



Commentary

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Commentary #31

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Hungary's Migration Fine: Between Political Rhetoric and Legal Responsibility

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Hungary's Migration Fine: Between Political Rhetoric and Legal Responsibility

[Speaking on a panel at the 21st Bled Strategic Forum](#) on 31 August 2026, Hungarian Prime Minister Péter Magyar stated, “It’s quite difficult to explain to Hungarians why Hungary is treated so unfairly in Brussels [over migration policy]. We have a court ruling; we have to pay €1 million a day just for defending the common European borders. It’s not fair, and nobody is ready to resolve this issue.” The narrative that Hungary has been treated unfairly by Brussels over its migration policy has been [pushed by Magyar](#) repeatedly since his election victory in April.

On 4 September 2026, Magyar [stated in a Facebook video](#) that the Tisza government will not ease the legal framework regarding illegal migration, citing the Ceuta crisis of late July as a “warning sign” for Europe. In the same video, Magyar criticised Orbán’s conflict with Brussels and announced that his government would extend the “state of crisis due to mass migration” until 31 December 2026, in order to “establish a lawful and functioning system that protects both Hungary’s borders and the money of the Hungarian people.” The state of crisis was first declared under Viktor Orbán and subsequently extended every six months throughout his tenure. This commentary argues that the fines originating from the Orbán government’s non-compliance have continued under the Tisza government, while examining how Magyar’s framing continues Orbán’s opposition to mass migration. It also outlines how Hungary could bring its practices into line with EU law in the future.

Hungarian border practices were deemed unlawful on 17 December 2020 by the Court of Justice of the European Union (CJEU) in [Case C-808/18, Commission v Hungary](#). [The court found](#) that Hungary had restricted access to asylum procedures, unlawfully detained applicants in transit zones, removed third-country nationals across the border fence, and failed to guarantee applicants’ right to remain during their application process. In a second judgment on [13 June 2024](#), the CJEU found that Hungary had failed to comply and breached the principle of sincere cooperation, ordering it to pay a lump sum of €200 million and a further €1 million per day of non-compliance. The penalties remained part of a broader dispute between Orbán’s Hungary and the EU over migration policy, entering a new phase following the adoption of the EU Pact on Migration and Asylum in 2024.

The Pact, which establishes a new unified legal framework for managing migration and examining asylum applications, was voted against by Orbán before its entry into force in 2024 and rejected by Magyar following its application on 12 June 2026. Regulation (EU) 2024/1359 establishes a [force majeure](#) crisis mechanism for member states facing abnormal and unforeseeable circumstances outside of their control. In addition, the Asylum and Migration Management Regulation gives member states facing migratory pressure [permanent solidarity support](#) through coordinated assistance in the relocation of asylum applicants or direct monetary contribution. By replacing the Dublin system in defining how EU member states share migration responsibilities, this legislation provides the legal basis for the Annual Solidarity Pool mechanism. Had Magyar engaged with the Migration Pact, Hungary could have contributed to coordinated responses to migratory pressure, sought support when facing such pressure and pursued strict border control while complying with EU law. Such

engagement would not, however, by itself end the daily fine, which enforces the 2020 judgment on access to asylum and removals.

Instead of aligning Hungarian law with the Pact, Magyar's government [extended](#) the crisis situation caused by mass immigration on 4 September 2026, by four months. This enables the government, under Hungarian law, to continue the pursuit of [exceptional measures](#) against asylum seekers, such as pushing applicants back beyond the border without individual procedure. The EU [Annual Solidarity Pool](#) for 2026 gives member states flexibility in how they contribute to lifting migratory pressure throughout Europe. Under Orbán, [Hungary voted against](#) the Council's 2026 Annual Solidarity Pool decision and pledged no contribution. The Tisza government has maintained this stance, with Interior Minister [Gábor Pósfa](#)i confirming in June 2026 that Hungary refuses to submit a national implementation plan and considers only the pillar of technical assistance out of the proposed solidarity options. Despite citing the Ceuta crisis to justify the continued state of emergency, Hungary is not among the member states identified by the [Commission](#) as under migratory pressure, facing a significant migratory situation, or at risk of migratory pressure. Thus, Magyar's continued conflict with Brussels over migration policy is better explained by his government's own decisions than by unfair treatment from the EU.

EU law expert Tamás Lattmann [told Euronews](#) that amending the migration-related laws adopted in 2015–16 “would have been an opportunity to avoid the fines”. In his view, by declaring Hungarian law and EU standards aligned on key points when the Pact entered into application on 12 June 2026, the government could have ended the underlying legal violation, placing a cap on the fines. Rather than pursuing this alignment, Magyar publicly requested that the [fines be refunded](#) due to a shifting political consensus on migration throughout Europe. The [Hungarian Helsinki Committee](#) has argued that ending the state of crisis would not weaken border security, as the police could still act against illegal entry, while automatic returns to Serbia would be replaced by individual procedure. It concludes that Hungary need not choose between security, legality and the protection of EU funds, as all three can be achieved together. These assessments therefore identify a potential path to ending the underlying violations, through aligning Hungary's domestic legislation with the Pact and lifting the state of crisis. The statement that “nobody is ready to resolve this issue” implies that the resolution depends on others, whereas the assessments suggest aligning Hungarian law with the EU asylum law. Magyar's framing of the CJEU judgment as an unfair punishment mirrors Orbán's statements on the same penalty, which the former Prime Minister described as [“outrageous and unacceptable”](#). Magyar's statement describing Hungary as “defending the common European borders” implies a form of service to the whole of the EU, while presenting its actions as legitimate. This framing presents Brussels as an authority that penalises Hungary for protecting other member states, echoing Orbán's narrative of national sovereignty under threat from a liberal Europe.

[According to Dr João Ferreira Dias](#) of ECPS, such discourse was radicalised and converted into a strong anti-migration ideology under Orbán, setting the border fence against liberal universalism, and national sovereignty against Brussels. He argues that while Magyar's approach is softer in tone, he preserves strong nationalist concerns in connection to multicultural integration and border control. In

this view, Magyar does not fully break from Orbán's politics, but offers a less radical alternative to his nationalism, that maintains the idea that the Hungarian community needs protection from the perceived social and cultural threats posed by immigration.

Resolving the dispute requires Hungary to bring its asylum practices into compliance with EU law, including changes to the exceptional measures applied under the state of crisis. Magyar has presented the four-month extension of the state of crisis as time to negotiate legislation in line with EU law with Brussels, which leaves open a route to compliance. Solutions are likely to require lawful access to asylum and a right for applicants to remain while their application is reviewed. For Hungary, compliance with EU law could end the continuing daily penalty, improve relations with Brussels, and allow Magyar to distance himself from Orbán's illiberal legacy. For the EU, a negotiated settlement that fails to comply with the 2020 judgment could weaken the credibility of its penalty procedures. Conversely, Hungary's alignment could strengthen the Pact's credibility and member-state solidarity, demonstrating that new regulations on migration can secure cooperation from governments critical of the EU's approach.

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