian village at the Ukrainian border. The Ethical and Data Protection Committees of the Centre of Social Sciences approved the interview questions and the data protection plan.⁴ The interview transcripts were anonymized and stored at the Centre of Social Sciences. Due to data protection concerns, access to data is restricted to scientific researches carried out within the European Union.⁵

2. Legal Protection of War Refugees

Refugees are eligible for protection and assistance from the international community; their rights include access to the courts, primary education, work, and the provision for documentation, including a refugee travel document in passport form. Thus, it is crucial to understand who is eligible for the protection provided for by international and European law.

Protection of refugees is regulated on different levels, providing for different categories and entitlements for persons. The legal regime established by the United Nation's Geneva Convention is complemented by human rights standards set by regional human rights conventions, which reinforce the requirement for the humane treatment of asylum seekers. However, the European Union's (EU) law needs to be more cohesive: rules sometimes overlap, and some significant gaps exist. In addition, the EU and Hungary adopted additional rules applicable to persons fleeing from the war in Ukraine to supplement the general legal framework and to address the specific issues generated by mass migration. The following section gives a general and brief overview of the relevant international, European and Hungarian laws concerning the specific situation of war refugees fleeing from Ukraine due to the war.

2.1. The Geneva Convention and the UNHCR Guidelines on International Protection

³ *'A nemzetiség és etnicitás jogi operacionalizálása'*, Project No 134962 OTKA-NKFI.

⁴ Decison No. 1-FOIG/130-17/2022.

⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), OJ L 119, 4.5.2016, p. 1–88.

The cornerstone of international refugee protection is the United Nations Convention relating to the Status of Refugees (Geneva Convention),⁶ adopted in 1951. The Geneva Convention and its 1967 Protocol provide a comprehensive codification of the rights of refugees and it endorses a single definition of the term 'refugee'⁷. The definition emphasizes the protection of persons from various forms of persecution. A refugee, according to the Geneva Convention, is someone unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion. The UNHCR Convention is both a status and rights-based instrument⁸ and is supported by several fundamental principles, such as non-discrimination, non-penalization and *non-refoulement*.

Importantly for those in the Transcarpathian region having dual citizenship, the Convention has specific provisions. In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which s/he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, s/he has not availed her/himself of the protection of one of the countries of which s/he is a national.⁹

It is also crucial to note that even though the Geneva Convention provides a comprehensive definition of refugees compared to previous legal instruments (which covered only specific groups of refugees), it has a limited concept nevertheless. First, it is not straightforward from the definition of whether war *per se* constitutes a well-founded fear of persecution. Second, the notion of refugees certainly does not cover 'economic refugees'. It is because asylum on the territory of another state will not offer a satisfactory solution to their problems; instead, in the case of economic deprivation, international aid and development are likely to be more beneficial.¹⁰

Coming back to the first point, according to the Geneva Convention, refugees could either be determined to have a well-founded fear of persecution on certain ground, which could be identified on a case-by-case basis, or those – often large groups of persons – who lack the protection of the government of their State of origin.¹¹ However, in the latter case, to award refugee status, it is still necessary that the reasons for flight be due to conflicts, human rights violations, breaches of international humanitarian law, or other serious harm resulting from radical political, social, or economic changes in their own country.

⁶ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <https://www.refworld.org/docid/3be01b964.html> [accessed 15 February 2023].

⁷ Article 1 of the Geneva Convention.

⁸ Introductory note to the UNHCR Convention by the Office of the United Nations High Commissioner for Refugees, p 3; available at <https://cms.emergency.unhcr.org/documents/11982/55726/Convention+relating+to+the+Status+of+Refugees+%28signed+28+July+1951%2C+entered+into+force+22+April+1954%29+189+UNTS+150+and+Protocol+relating+to+the+Status+of+Refugees+%28signed+31+January+1967%2C+entered+into+force+4+October+1967%29+606+UNTS+267/0bf3248a-cfa8-4a60-864d-65cdfce1d47>.

⁹ Article 2 of the Geneva Convention.

¹⁰ Guy S. Goodwin-Gill and Jane McAdam: *The Refugee in International Law*, Fourth Edition, Oxford University Press, Oxford, 2021, p 115.

¹¹ Guy S. Goodwin-Gill and Jane McAdam: *The Refugee in International Law*, Fourth Edition, Oxford University Press, Oxford, 2021, p 147.

In case of armed conflicts, a flight is often the only way to escape danger to life or extensive human rights restrictions.¹² Authorities in charge of granting refugee status to individuals are to examine whether the applicant meets the criteria set forth by the law. In war-ravaged countries, asylum seekers can base their claim upon the fear of prosecution and punishment for conscientious objection to military service or upon fear of sanctions imposed by non-governmental armed opposition elements.¹³

The notion of lack of protection in Article 1 of the Geneva Convention, however, can be interpreted in a broader scope than the general duty of a State to protect and promote human rights.¹⁴ As wars and armed conflicts have been referred to as a significant cause of refugee flows, where large groups are affected by uncontrolled communal violence, the concept of persecution cannot be limited to measures directly identifiable as individual fear. Persecution is identifiable where measures in question harm human dignity to a degree considered unacceptable under prevailing international standards.¹⁵ The 2016 UNHCR Guidelines on refugee status in situations of armed conflict and violence offer a solution to this dilemma, noting that in case of armed conflicts, no ‘higher level of severity or seriousness’ of harm need be shown as compared to other situations; ‘nor is it relevant or appropriate to assess whether applicants would be treated any worse than what may ordinarily be “expected” in situations of armed conflict and violence’. It nevertheless remains for the applicant to show that s/he is unable to obtain the protection of the State, and to establish the requisite Convention link.¹⁶

Thus, concerning the Geneva Convention and the UNHCR Guidelines concerning the refugee status in armed conflict, people fleeing from the war in Ukraine can be eligible for international protection as long as they can prove that the State is unable or unwilling to protect them.

2.2. Refugee Protection in the European Union

The European Union protects people fleeing persecution or serious harm in their country of origin. EU countries have a shared responsibility to welcome asylum seekers with dignity, ensuring they are treated fairly and that their cases are examined according to uniform standards. The EU has established the Common European Asylum System (CEAS), which creates a specific regional regime. Although it creates a specific regime, the standards laid down by EU law cannot be read in isolation. Article 78 of the Treaty on the Functioning of the European Union (TFEU)¹⁷ explicitly obliges the European Union to ensure that a common European asylum policy is developed “in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and

¹² UNHCR Guidelines on International Protection No. 12 on claims for refugee status related to situations of armed conflict and violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees and the regional refugee definitions [13].

¹³ Guy S. Goodwin-Gill and Jane McAdam: *The Refugee in International Law*, Fourth Edition, Oxford University Press, Oxford, 2021, p 234.

¹⁴ Guy S. Goodwin-Gill and Jane McAdam: *The Refugee in International Law*, Fourth Edition, Oxford University Press, Oxford, 2021, p 259.

¹⁵ Guy S. Goodwin-Gill and Jane McAdam: *The Refugee in International Law*, Fourth Edition, Oxford University Press, Oxford, 2021, p 258.

¹⁶ UNHCR Guidelines on International Protection No. 12 on claims for refugee status related to situations of armed conflict and violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees and the regional refugee definitions [13]-[14].

¹⁷ Consolidated version of the Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012, p. 47–390.

other relevant treaties". Furthermore, EU law also grants asylum seekers additional protection to the refugee status recognized by international law and provides for the rights and obligations of Member States.

Regulation (EU) No 604/2013, the so-called 'Dublin III Regulation'¹⁸ plays a prominent role due to its direct effect. The objective of the Regulation is to ensure quick access to the asylum procedures and the examination of an application on the merits by a single, clearly determined EU country. The rules of jurisdiction stipulate that the State to which the refugee arrives in the European Union examines the applications for international protection.¹⁹ However, by way of derogation from Article 3(1), each Member State may decide to examine an application for international protection lodged with it by a third-country national or a stateless person, even if such examination is not its responsibility. On this basis, some Member States decide on a significant part of the claims themselves and do not necessarily return a large number of third-country nationals to other EU states.

The Asylum Procedures Directive (Directive 2013/32/EU)²⁰ aims to set up a common policy on asylum to establish an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the EU.²¹ The Asylum Procedures Directive covers all applications for international protection by third-country nationals or stateless persons seeking refugee or subsidiary protection status within the scope of the Qualification Directive (see below) from a Member State. The Asylum Procedures Directive requires Member States to apply a single procedure in which eligibility for refugee status and subsidiary protection status is examined. Applicants have the right to remain on the territory of the Member State until a final decision on the asylum application has been taken to ensure that the principle of *non-refoulement* is respected. The recast Asylum Procedures Directive no longer includes a provision on the minimum common list of third countries regarded as safe countries of origin and deletes the requirement of a Council decision adopting a common list of European safe third countries. The national designation of safe countries of origin must be based on a range of sources of information, including information from UNHCR, other Member States, the Council of Europe and other relevant international and regional organizations. The designation of part of a country as safe is no longer allowed either.²² The recast Asylum Procedures Directive provides that before a first-instance decision is taken, the asylum seeker must be interviewed unless Member States' competent authority can take a positive decision on refugee status without an interview or where the determining authority believes that the applicant is unfit or unable to be interviewed.²³

The recast Qualification Directive (Directive 2011/95/EU)²⁴ lays down the evaluation standards used to examine applications for international protection. The Qualification Directive establishes two

¹⁸ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), OJ L 180, 29.6.2013, p. 31–59.

¹⁹ Article 3 (1) of the Regulation.

²⁰ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) OJ L 180, 29.6.2013, p. 60–95

²¹ The recast Directive made several substantive changes to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures for granting and withdrawing refugee status.

²² Article 37 of Directive 2013/32/EU.

²³ Article 14 of Directive 2013/32/EU.

²⁴ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a

categories of applicants: refugees and persons of subsidiary protection. Refugee means a “third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it.”²⁵ A person eligible for subsidiary protection means “a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm (...) and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country”²⁶ For the purpose of the Qualification Directive, serious harm consists of the death penalty or execution; torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.²⁷

The Temporary Protection Directive (Directive 2001/55/EC)²⁸ sets up a scheme to deal with mass arrivals in the EU of foreign nationals who cannot return to their countries, in particular, due to war, violence or human rights violations. The Directive introduced an immediate temporary protection scheme for these displaced people to provide adequate protection. The duration of temporary protection is one year, but it can be extended by up to two years.²⁹ Protection may end if the Council deems it safe for people to return to their home country.³⁰ Member States must give people who are granted temporary protection a residence permit. People granted temporary protection must have access to employment and adult education, vocational training and work experience; suitable accommodation; and social welfare, financial support and medical care.³¹ People granted temporary protection must be able to apply for asylum; however, Member States may decide that someone who has been granted temporary protection cannot have the status of an asylum seeker at the same time.³²

Following Russia's large-scale invasion of Ukraine in February 2022, the EU introduced specific protection for refugees fleeing from this war. Council Implementing Decision (EU) 2022/382 – adopted by the Council of the European Union on 4 March 2022 – established the existence of a mass influx of displaced persons from Ukraine based on Article 5 of the Temporary Protection Directive, and had the effect of temporary protection scheme.³³ This is the first instance where such a decision has been

uniform status for refugees or persons eligible for subsidiary protection, and the content of the protection granted (recast), OJ L 337, 20.12.2011, p. 9–26.

²⁵ Article 2 d) of Directive 2011/95/EU.

²⁶ Article 2 g) of Directive 2011/95/EU.

²⁷ Article 15 of Directive 2011/95/EU.

²⁸ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 7.8.2001, p. 12–23.

²⁹ Article 4 of Directive 2001/55/EC.

³⁰ Article 6 of Directive 2001/55/EC.

³¹ Articles 12-13 of Directive 2001/55/EC.

³² Articles 17-18 of Directive 2001/55/EC.

³³ According to the Council Decision, temporary protection should also be introduced for nationals of third countries other than Ukraine, who have been displaced from Ukraine on or after 24 February 2022, and who were benefiting in Ukraine from refugee status or equivalent protection before 24 February 2022

adopted in the context of Directive 2001/55/EC. The Decision was adopted as the scale of the influx was presumed to be so massive that the risk that the Member States' asylum systems were unable to process the arrivals without adverse effects on their efficient operation was high. The Decision aimed to introduce temporary protection for Ukrainian nationals residing in Ukraine who have been displaced on or after 24 February 2022 due to the military invasion by Russian armed forces that began on that date.³⁴ Moreover, Ukrainian nationals, as visa-free travellers, have the right to move freely within the Union after admission into the territory for a 90-day period.³⁵ It means they are free to choose the Member State in which they want to enjoy the rights attached to temporary protection and join their family. Thus, by virtue of law, all Ukrainian citizens are eligible for protection under EU law, regardless of the place of residence within Ukraine.

Concerning the obligation of Member States arising from the primary and secondary EU law, they must ensure that beneficiaries of international protection receive the necessary social assistance and access to healthcare and accommodation as provided to nationals of that Member State that has granted protection. However, by way of derogation, Member States may limit social assistance granted to beneficiaries of subsidiary protection status to core benefits which will then be provided at the same level and under the same eligibility conditions as nationals.³⁶ Access to employment and education must also be granted to beneficiaries of international protection under the same conditions as EU nationals.

2.3. Hungarian Legislation concerning Ukrainian War Refugees

Hungary has long debated with the EU concerning the national legislation on migration, which resulted in an infringement procedure due to the non-compliance of its asylum with EU law.³⁷ The Court of Justice of the European Union eventually decided that threatening those who help refugees with prison is contrary to EU law which requires asylum-seekers to be able to contact and receive information and legal advice from non-governmental organizations.³⁸ Moreover, using the war as a precursor, the Hungarian government pushed through a constitutional amendment in the parliament right after the outburst of the armed conflict that allows the government to declare a 'state of danger' in the event of armed conflict or humanitarian disaster in a neighboring country. The state of danger gives the government broad powers to govern by decree, bypassing parliamentary debate and suspending laws at short notice with very limited or no judicial oversight.³⁹ However, analyzing the

³⁴ Ukraine is listed in Annex II to Regulation (EU) 2018/1806, and nationals of Ukraine are exempt from the requirement to be in possession of a visa when crossing the external borders of Member States for stays of no more than 90 days in any 180-day period. Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 303, 28.11.2018, p. 39).

³⁵ Government Decree 58/2023 (II. 28.) extended the validity of the residence permits until 4 March 2024, regardless of the day of issuance.

³⁶ Articles 29-30, 32 of Directive 2011/95/EU.

³⁷ For details of the procedure please see: https://ec.europa.eu/commission/presscorner/detail/LT/IP_18_4522

³⁸ Judgment in Case C-821/19 Commission v Hungary (Criminalisation of assistance to asylum seekers), EU:C:2021:930.

³⁹ This was not the first time in the recent past to declare a state of danger, the government made a similar statement during the Covid-19 epidemic, when extraordinary power was used to pass legislation restricting human rights, in many cases unrelated to the epidemic. For example, teachers'

national migration laws and addressing the constitutional law concerns of the special legal order in the state of danger would overstretch the limits of the current paper; thus, I will focus only on the most important legal instruments that were adopted regarding the Ukrainian refugees.

Following EU law, Government Decree No. 56/2022 (II. 24.) on the different applications of the transitional rules for the asylum procedure of Act LVIII of 2020⁴⁰ provided for that Ukrainian citizens arriving from Ukraine and third-country nationals legally residing in Ukraine are recognized by the Government as beneficiaries of temporary protection based on Article 19(b) of Act LXXX of 2007 on the Right of Asylum. In practice, it meant that the persons in question were entitled to a document proving their identity; a travel document entitling to a single exit and return if they do not have a valid travel document from their country of origin; benefits, assistance and accommodation under the conditions laid down in this Act and in separate legislation; and employment under the general rules applicable to alien could file an asylum application if s/he had an identification document or passport.⁴¹

However, the personal scope of Decree No 56/2022 (II. 24) excluded those who possessed dual (Hungarian-Ukrainian) citizenship under Act LXII of 2001 on Hungarians living in neighboring states. Persons who are also Hungarian citizens cannot be subject to asylum procedures as they are Hungarian citizens who can lawfully enter and stay in the territory of Hungary at any time and can move freely within the border. They must be granted all the benefits and advantages to which they are entitled as asylum seekers unless they are granted more favorable treatment based on their Hungarian citizenship. However, Act LXII of 2001 does not provide access to social aid, employment or education and social benefits are linked to permanent residency in Hungary.

Thus, contrary to EU law, dual citizens of the Transcarpathian region – initially – had faced less favorable treatment than Ukrainian-only citizens. Later on, this discrepancy was addressed by the government and as of 8 March 2022 Hungarian citizens permanently residing in Ukraine and arriving from Ukraine on or after 24 February 2022 qualify as refugees and are eligible for a wide range of social and other support (like access to accommodation, employment and education) under the relevant EU rules. Free health services, as a part of social assistance, include primary health care, compulsory vaccination, specialist out-patient care in case of urgent need, inpatient hospital care in case of urgent need (medical treatment, surgery, cost of medicines), emergency dental care, antenatal and obstetric care (including abortion when medically advised), medicines need for oncological or other chronic care. Refugees are eligible for regular subsistence allowance during their stay in the reception center or other designated accommodation. The regular subsistence allowance (a) in the case of an adult, an amount equal to the amount of the employment substitution allowance, HUF 22800 (USD 62.80)⁴² per month; b) in the case of minors, the amount of the family allowance provided for by a special law, which is HUF 13 700 (USD 37.75).⁴³

the right to strike was first curtailed due to the Covid-19-related state of danger in January 2021, then in January 2023 due to the state of danger related to the war in Ukraine.

⁴⁰ Government Decree No. 56/2022 (II. 24.) on the transitional rules for the end of the emergency situation and on the different applications of the transitional rules for the asylum procedure of Act LVIII of 2020 on epidemic preparedness.

⁴¹ Section 22 para (1) of Act LXXX of 2007

⁴² Sections 33-37/B of Act III of 1993 on social administration and social allowances.

⁴³ Section 11 para (1)b of Act of 1998 of LXXXIV on family support.

From 29 April 2022, the eligibility criteria for a regular subsistence allowance were changed, introducing stricter eligibility criteria.⁴⁴ After that day, subsistence is paid to the refugees after they have fulfilled the obligation to cooperate with the municipality (e.g. appears at the authority regularly) and are willing to participate in the public employment program as stipulated in the recognition decision. In the case of a beneficiary who does not accept the offer of a suitable job, the asylum authority will stop paying the regular subsistence allowance. In addition, the refugee authority does not pay the regular subsistence allowance for the month during which the beneficiary a) earns income in the framework of a public employment relationship or an employment relationship with an employer in Hungary, b) receives an old-age pension from the Hungarian pension scheme or c) receives a retirement pension from abroad and can draw it in Hungary.⁴⁵ These rules are the same as those applicable to Hungarian citizens.

The reason for tightening the eligibility criteria is unclear. The ministerial reasoning of the law provides that amendments to the previous regulations were needed to ensure that all necessary means are available to assist, support and accommodate the people fleeing from the war and to prevent the adverse economic effects that may arise from the war.⁴⁶ Obviously, providing subsistence allowance only for those who are willing to stay in the country long enough to work (or, in the absence of available jobs, are willing to do public work) reduces the expenditure. However, this regulation effectively leaves those refugees from the Transcarpathian region with no support, who are considered to be 'economic migrants'. Still, since the law provides for the same level of assistance as Hungarian citizens would get, it does not violate national obligations arising from European law.⁴⁷

Regarding those who consider Hungary a transition country, the local municipality where the refugee resides has to bear the costs of their social and other assistance. To support municipalities, Government Decree 104/2022 (III. 12.) on support for accommodation in the event of a humanitarian disaster⁴⁸ provides that the local government is entitled to a specific allowance of HUF 4,000 (USD 11.04) per day per person accommodated and per person provided with accommodation and care for a person entitled to temporary protection or a person granted asylum. The amount (which is rather insignificant compared to the actual costs of accommodation) was raised to HUF 7000 (USD 19.28) per day after 1 November 2022. However, as discussed below, this amount is still insufficient to cover the actual costs of assistance.⁴⁹

3. Reception of Ukrainian War Refugees in Hungary

⁴⁴ Government Decree No. 106/2022 (III.12.) amending Government Decree No. 301/2007 (XI.9.) on certain rules concerning the employment and benefits of persons recognized as entitled to temporary protection in the context of a humanitarian disaster in a neighbouring country during an emergency and on the implementation of Act LXXX of 2007 on the right of asylum.

⁴⁵ Sections 4-5 of Government Decree No. 106/2022 (III.12.)

⁴⁶ Proposal No T/1791.

⁴⁷ For more details on the Hungarian social assistance and public work, see: Sára Hungler and Ágnes Kende, "Diverting Welfare Paths: Ethnicization of Unemployment and Public Work in Hungary", *e-cadernos CES* [Online], 35 | 2021, <http://journals.openedition.org/eces/6299> ; DOI: <https://doi.org/10.4000/eces.6299>.

⁴⁸ Government Decree 104/2022 (III. 12.) on support for the accommodation of persons arriving in a neighboring country in the event of a humanitarian disaster during an emergency and on other related measures.

⁴⁹ Section 4 paras (1) and (1a) of Gov. Decree 104/2022.

On the night of 24 February 2022, crowds of Ukrainian citizens started to flee towards the western borders, including Hungary, to escape the Russian attack. Hungarian Prime Minister Viktor Orbán announced on social media that Hungary is ready to receive refugees and would let all refugees from Ukraine into the country.⁵⁰ However, non-governmental organizations (NGOs), most notably the Hungarian Helsinki Committee, expressed scepticism, as the government suspended its asylum system, and it was feared that the resources could not be reallocated on such short notice.⁵¹

International and national NGOs, churches and volunteers during the first month of the war took the lion's share of assistance to war refugees. On 21 March 2022, eventually, the government centralized the procedures for asylum seekers and closed down the contact points at the Budapest railway stations run by civilians and charity organizations.⁵² After that day refugees arriving on special trains were disembarked at a suburban railway station in Budapest and taken by special buses to the a large sports hall (BOK); the Disaster Management met asylum seekers arriving by regular trains, Police and refugees arriving there were directed to the BOK hall, where only registered NGOs could set up their contact points. At BOK, refugees were given information and supplies; special shuttle was provided to them as required: they could go either to the airport, hotels or train stations. NGOs serving on the day could support refugees with donations, assistance and information.

As Hungary has 137 kilometers (about 85 miles) long direct border with Ukraine with five border-crossing points, the most overwhelmed were those supporters, who worked in villages at or near the border. Due to the long distance from the capital, the number of volunteers was not as many as in big cities. However, the number of people arriving at these contact points were huge until the beginning of June 2022, when it went down to a couple dozens of people per day. The interviews demonstrate that helpers worked all around the lock for months to support refugees. However, the treatment of 'genuine' war migrants and 'economic migrants' differed.

3.1. General Patterns of Civil Response

According to a survey conducted by the Hungarian Centre of Social Sciences, Institute for Minority Studies in June 2022,⁵³ around 40% of the population was involved in providing help to war migrants. The involvement mainly was through material or financial donations and, to a lesser degree, by volunteer work. About 5% of the volunteers were involved with accommodation and job searches for refugees. At the time of the survey, only 4% of respondents reported receiving payment for some or all of the assistance they provided. About half of the volunteers were affiliated with an organization (NGO or church). This survey confirmed the phenomenon, known from media and practice that taking

⁵⁰ Viktor Orbán's video on his personal Facebook account: <https://www.facebook.com/watch/?ref=external&v=4902338833184110>

⁵¹ Hungarian Helsinki Committee: No Access to Asylum for 18 months - Hungary's dysfunctional embassy system in theory and practice (2012); available at <https://helsinki.hu/en/wp-content/uploads/sites/2/2021/12/No-access-to-asylum-1.11.2021.pdf>

⁵² "Mától átszerveződik az Ukrajnából érkező menekültek fogadása" (2022. March 21.) <https://www.portfolio.hu/gazdasag/20220321/matol-atszervezodik-az-ukrajnabol-erkezo-menekultek-fogadasa-534383>

⁵³ Ildikó Zakariás, Margit Feischmidt, Márton Gerő, András Morauszki, Eszter Neumann, Violetta Zentai, Csilla Zsigmond: Solidarity with the displaced people from Ukraine: Attitudes and practices examined through a population survey Summary of the research report (2022); available at: https://kisebbssegkutato.tk.hu/uploads/files/SUMMARY_OF_THE_RESEARCH_REPORT.pdf

care of refugees significantly burdens civil society and the public care sector, including health, education and social assistance.⁵⁴ When examining the general willingness to help, and more specifically, the openness to accept refugees to Hungary, in principle, 69% of the respondents stated they would take in anyone fleeing Ukraine, regardless of their ethnic background, for at least the duration of the war.

The positive attitude towards refugees and migration came rather as a surprise after the Hungarian government's infamous reaction to the refugee crisis of 2015.⁵⁵ The political climate also changed towards Ukrainian refugees. Hungarian Foreign Minister Péter Szijjártó stated in his speech at the UN Human Rights Council on 23 March 2022 that Hungary, standing on Christian values, distinguishes between illegal migrants coming from the southern borders and refugees fleeing from Ukraine; while the latter is still banned from the country, Hungary welcomes and supports refugees from Ukraine.⁵⁶

The change in attitudes was explained by an NGO leader as follows:

“There is a huge difference: those who came then [in 2015] were much further away in terms of race, ethnicity and culture. Ukrainians are people you know, many of them have personal connections, especially those who came in the first wave. (...) It also matters that they are white and Christian. The refugees from sub-Saharan Africa, visibly very different from us, visibly from a different ethnic community, were more marginalized. We know Ukrainians: many of them work here, businessmen, workers, sportsmen. The reason they are here is also less controversial, especially as the war in Ukraine is portrayed in the media as a struggle between good and evil. We think that the fate of Europe depends on the outcome, and innocent civilians must be saved now. With this in mind, it was much more difficult to understand why and from what disaster the Syrian and Afghan refugees were fleeing, as we did not understand these complex situations, it was more difficult to identify with them. (...) But the most important thing is the attitude of the government: then refugees were clearly seen as the enemy, and now they enjoy political sympathy.”⁵⁷

Despite the high level of acceptance in general about refugees, the survey revealed striking differences in how ethnic minorities are perceived. Ukrainian Hungarians (from Transcarpathia) are the only group that almost 60% of respondents would admit to Hungary after the war is over. Moreover, Ukrainian Roma was even less welcomed by respondents; results showed that 8%-9% of respondents would not admit them to the country.⁵⁸

3.2. Perception of Roma Refugees

All interviewees agreed that Roma refugees received different treatment at the border and the aid points. For example, a junior aid worker of a Roma NGO who worked at the border said that *“Refugees do not arrive at the border individually, but in groups; here, the border guards separate Roma and non-Roma. Roma people are selected primarily on the basis of their skin color, but language also plays a*

⁵⁴ Zakariás et al (2022) pages 1-3.

⁵⁵ Boldizsár Nagy: Hungarian asylum law and policy in 2015–2016: Securitization instead of loyal cooperation. 17 *German Law Journal*, 6 (2016) pages 1033-1082.

⁵⁶ Szilvia István-Nagy: "The father is male, the mother is female, and the government is protecting families – Hungary's foreign minister gives a speech in Hungarian at the UN Human Rights Council" telex.hu (23 March 2022); available at <https://telex.hu/english/2022/03/23/the-father-is-male-the-mother-is-female-and-the-government-is-protecting-families-hungarys-foreign-minister-gives-a-speech-in-hungarian-at-the-uns-human-rights-council>.

⁵⁷ Interview No UKR005.

⁵⁸ Zakariás et al (2022) pages 3-4.

role.”⁵⁹ An other aid worker confirmed this treatment: “We were also in [a village next to the border]⁶⁰, where the Roma and the white people were separated at the border. Roma people were taken in by the local Roma entrepreneurs, who freed up family houses for them.”⁶¹ Another NGO worker added in the group interview: “White Ukrainians were treated as celebrities when arrived, local people offered rides and took them to the well-equipped shelters, Roma people were left at the railway station with no assistance.”⁶² It was reported that members of the Roma community did not get the same quality of accommodation, food and assistance as non-Roma refugees. “The conditions [at the shelter] are terrible, there are no proper beds, no sanitation, no proper toilets, it is very crowded”.⁶³ The situation in Budapest was not any better:

“[Roma people] were taken to an accommodation which serves as a homeless shelter. It is very far from the city center, and it is difficult to get there by public transportation. (...) The homeless shelter looks like a prison with bars on the windows. There were people who, when they saw the building, ran away because they thought they were going to be arrested because it looks like a prison (...) About 150-200 Roma people were directed here by the Disaster Management.”^{64,65}

At the aid distribution points, different treatment of Roma refugees was also reported by a volunteer of a church:

*“Roma children need to ask for the snack and fruits for multiple times until they get something or asked to go away.”*⁶⁶ *“When there is food distribution, the Roma receive food already portioned, but the rest of the refugees can take as much as they want. The clear aim is to make the Roma feel so bad that they move on (...) Many of them don't even dare to ask for anything.”*⁶⁷

A volunteer who is a member of the Roma Community experienced at an aid point the following:

*“A Roma family asked for bananas, and a volunteer helper asked the police to check their IDs because they might not be Ukrainian. Then, in front of everyone, the police officer asked for their papers. It was very humiliating, because no one else was asked for their passports but this Roma family. Afterwards, when I came out of the donation point, the police also stopped me because I had a big bag where I had brought the donation, and the police officer said I must have come to steal food. I was so embarrassed that I couldn't even find my ID (...) and they wanted to arrest me.”*⁶⁸

The interviewees also reported that members of the Roma community encountered tantamount difficulties when applying for protection.⁶⁹ A head of an NGO explained that as follows:

“The application form is in Hungarian/English or Ukrainian/English, if you cannot fill it in, you cannot apply for asylum status. The immigration officers cannot help you either, they usually do not speak a foreign

⁵⁹ Interview No UKR006.

⁶⁰ For data protection reasons, all personal information and locations are removed from the interview transcripts.

⁶¹ Interview No UKR 0008.

⁶² Interview No UKRG11.

⁶³ Interview No UKR006.

⁶⁴ The primary objective of the National Directorate for Disaster Management, operating under the Ministry of the Interior, is to protect the safety of life and property of the Hungarian population, the national economy and the safe operation of critical infrastructure elements, a public security task of paramount importance. When the war started, Directorate set up operational teams in nine counties - Bács-Kiskun, Borsod-Abaúj-Zemplén, Fejér, Győr-Moson-Sopron, Hajdú-Bihar, Nógrád, Komárom-Esztergom, Pest, Szabolcs-Szatmár-Bereg - and in Budapest to coordinate tasks related to the assistance of refugees.

⁶⁵ Interview No UKR008.

⁶⁶ Interview No UKR003.

⁶⁷ Interview No UKR008.

⁶⁸ Interview No UKR006.

⁶⁹ Interview Nos UKR002, UKR004, UKR005, UKR006.

language, and there is no interpreter present (...) A particular problem is if someone is illiterate or don't know the Latin alphabet, in this case, they cannot fill in the form. It is not only the Roma who are illiterate, by the way, we receive many such requests in general, in other crisis situations too.”⁷⁰

A Roma volunteer added:

“Another difficulty is that they ask for information that is routine for a Hungarian person familiar with the Hungarian administration, but in Ukraine, it's different, and many people don't even know off the top of their heads when they were born, so we have to look for this information in Ukrainian documents, and they can't fill in the application forms on their own.”⁷¹

Moreover, some volunteers mentioned that some of the Roma refugees did not get accurate information about the length of the protection and the rights and entitlements of refugees.⁷² However, a leader of a rights protection NGO added that even though they receive many complaints about the misinformation cases, they would need direct evidence to take legal action.⁷³ The immense hardship that members of the Roma community experienced from the moment they crossed the border made many of them decide to move on to another country or return to Ukraine.

4. Prejudice or Discrimination?

Hungarian living in Ukraine have been in the crossfire of political debates. After the political transformation in 1989, the amended Hungarian Constitution provided that “The Republic of Hungary feels responsibility for the future of Hungarians living outside of the borders of the country, and facilitates keeping contact with them.”⁷⁴ This sentence triggered various political conflicts both in Hungary and Ukraine. The statute which granted rights to Hungarians living outside of the territory of Hungary was adopted in 2001.⁷⁵ Based on that, out of 150'000 Hungarians living in the Transcarpathian region about 140'000 applied for attestation on Hungarian nationality.⁷⁶ Simplified naturalization was introduced in 2010, which made it possible to obtain Hungarian citizenship for anyone who can prove to have a Hungarian ancestor, can prove his or her Hungarian language skills and meets the requirements of a clean criminal record and the absence of a national security risk.⁷⁷ Residency in Hungary or having lived in Hungary for a certain period is no longer a prerequisite. With these amendments, the Hungarian legislator has taken a significant step towards the completion of the cultural-based concept of nationhood. However, the reception of the new direction of nationality politics was controversial among Ukrainian⁷⁸ and EU leaders because Ukraine is not a member of the European Union; thus, the prospect of acquiring Hungarian citizenship is not only a matter of national

⁷⁰ Interview No UKR002.

⁷¹ Interview No UKR008.

⁷² Interview No UKR008.

⁷³ Interview No UKR002.

⁷⁴ Act XX of 1949 (The Hungarian Constitution), Article 6 (3).

⁷⁵ Act No LXII of 2001.

⁷⁶ Orsolya Milován: A státusztörvény. In: Csilla Fedinec – Mikola Vehes (eds): *Kárpátalja 1919-2009, történelem, politika, kultúra*, Budapest, Argumentum, 2010. pp 414-416.

⁷⁷ Act No LV of 1993 on nationality, amended by Act No XLIV of 2010, Act No CCI of 2011 and Act No CCLII of 2013.

⁷⁸ Ukrainian legislation does not permit dual citizenship. On the reception of the amendment of the Act on Nationality see: Ukraine: Reactions to the Hungarian Citizenship Law: Global Citizenship Observatory: Ukraine: Reactions to the Hungarian Citizenship Law, 2010. 10 July, available at: <https://globalcit.eu/ukraine-reactions-to-the-hungarian-citizenship-law/>

belonging but also a promising prospect of obtaining a passport which allows the holder to move freely within the Schengen area and settle down anywhere in the EU.

The 2001 census in Ukraine⁷⁹ showed that 12.1% of the population in the Transcarpathian region is Hungarian and 1.2% of them belong to the Roma community.⁸⁰ The life of the members of the Roma community in the Transcarpathian region is fundamentally different not only from Western-European standards but for those of Hungarian Roma families. A volunteer captured their struggles: *“Discrimination is everywhere in their lives, wherever they go. In Ukraine, they are considered to be Hungarians; in Hungary, they are treated as Ukrainians, but most importantly, to most of the people, they remain Roma, regardless of their citizenship.”*⁸¹

Most of the Roma in Transcarpathia live in severe material deprivation:

*“They come from such extreme poverty that is unimaginable here [in Hungary]. Many of them collect food from waste dumps. For them, it is an enormous help if they can get a free meal. Ukraine has done nothing to help the Roma to catch up, there have been no programs or job opportunities for them to facilitate their inclusion.”*⁸²

*“The children didn't know how to brush their teeth; some of them thought the toothpaste was a candy, and they ate a whole tube. We did not know what was happening until realizing that the toothpaste was used up very quickly, and at the same time, more and more children got a tummy ache.”*⁸³

“Many Ukrainian Roma comes from nomadic backgrounds, some of them are travelers. (...) When the war started, their regular sources of income ceased to exist. (...) [When they arrive in Hungary], they are unable to find their place within the four walls, never having lived in an apartment, never having sent their children to school. Their arrival here and their new circumstances give them a sense of hopelessness, and there are many problems with their inclusion, which reinforce stereotypes about them.”

Thus, for them, it was impossible to 'blend in' with other groups of refugees. Moreover, unlike those fleeing from Mariupol or Luhansk areas, where civil casualties are the most severe, Transcarpathian Roma comes from right across the other side of the Hungarian-Ukrainian border, which is almost a thousand miles away from the battles. Thus, Transcarpathian Roma people were soon labelled as economic migrants visiting the donation points for a free meal and then returning to their safe homes. Although the military attacks did not directly hit Roma, the war negatively influenced their everyday life. A leader of an NGO describes the situation as follows:

Due to the scarcity of available sources and lack of state support, aid points soon ran out of donations and money. Eventually, civil volunteers and local leaders had to decide how to distribute the remaining aid. All interviewees agreed that the state support – whether material, infrastructural or financial – is insufficient and the system is unsustainable. For example, a leader of a church mentioned: *“Our community receives no state support, everything is covered by grants from the congregation or friends. Before the elections, the local government promised that they would support local communities who were helping refugees, but this did not happen.”*⁸⁴ A volunteer added that *“After BOK opened, on the*

⁷⁹ Which was the first and so far the only one census in Ukraine after gaining its independence from the USSR.

⁸⁰ Molnár József – Molnár D István: Demográfia In: Csilla Fedinec – Mikola Vehes (eds): *Kárpátalja 1919-2009, történelem, politika, kultúra*, Budapest, Argumentum, 2010, pp 422-440; 427.

⁸¹ Interview No UKR 006.

⁸² Interview No UKR004.

⁸³ Interview No UKR008.

⁸⁴ Interview No UKR001.

surface, everything seems to be going well with the refugees, so people stopped donations because they think the government takes proper care of the refugees."⁸⁵

A major of a village next to the border was not optimistic either:

*"We must run the accommodation, but the daily allowance from the state is so low that if we have less than 40-50 people on the same night, the allowance does not cover our actual costs. Moreover, the municipality bears the costs of those who do not use the accommodation and just stop by for a meal and rest for a few hours. [After May], we did not receive support at all, either financial or moral. Before the elections, many prominent politicians came to the village, both from the government and the opposition parties, but [after the elections] no one has returned ever again. The state support was more political propaganda than real help. If this continues, the village will break down financially. The people are so exhausted, both financially and morally."*⁸⁶

When asked about the sustainability of the current system, an NGO leader said that

*"After a few weeks, when the money ran out, [our NGO] appealed for external help. We raised money from civil, mainly Roma, supporters, and we received many donations: the first appeal raised five million forints [USD 14000] in a day and a half. It's unlikely that this could be repeated again, people can't keep giving so much. The help from the state means that refugees get a few thousand forints a week, which is practically not enough for them to cover their needs."*⁸⁷

Another volunteer added, "Since we ran out of donations by now, I often buy food at my own expense to help [Roma] refugees because they do not get anything from the state."⁸⁸

When local communities and private helpers ran out of resources, those coming from the Transcarpathian region were screened out and left unsupported. A major of a small village at the border explains the motifs as follows:

*"I consider [the Roma] economic migrants. The economic situation in Ukraine is getting worse now, but it has not changed their already bad situation. Previously they could not cross the border because they did not have a passport, but now they can travel with a birth certificate. Now, under the pretext of war, they travel around Europe for free and come home with huge parcels and money (...) To me, they are very different from those, who are fleeing from the bombings. Many people have told me in the village that they did not volunteer because of these people, but because they want to help those who are really in trouble. If a mother comes here with two children, having left her husband unburied at home, having fled the bombing, it is understandable that people would prefer to help her than those who commute from the other side of the border every week. Many of them we know by face or name. (...) Of course, if they are in need, we help them too, but we didn't invent and run this system for them."*⁸⁹

On the other hand, Roma helpers had different views:

"Poor, hungry people came. It is part of the Roma culture to give to everyone who asks. [people] are hostile to the Roma because there are really a lot of them who come to the donation points and you can't turn them away, they always come back. But in my eyes, a Ukrainian Roma is just another hungry Roma, they are so poor, they never know if they will have food the next day, so they ask for as much as they can, they try to store it all away. This creates a very strong resentment in Hungarian culture. (...) I hate it when someone says that people from Transcarpathia are economic migrants because there is no fighting there."

⁸⁵ Interview No UKR006.

⁸⁶ Interview No UKR010.

⁸⁷ Interview No UKR004.

⁸⁸ Interview No UKR008.

⁸⁹ Interview No UKR010.

*If Szeged were bombed, Hungarians would flee from Miskolc, they wouldn't wait for the soldiers to arrive. It is perfectly normal that people are afraid and want to leave a country where there is a war.*⁹⁰

Institutionalized discrimination against members of the Roma community is widely known phenomena in Central-Eastern Europe. Law enforcement practices of using racial, ethnic or religious stereotypes when making decisions on whose documents to verify, and whom to stop, search, arrest or detain are unfortunately widespread in the country.⁹¹

Although ethnic profiling constitutes a critical element of institutional racism,⁹² the situation of private actors giving away charity donations is different. The scope of the European and national laws on the prohibition of discrimination does not cover the interaction of private parties. The EU Directive on the Prohibition of Ethnic and Racial Discrimination⁹³ (RED Directive) cover areas such as employment, vocational training, education, social protection including social security and healthcare, social advantages and access to and supply of goods and services, including accommodation, but only in cases when the said services or supplies are available to the public.⁹⁴ It means that discrimination is prohibited, includes services performed for remuneration and excludes services not available to the general public; thus, the RED Directive does not cover private persons offering their accommodation or food for others. Concerning the national law in Hungary, the Act on Equal Treatment and the Promotion of Equal Opportunities⁹⁵ does not cover the actions of private actors either.⁹⁶

Due to the restrictions of the scope of the RED Directive and the Hungarian Anti-Discrimination Act, a discriminatory act may be lawful, even if seemingly unfair or morally wrong but not every unfair treatment amounts to discrimination. The interviews prove that the state failed to provide enough resources to support refugees arriving in Hungary adequately. Due to the scarcity of available resources, private actors had to create their own refugee definition and decide who deserves their help. Even if their definition of a refugee was narrow and not in line with that of the international and European norms, private actors, when distributing their own resources, have the liberty to decide whom they want to support. While anti-Roma sentiments have been reported in many cases, the main driving force of the different treatment was not related to refugees' ethnic background, but to the fact that volunteers could only afford to help those from regions ravaged by war. This differentiation is below the threshold of relevant laws. Nevertheless, Roma refugees, who would have deserved the same treatment as other Ukrainian refugees, did encounter hostility already at their entry to Hungary. Hence, their chances of changing their circumstances for the better eventually remained very low.

5. Conclusions

⁹⁰ Interview No UKR008.

⁹¹Kádár, András, and András Pap. "Police ethnic profiling in Hungary—An empirical research: Ideals of systemicity and axiomatisability between Utopianism and Heuristic assertion." *Acta Juridica Hungarica* 50, no. 3 (2009): 253-267, p 266..

⁹² Miller, J., Gounev, P., Pap, A. L., Wagman, D., Balogi, A., Bezlov, T., ... & Vargha, L. (2008). Racism and police stops: Adapting US and British debates to continental Europe. *European journal of criminology*, 5(2), 161-191., p 184.

⁹³ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19.7.2000, p. 22–26.

⁹⁴ Article 3 of Directive 2000/43/EC.

⁹⁵ Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities.

⁹⁶ Section 4 of Act CXXV of 2003.

Members of the Roma community fleeing from the adverse effect of the war in Ukraine would have needed different support from the Hungarian state. The analysis of the relevant international and European law showed that all Ukrainian citizens fall under the definition of refugee; thus, has the right to access help following the law. However, those who come from extreme material deprivation faced different hardships compared to the ones who were directly affected by the armed conflict. For Roma people, who make their living from trading in scrap metal or other waste, the war means that their livelihoods have been completely cut off, and their usual sources of income are ceased. In their case, support for daily subsistence would have been the required and reasonable way to help. However, the state did not allocate financial resources for their support, and civilian helpers could not provide for them. In addition to the scarcity of financial resources, the fact that volunteers were forced to develop their own concept of refugees, thus defining the group of people who, in their view, were worthy of their help, also played a role. The law prohibiting discrimination does not cover civilian assistance, so from a legal point of view, discrimination in access to aid did not occur. However, the responsibility of the State for placing the individuals who provided assistance in such an undignified situation can and should be raised.

