

Border Surveillance Measures to Tackle and End the Migration Crisis in Hungary

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Abstract. *The protection of Hungary's external Schengen border is a priority which affects both the security of our country and the whole Schengen Area. Border surveillance is considered safe if it can prevent unlawful acts and proceed against offenders. The implementation of the tasks requires special staff and technical readiness. In the framework of the border protection of our country, it is the Police's basic task, but in case a state of crisis resulting from mass migration is declared, the Hungarian Defence Forces take part in it. Border surveillance is a constant activity which aims to prevent illegal state border crossings; due to this, its efficiency cannot be measured exclusively based on numerical data. Border surveillance is also effective if it ensures the apprehension of people illegally crossing state borders and if it prevents them from accomplishing that; thus, the 'physical' presence itself contributes to the task execution in a manner meeting the requirements. Continuity plays a decisive role from the point of view of border surveillance. Border surveillance shall be considered a component. Thus, the border surveillance system consists of successive system elements which do not go without each other. The border surveillance system is built on border policing strategies, it can be operated based on leadership decisions which shall be in accordance with the border surveillance principles as well. Similarly to the border surveillance system elements, border surveillance principles are those rules which have constant influence/effect on border surveillance/in the field of border surveillance, the practical implementation of which ensures state border surveillance which meets the requirements/is reliable; moreover, it enables the targeted application of the forces and tools available. The operability of the system can only be granted if the principles apply jointly.*

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Introduction

Our main goal when writing this chapter was to analyse and present those comprehensive measures which may contribute to the protection of Hungary's—and at the same time, the Schengen Area's — external Schengen borders in order to prevent the intensification of irregular migration pressure. We aim to address this challenge from the side of border surveillance.

In fact, what does border surveillance mean? Is it just a word? A concept? Or maybe one part of a system? In order to understand particular measures, it is indispensable to minimally analyse border surveillance and its elements.

Main Part

The Fundamental Law of Hungary mentions the protection of the order of state borders among the basic police responsibilities. The question regarding the actual meaning of this wording is answered by Act XXXIV of 1994 on the Police as follows:

1. 'it shall guard the state borders, prevent, detect and end illegal state border crossings; moreover, it shall execute aliens policing and asylum tasks entrusted to it;
2. it shall control passenger and vehicle traffic, consignments crossing state borders — not including customs controls defined by Council Regulation (EEC) No 2913/92 on establishing the Community Customs Code — furthermore, it shall maintain the order of border crossing points, manage road border crossing points and carry out tasks related to their maintenance and improvement;
3. it shall direct the activity of the Hungarian authorities mandated to inquire into border events, supervise the performance of the work related to the surveillance of the state border, placement and renewal of border signs;
4. it shall take the necessary actions to manage any emergency involving mass migration and conflict situations directly threatening the order at the state border, as well as prevent violent action aimed against the order of the state border.¹

The guarding of the borders means border surveillance which shall be executed in the border area by performing constant duty activity.² This concept is in accordance with the Schengen definition too, under which "*Border surveillance: the surveillance of borders between border crossing points and the surveillance of border crossing points outside the fixed opening hours, in order to prevent persons from circumventing border check*"³. Border surveillance also means 'green border' surveillance and keeping the border section between the border crossing points under constant control. The correct use of technical terminology is indispensable as certain terms have different contents; therefore, not applying them in the appropriate context may lead to misunderstandings. Border surveillance is a constant activity which aims to prevent illegal state border crossings; due to this, its efficiency cannot be measured exclusively based on numerical data. Border surveillance is also effective if it ensures the apprehension of people illegally crossing state borders and if it prevents them from accomplishing that; thus, the 'physical' presence itself contributes to the task execution in a manner meeting the requirements. This reasoning clearly shows that if there is no continuous border surveillance, prevention based exclusively on presence has no practical effectiveness as there are no employees in the area of the authority entrusted with the performance of the task. This requirement cannot even be met by keeping the area under constant supervision with the help of technical tools (for example, fixed thermographic cameras) as it is required there to have reaction forces too.⁴ Continuity plays a decisive role from the point

¹ 1994. évi XXXIV. törvény a Rendőrségről 1. §. *Electronic source:* http://njt.hu/cgi_bin/njt_doc.cgi?docid=21269.314601, *accessed:* 10.01.2018.

² 30/2011. (IX. 22.) BM rendelet a rendőrség szolgálati szabályzatáról, § 62. *Electronic source:* http://njt.hu/cgi_bin/njt_doc.cgi?docid=137964.314429, *accessed:* 10.01.2018.

³ Az Európai Parlament és a Tanács (EU) 2016/399 rendelete a személyek határátlépésére irányadó szabályok uniós kódexéről (Schengeni határ-ellenőrzési kódex). *Electronic source:* http://eur-lex.europa.eu/legal-content/HU/TXT/?qid=1514544453424&uri=CELEX:32016R0399#ntr1-L_2016077HU.01000101-E0001, *accessed:* 17.01.2018.

⁴ Kui L, A magyar határőrizet technikai támogatásának aktuális helyzete, Határrendészeti Tanulmányok, Magyar Rendészettudományi Társaság Határrendészeti Tagozat, Budapest, 2016, XIII. évfolyam 1. szám, HU ISSN 2061–3997 (on-line), pp. 118–129.

of view of border surveillance. What does continuity mean? Is it an activity carried out on an hourly, daily, weekly or monthly basis? Does it mean only the allocation of manpower or the application of such tools and systems which conform to the technical and technological development level of this era? What does border surveillance mean in reality?

Border surveillance shall be considered a component. In a broad sense, as a first step, it should be based on the European Integrated Border Management⁵. This is another common term in our daily life, but less attention is paid to its contents and their functionality as successive elements which do not go without each other. If the way of thinking is not systematic, the independent 'life', functions — or inefficiency — of certain elements may lead to total collapse; moreover, it may threaten the success of the 'mission' as well as the performance of border surveillance.

Hungary's border surveillance should be integrated not only into the system of domestic border surveillance, but also into the system of measures taken in order to ensure the security of the Schengen Area. This institutional system is the European Integrated Border Management, which is a decisive tool for the European integrated border management model. Border controls — including border surveillance — play a central and crucial role in this system and model. It should be noted that the successivity of these community measures is not just the obligation of the Member States as that is another element of the system. Consequently, the action against illegal migration is the total of the Member States' activities, where Hungary plays a crucial role in providing greater internal security for the Member States with its border surveillance activity performed in its nearly 1100 kilometre long external Schengen border section. With regards to border surveillance, Hungary is expected to prevent state border crossing by those persons who threaten the security of the Member States. Once again, we have arrived at the question: how?

In contrast with the implementation of border traffic control — where selective and differentiated border traffic control is regulated to the smallest detail, and the control shall be performed in accordance with its laid down regulations — when organising and performing border surveillance, the Member States are given the so-called total discretion, and they contribute to the internal security of the area based on decisions made on the national level.

As an integrated requirement, border surveillance shall be performed in the light of the following expectations: deployment of stationary and mobile units, determination of manpower and methods based on risk analyses, application of technical tools, if required.⁶

⁵ Az Európai Parlament és a Tanács (EU) 2016/1624 rendelete (2016. szeptember 14.) az Európai Határ- és Parti Őrségről és az (EU) 2016/399 európai parlamenti és tanácsi rendelet módosításáról, valamint a 863/2007/EK európai parlamenti és tanácsi rendelet, a 2007/2004/EK tanácsi rendelet és a 2005/267/EK tanácsi határozat hatályon kívül helyezéséről. *Electronic source:* https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/legal-documents/docs/20161006/a_european_border_and_coast_guard_regulation_10092016_hu.pdf, *accessed:* 15.01.2018.

⁶ Az Európai Parlament és a Tanács (EU) 2016/399 rendelete a személyek határátlépésére irányadó szabályok uniós kódexéről (Schengeni határ-ellenőrzési kódex). *Electronic source:* http://eur-lex.europa.eu/legal-content/HU/TXT/?qid=1514544453424&uri=CELEX:32016R0399#ntr1-L_2016077HU.01000101-E0001, *accessed:* 17.01.2018.

The following conclusion can be drawn from the results of the study of border surveillance execution: Hungary itself has to make such decisions and operate such a system with the help of which illegal state border crossings can be prevented.

Thus, the border surveillance system consists of successive system elements which do not go without each other. In the case of the Hungarian border surveillance system, the establishment and operation of a multi-stage matrix system is justified. Its structure and successivity can be summarised as follows:

In Stage I, matrix border surveillance shall be implemented with regards to the activities related to border surveillance duty performed by local border policing offices (21) and police departments (5) responsible for border sections and border areas in the Hungarian–Croatian border section.

The 26 local organisational units perform border surveillance activities on the territory within their authorities and competences. The territory within their competences is bounded by the state border, the right and left connection lines of the border area within the competences (administrative areas of certain municipalities⁷) as well as by the in-depth line (the rear borderline of the area within the competences).

In the first stage, the shaping of border surveillance should result in the creation of at least two lines of border surveillance: the first line would be established 1–5 kilometres away from the state border in the ‘green border’ zone, while the second line would be on the border area which is between 5–20 kilometres away from the state border — on occasion, on the border area extending to the in-depth line of the area within the competences. When organising the border surveillance of the first stage, special attention should be paid to the determination of the possible direction of movement⁸ and the possible time of movement⁹ based on risk analyses. When planning and organising duty, the primary criterion is to keep people under constant control with regards to the possible direction and time of movement. If there are more possible directions and times of movement determined by a particular organisational element, the manoeuvring of the forces shall be adapted to that. On the second line, basically the possibility of crossing the border through natural barriers and the crossings of road networks shall be kept under control. In this stage, the primary task is to organise border surveillance by deploying the local organisational units’ own forces. In order to achieve this, it is required to determine the organisational units’ regular status according to the border surveillance tasks.

In Stage II, the activity of county police headquarters which have an external Schengen border section shall be organised and secured. Stage II shall be in accordance with the border surveillance system of Stage I, it shall be built on that; basically, its operation shall complement it in the inward direction of the country on the area within competences, namely on an off-border area of the relevant county police headquarters. The forces of the county police headquarters itself shall be used to fulfil the task.

⁷ 67/2007. (XII. 28.) IRM rendelet a Rendőrség szervei illetékességi területének megállapításáról. *Electronic source:* njt.hu/cgi_bin/njt_doc.cgi?docid=110516.316679, accessed: 17.01.2018.

⁸ Possible direction of movement means the route most frequently used by the person who commits infringement while illegally crossing the state border.

⁹ Possible time of movement means the possible time of the appearance of the person who commits infringement while illegally crossing the state border.

In Stage III, keeping the irregular migration routes which cross the country under constant control could be ensured by deploying sworn police officers of the Rapid Response and Special Police Services (Hungary), which has nationwide power and competences.

When the efficiency of the border surveillance has to be determined, the following conclusion can be drawn from the experiences of the system structure and operation: also such persons who committed illegal border crossing and were apprehended further from the state border in Stage II or III show that the system operation meets the requirements. In these two stages, the number of apprehensions should proportionally be decreasing parallel with the distance from the state border. Therefore, the system operates in accordance with the requirements if it is true that the further we are from the state border, the lower the number of apprehensions of persons (primary migrants against whom no measures have earlier been taken for illegal border crossing). In the case of such apprehensions, it should be investigated what type of objective and subjective negative influence factors there were in the border surveillance system of Stage I, which prevented the implementation, and after drawing conclusions, leadership measures need to be taken to 'restore' or modify the system, if necessary. The investigation shall shed a light on the weaknesses and threats which shall be eliminated in the shortest time frame possible.

The border surveillance system is built on border policing strategies, it can be operated based on leadership decisions which shall also be in accordance with the border surveillance principles. Similarly to the border surveillance system elements, border surveillance principles are those rules which have constant influence/effect on border surveillance/in the field of border surveillance, the practical implementation of which ensures state border surveillance which meets the requirements/is reliable; moreover, it enables the targeted application of the available forces and tools. The operability of the system can only be ensured if the principles apply jointly. Such extreme situations may occur when given conditions require prioritisation of principles, but it is unacceptable to establish such practices which result in the complete demolition of a certain principle. In the following section, we consider the short explanation of those practical principles which play a crucial role with regards to the operation of the border surveillance system and the leadership decision-making process.

1. Applying the principle of constant border surveillance in terms of both time and space means that a particular organisational unit's border surveillance forces and tools are adjusted to the possible direction(s) and time(s) of movement of those persons who committed illegal border crossing; are based on risk analyses and cover the whole operational territory. Continuity can only be applied if it is possible to immediately react to the changes in terms of space, time and methods of persons committing infringements.
2. The principle of in-depth border surveillance can only be applied if the previously described multi-stage matrix border surveillance system is established, in the course of which the manpower of the human resources deployed and the number of technical and technological tools which support the fulfilment of the task keep decreasing simultaneously to the increase in the distance from the state border line.

3. The successivity and complementarity of forces and tools shall be ensured. In the case of this principle, it should apply the most that there is one police. When fulfilling the task, there are no individual organisational interests — of border police offices, police departments and county police headquarters — but there is one common aim to the achievement of which each organisation shall contribute with its own knowledge to the best of its possibilities and capabilities.
4. The principle of border surveillance activity is closely linked to the principle of constant border surveillance in terms of both time and space as the available pieces of information about illegal border crossing (having occurred, to be expected or under preparation) are constantly analysed and evaluated, and this supports the decision-making within the leadership functions which aims at the deployment of forces and tools in such a way that they are adjusted to the given risk, threat and vulnerability. Leaders shall pay special attention to reserves — both human and technical — and their correct deployment.
5. Today, it is getting more and more difficult to apply the principle of the surprise effect of border surveillance in practice as it is of primary interest of the supporters (smugglers, smuggler networks) of persons illegally crossing the border to have 'real-time' information about the border surveillance system of the given border section. They employ 'observers' in order to get information about the location of the applied technical tools, the territory under their control, the number of border police patrols, patrol area and patrol route. Due to this, it is almost unachievable to camouflage and hide the current border surveillance system elements. Despite these negative influence factors, the application of deceptive measures still may have a surprise effect. Such measures include, for instance, the deployment of a minimum part of the forces available outside of the possible direction of movement, the occupation of the planned patrol areas using shortcuts, the entry into service in a place other than the border police office, the constant changing of those service vehicles which are non-police vehicles at the local organisational units, the provision of different licence plate numbers for service vehicles, other than providing such numbers which follow each other. The leader shall thoroughly know how the area within the local organisational unit's competences and the terrain sections affect border surveillance, be aware of their features (covered, partly covered, open, plain, hilly), know how it is possible to come near them (soil structure, viability), from what border surveillance may benefit.
6. The principle of force concentration may be applied by the leader if available own forces on capability level and local forces to the necessary extent — where local level forces basically mean the deployment previously described in Stage II — can be deployed in a concentrated way in the possible direction(s) and time(s) of movement. This force concentration cannot lead to such situations when only the mentioned directions and time frames are kept under control as such a system is easy to get to know and encourages persons committing infringements to change the method, location and time.

7. Strong emphasis shall be placed on the surveillance of the entire border section when planning and organising duty. Prioritisation based on risk analyses is required; in the case of certain border sections, a significant — but not entire — part of the available forces shall be concentrated. Apart from manpower, also the available technical and technological tools shall be applied according to the described principle.
8. During the fulfilment of daily tasks, when the situation is so-called normal in terms of the number of persons illegally crossing the border — there are no large groups or masses of people illegally crossing the border, force concentration on a national level is not required; the concentration of local and territorial forces and tools may be sufficient in order to implement Stage I and II of border surveillance.
9. The application and implementation of the principle of all-round security represents an added value in the operation of the border surveillance system. In case of its lack, the implementation of border surveillance seems unrealistic.
10. The constant availability of the tools applied and their immediate replacement or repair in case of failure cannot depend on the opportunities provided but shall be a basic requirement. All-round security shall constitute the everyday and constant part of activities of economic functional organs, and work shall not be performed as an 'internal collaborator' but as an integral part of the border policing service. Apart from the availability of those tools which allow the fulfilment of the task, special attention shall be paid to providing the personnel with their allowance and remuneration on time for the work carried out.

When making leadership decisions and taking measures, the practical application of these principles ensures that in 'normal' situation, the system will grant the apprehension of those persons who illegally cross the border; moreover, they will be subjects to the measure.

In case the number of persons illegally crossing the border increases, in accordance with the growth rate, it is a primary leadership task to provide, re-allocate manpower and technical support. It is justified and practical to fulfil this task in order of priority, as described below, so that security deficit does not occur in other fields either and to ensure the fulfilment of the basic tasks according to the requirements.

Re-allocation opportunities in the case of internal forces:

- 1) re-allocation within an office (minimum possibility);
- 2) , re-allocation from other border policing office(s) and police departments within the county if not the entire external Schengen border section of a given county is concerned;
- 3) re-allocation from the police departments within the county when the entire external Schengen border section of a given county is concerned, ;
- 4) deployment of the personnel of the Rapid Response and Special Police Services;
- 5) re-allocation of the personnel of such county police headquarters which do not have an external Schengen border section;
- 6) deployment of the personnel of support units (companies) (temporary organisational element).

Possibilities of involving external forces:

- 1) launching FRONTEX joint operations and rapid border interventions;
- 2) deploying FRONTEX migration management support teams;
- 3) increasing the manpower in the Focal Point Offices;
- 4) requesting the increase of civil guard manpower in the region concerned;
- 5) supporting forces arriving from other countries based on bi- and multilateral international agreements/relations¹⁰ (for example, manpower, technical tool support from the Visegrád countries);
- 6) deploying the personnel of the Hungarian Defence Forces.

With regards to the Hungarian Defence Forces, it has to be highlighted that it cannot perform border surveillance tasks in each case.¹¹

'According to Act LXXX of 2007 on Asylum, it shall contribute to state border protection, the execution of measures required for tackling mass migration and conflict situations which directly threaten the order at the state borders and crises resulting from mass migration, as well as to the prevention of acts of violence against the order at the state borders.'¹² Based on the provisions of Act LXXX of 2007 on Asylum, crises due to mass migration can be declared following a proposal from the High Commissioner of the Hungarian National Police or the head of the asylum authority.

The deployment of fortifying forces in such numbers which suit the given situation does not mean the modification of the structure of the border surveillance system. Each of its elements shall continue to operate in accordance with the border surveillance principles. In addition, the prevention of illegal state border crossings and apprehensions in the vicinity of the state border remain the primary objectives. Thus, the planning of deployment of fortifying forces concentrated at the first line, with the maintenance of the second line, is primarily justified in Stage I. Force concentration shall also serve prevention in addition to apprehensions, showing a visible sign — serving as a message for those who intend to cross the border illegally — that there is no real possibility of crossing the borders without being apprehended.

Leadership decisions are required to determine for which tasks the available fortifying forces shall be deployed within the border surveillance system. This way, leaders can plan and organise the activities of the manpower with no professional knowledge in the field of territorial and border policing, in a varied way, while maintaining motivation and providing opportunities for gaining professional achievements. Possible areas where fortifying forces can be deployed are:

- 1) execution of border surveillance tasks, increasing the density of patrols (mixed patrol couples, foot and car patrols, open and disguised surveillance);
- 2) escorting, guarding and transportation (it does not require border policing qualifications) — when performing these activities, in order to ensure constant border surveillance, it is an important professional criterion that

¹⁰ Varga J, A nemzetközi együttműködés lehetőségei az illegális migráció rendőrségi kezelésében, [in:] Hautzinger Zoltán (szerk.) *Migráció és rendészet*, Magyar Rendészettudományi Társaság Migrációs Tagozat. Budapest, 2015.

¹¹ Balla J, A Magyar Honvédség helye és szerepe a határőrizeti rendszerben, *Hadtudományi Szemle*, 2017; X. évfolyam 1. szám, *Nemzeti Közszolgálati Egyetem*. Budapest, 2017, pp. 354–364.

¹² 2011. évi CXIII. törvény a honvédelemről és a Magyar Honvédségről, valamint a különleges jogrendben bevezethető intézkedésekről, § 36 h. *Electronic source*:http://njt.hu/cgi_bin/njt_doc.cgi?docid=139266.314724, accessed: 17.01.2018.

- the persons performing border surveillance shall not be the ones belonging to executive manpower but persons commanded to execute this task separately –;
- 3) operation of technical devices (operation of stationary and mobile thermal imaging cameras providing targeted, short-time training);
 - 4) constant expansion of reserve personnel, so that immediate reaction is possible if persons wanting to cross the borders illegally appear in unexpected numbers;
 - 5) performance of administrative tasks by public authorities:
 - clothing and baggage inspections (pointed and edged weapons, documents);
 - data recording (data sheets, photographs, fingerprints);
 - hearing tasks in the scope of aliens policing.

Also the logistical support related to the accommodation of the staff shall be ensured when increasing human resources. Essentially, the following aspects have to be considered here and shall be solved:

- 1) establishing and maintaining accommodation opportunities as well as providing opportunities to work and rest:
 - establishment of barracks (dormitory) which are primarily the facilities of the police, its counterparts or the government¹³;
 - when staying in external accommodations, primarily those providers shall be chosen which are located as close to the state borders as possible. If the manpower keeps increasing, accommodation deep within the country, away from the place of duty, can be provided as well (providing accommodation far from the place of duty is associated with additional costs in the field of the beginning of duty and deployment);
 - when staying in external accommodations, efforts should be made to have the accommodation provider ensure the entire catering too, ensuring the necessary quality and quantity of food defined by the Police standard (there should be no difference due to certain accommodation conditions);
 - establishing and providing common spaces where free time after duty and rest breaks can be spent in a civilised way;
 - if personnel begins duty in these facilities and returns to them after performing duties, then rooms shall be established in which weapons can be stored, reloaded and emptied as well as roll calls, reporting and training courses can be held and technical devices can be stored and maintained and their constant availability shall be ensured;
 - an area shall be designated where service cars can be parked and are constantly guarded, and where a higher number of cars can be parked in a way which enables 'organised' and safe parking in and parking out;
 - providing fuelling opportunities for service cars in order to park them with full tank after duty;

¹³ In a state of crisis due to mass migration, § 80/B. and 80/D of Act LXXX of 2007 on Asylum lay down detailed rules with regards to the temporary use of movable and immovable property.

- 2) ensuring catering for the personnel (at the place of duty, if required), with the help of own or external suppliers, without which there would be differences in the quantity or quality);
- 3) providing health care to the personnel.

At the same time, along with strengthening human resources, the availability of technical and technological devices shall be ensured too. The possibility of re-allocation/fortification of technical tools is ensured by:

- 1) complementing the coverage of stationary thermal imaging cameras installed on a given border section in order to keep the border sections which cannot be seen under control by using mobile thermal imaging cameras;
- 2) re-allocation/availability of mobile thermal imaging cameras:
 - within the county, if not the entire external Schengen border section of a certain county is concerned;
 - from county police departments which have an external Schengen border section;
 - use of mobile thermal imaging cameras provided by FRONTEX;
 - use of foreign mobile thermal imaging cameras based on bi- and multilateral international agreements/relations (for example, the Visegrád countries);
- 3) re-allocation of manual thermal imaging cameras (the objective is to provide each patrol couple with such cameras):
 - re-allocation/provision of manual thermal imaging cameras (similar to the mobile ones);
- 4) re-allocation of manual night vision devices (the objective is to provide each patrol couple with such devices):
 - similarly to the mobile thermal imaging cameras, making sure that county police departments which have an internal Schengen border section have such devices too, thus it shall be calculated with their re-allocation as well;
- 5) re-allocation/provision of patrol cars, service cars with off-road capabilities, troop minibuses, buses and lorries:
 - from other border policing office(s) or the police departments within the county if not the entire Schengen border section of the given county is concerned;
 - from the police departments within the county if the entire Schengen border section of the given county is concerned;
 - from the Rapid Response and Special Police Services;
 - from county police departments which do not have an external Schengen border section;
 - from county police departments which have an external Schengen border section (most importantly, not from the border policing offices);
 - deployment of vehicles provided by FRONTEX;
 - use of foreign vehicles based on bi- and multilateral international agreements/relations (for example, the Visegrád countries);
- 6) provision of constant aerial support for border surveillance:
 - deployment of helicopters of the Police;
 - deployment of helicopters of the Hungarian Defence Forces;

- deployment of rented helicopters, border surveillance airplanes;
- deployment of helicopters provided by FRONTEX;
- use of foreign aircraft based on bi- and multilateral international agreements/relations (for example, the Visegrád countries);
- deployment of unmanned aerial vehicles.

Not only should leadership measures be taken which address the increase in the number of people illegally crossing the borders, thus serving the fortification of the personnel, enabling the performance of duties as well as ensuring the availability of technical devices in accordance with the manpower, but also measures related to the apprehended persons and subject to the proceedings should be taken, together with measures concerning the accommodation and care of those people illegally crossing the borders. These measures shall essentially include the following:

- 1) designation and operation of external gathering points in the immediate vicinity of the state borders, for the gathering of apprehended persons and keeping them under control at one place for a short period of time (2–3 hours):
 - ensuring the availability of sworn personnel in the proper number so that they can perform tasks related to guarding as well as to perform clothing and baggage inspections before the transportation (pointed and edged tools);
 - providing mobile restrooms;
 - ensuring health care in justified cases (when an injury, contagion is suspected);
 - providing the opportunity to replace incomplete clothing;
 - providing food supplies primarily for those who are in bad physical condition, as well as for children, independently from the fact when food shall be provided for persons subject to the proceedings for the first time from the beginning of the proceedings;
 - providing water at all times;
- 2) establishment and operation of internal gathering points, if possible; performance of administrative tasks (registration) near the state border, for stays no longer than 24 (+12) hours:
 - establishing and managing own or rented facilities;
 - ensuring the availability of sworn personnel in the proper number so that they can perform tasks related to guarding, policing and registration;
 - providing the opportunity to use interpreters in order to ensure communication;
 - ensuring utility services;
 - providing sleeping materials (beds, blankets);
 - establishing, providing restrooms, sanitary facilities;
 - clear, understandable operational provisions, establishing and maintaining internal order;
 - registering persons subject to the proceedings;
 - tracking the movements of persons subject to the proceedings (establishing sectors);
 - providing catering (internal catering, ordering food from external suppliers, food distribution), with particular attention to:
 - the needs of children, pregnant women, and the elderly;

- eating habits (religion, nationality);
 - guaranteeing water at all times;
 - replacing incomplete, improper clothing;
- 3) extension of capacities by means of tents (equipped in such a way which enables prolonged operation), if required.

Conclusions

In order to efficiently execute border surveillance and maintain efficiency in proportion to the increase of the number of persons illegally crossing the borders, the described measures should be taken. There is, of course, a ‘psychological barrier’ where only the establishment of an artificial physical barrier can maintain and ensure effectiveness. In 2015, an unprecedented migration ‘flow’ which could not be resolved by border surveillance based on the ‘traditional’ principles reached Hungary. According to the Government’s decision, as a first step, a temporary border fence¹⁴ was built on the entire length of the Hungarian–Serbian border in 2015; later it was built on the Hungarian–Croatian state border section as well, and a temporary technical barrier¹⁵ was established in order to cease the permeability of the green border prevent mass migration. Besides the physical development of the temporary technical barrier, judicial protection was also ensured as the crossing or damaging of the barrier as well as the prevention of maintenance works constitutes a criminal offence. Such a methodological change had to be made and maintained with regard to border surveillance which ensures the immediate detection of these offences and the prevention of illegal border crossings. The concentration of available forces and tools shall be executed by moving forward the first line directly on the manoeuvring route next to the temporary technical barrier. The effectiveness of all border surveillance principles shall still be granted, and the temporary technical barrier shall be considered a static element of the border surveillance system.

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Streszczenie. Ochrona zewnętrznej granicy Schengen Węgier jest priorytetem, który ma wpływ zarówno na bezpieczeństwo naszego kraju jak i całej strefy Schengen. Kontrola granic jest uznawana za bezpieczną, jeżeli może zapobiegać czynom bezprawnym i chronić przed przestępcami. Realizacja zadań wymaga specjalnego personelu i gotowości technicznej. Ochrona granic naszego kraju jest podstawowym zadaniem policji, ale w przypadku wystąpienia stanu kryzysowego spowodowanego masową migracją, ochroną granic zajmują się również węgierskie siły zbrojne. Kontrola graniczna jest działaniem ciągłym, którego celem jest zapobieganie nielegalnemu przekraczaniu granic państwowych; z tego względu jego skuteczność nie może być mierzona wyłącznie w oparciu o dane liczbowe. Kontrola graniczna jest również skuteczna, jeżeli dochodzi do zatrzymania osób nielegalnie przekraczających granice państwowe i jeżeli uniemożliwia się takim osobom przekraczanie granic; w ten sposób sama obecność fizyczna przyczynia się do realizacji zadań zgodnie z obowiązującymi wymogami. Ciągłość odgrywa decydującą rolę z punktu widzenia kontroli granic. Kontrolę granic uznaje się za element systemu. Dlatego też system kontroli granic składa się z kolejnych elementów systemu, które nie wykluczają się nawzajem. System kontroli granic opiera się na strategiach kontroli granic i może być stosowany w oparciu o decyzje przywódcze, które są również zgodne z zasadami kontroli granic. Podobnie jak w przypadku elementów systemu kontroli granic, zasady kontroli granic obejmują przepisy, które mają stały wpływ na kontrolę granic, których praktyczne wdrożenie zapewnia ochronę granic państwowych i które spełniają odpowiednie wymogi i umożliwiają ukierunkowane stosowanie dostępnych sił i narzędzi. Funkcjonowanie systemu można zapewnić tylko wtedy, gdy zasady te będą stosowane łącznie.

Резюме. Защита внешней границы Шенгенской зоны в Венгрии является приоритетной задачей, влияющей как на безопасность нашей страны, так и на всю Шенгенскую зону. Пограничный контроль считается безопасным, если он может пресекать противоправные действия и действовать против преступников. Осуществление задач требует особого персонала и технической готовности. В рамках защиты границ нашей страны это основная задача полиции, но в случае кризиса, вызванного массовой миграцией, в выполнении этой задачи участвуют венгерские силы обороны. Пограничный контроль является постоянной деятельностью, целью которой является предотвращение незаконного пересечения государственной границы. Следовательно, его эффективность не может быть измерена только на основе статистических данных. Защита границ также эффективна, если она предотвращает пересечение этих границ и обеспечивает задержание лиц, незаконно пересекающих национальные границы. Таким образом, «физическое» присутствие само по себе способствует выполнению задач, отвечающих требованиям. Непрерывность действий играет решающую роль с точки зрения охраны границ. Защита границ считается одним из элементов этой охраны, поэтому она состоит из других факторов, которые не существуют друг без друга. Система защиты границ сформирована на стратегиях защиты границ и может использоваться на основе решений руководства, также соответствующих принципам этой охраны. Принципы защиты границ, похоже как и элементы системы охраны границ, это правила, оказывающие постоянное влияние на охрану границ, практическое применение которых обеспечивает защиту государственной границы и ориентированы на использование имеющихся сил и инструментов. Функционирование системы может быть обеспечено только при совместном применении этих принципов.

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