

UNIVERSITY OF PUBLIC SERVICE
Doctoral School of Military Sciences

AUTHOR'S SUMMARY (Thesis)

Balázs Laufer

**LAW ENFORCEMENT AND NATIONAL SECURITY CHALLENGES
POSED BY MIGRATION**

PhD dissertation

consultant: lt.col. Dr. József Gubicza PhD

Budapest, 2013.

CONCEPTUALISATION OF THE SCIENTIFIC PROBLEM

The examination of migration from a security perspective constantly emerges as a question of high priority in the civil, the law enforcement and the national security services. In my opinion it is expedient to examine the security threats posed by migration not only from point of view of public order but also from other aspects such as those of public health, national security and others.

Migration and its efficient management have become one of the most important political questions of the European Union by today. Questions such as: how long the present migration policies can be left basically unchanged, and what means are at the disposal of the EU to prevent and hinder the unwanted processes and effects of illegal migration, have been on the agenda for many years.

The monitoring of the structural and legal system, the overview of challenges and possibilities the special staff of the Hungarian migration management face, the threat assessment needing national security activity, the reconnaissance of the human traffickers organising migration, expressly illegal migration, and national security vetting of migration all add up to such a complex problem, the thorough examination of which can lead to the correction of the system or to the initiation of more effective conditions in this field. I have experienced that despite the “national security approach”, usually it is the very role of the national security services that is not assessed and evaluated. The migration management by the national security services is a topic that has not been elaborated yet but cannot be missing from the row of studies focusing on the security aspects of migration. The academic problem thus is the security threats of migration that need the involvement of law enforcement forces and national security services (the intelligence community) and the legal, structural and activity reactions answering these threats.

THE GOALS OF THE RESEARCH

- My general goal was to review foreign and Hungarian studies, dissertations, year books and other publications dealing with the national security treatment of migration, by the evaluation of which I could have the opportunity to disclose and conflict international and domestic problems

- To define the terms of the security of the nation and national security and their relationship. To delaminate the field of law enforcement from national security in order to suit the terminology of migration management to the premises set in the hypotheses.
- To present migration is a phenomenon bearing risks that need national security intervention.
- To disclose these threats in order to examine within what legal, structural and professional framework the law enforcement organs and the national security services manage the questions of migration.
- To disclose and evaluate the practical security experiences that occurred after the Schengen Zone accession.
- To present that national security presence can accurately be delimited along threats, thorough and deep security vetting – due to its effectiveness – does not limit but gives more freedom to society.
- To show that vetting by effective methods and means is subservient in a limited circle of targets.
- My special goal is – based on the findings of this paper – to make recommendations to decision makers with the purpose of achieving legal and structural changes.

HYPOTHESES

1. Migration is a complex – not exclusively a security – issue. Nevertheless it is such a significant challenge for Europe and Hungary that the threats posed by its both forms – legal and illegal – need to be treated not only from a law enforcement point of view but from a national security perspective, as well. I consider the investigation, evaluation and elimination of these threats constantly necessary. For the national security services it is a legal obligation to take part in migration management, but as organisations in charge of guarding the nation's security, in my opinion, the services should get a more important role in the management of the issue.
2. I presume that the national security services have strong professional and structural ties with law enforcement organs, on the other hand they are characterised by unique internal principals.

3. I presume illegal migration and its latency have on the whole grown in Hungary during the research period. Taking advantage of the means provided for legal migrants within the Schengen Zone could have given opportunity for illegal migrants to move westwards.
4. In my opinion the security threats posed by legal and illegal migration cannot be strictly detached, in case of Hungary they are interconnected at several points. The former provides tools that allow for the concealment of illegal migration purposes by enabling legal entrance (visa application), or legalising the stay of people already in the Schengen Zone (refugee application).
5. According to my hypothesis, the integration of the Police and the Border Guards – from illegal migration point of view – generated system-level problems which transitionally had a negative impact on the security of the nation and posed threats not only on public order but on national security as well. In this situation, according to my prior knowledge the migration laws valid until 24 December 2010 and the functioning of the competent authorities were basically suitable for filtering out the threats.

METHODS OF THE RESEARCH

- I have aspired to disclose the general and specific elements of the scientific problem in the course of my research.
- I have used deduction and induction methods endeavouring to take advantage of both.
- I have used historic and comparative methods for dealing with theoretic issues, and also international and domestic literature on migration management. I have disclosed the international experiences of national security management of migration with the help of the comparative method by analysing the accessible data.
- I tried to verify or criticise hypotheses by analysing the documents (reports, résumés, and case studies) connected to migration of the Police, the Office of Immigration and Nationality, the former Border Guards, and of foreign and domestic national security services.
- Of the sociological methods I paid special attention to interviews. I have made structured depth interviews with law enforcement, national security and immigration experts.

BRIEF SUMMARY OF THE RESEARCH BY CHAPTERS

In Chapter 1 I have laid down the theoretic basics of law enforcement and national security based on which the research of the phenomena of migration could be carried out from a security point of view. I have processed, systematised and criticised the available literature. Then having reviewed and analysed national security theories, having made a distinction between national security threat and risk and having pointed out the correlations, I verified my hypothesis: the national security services have strong professional and structural ties with law enforcement organs, on the other hand they are characterised by unique internal principals. I have discovered that the central element of the national security field is national security risk.

In Chapter 2 I have established illegal migration, despite our accession to the Schengen Zone, has not decreased during the research period. In fact it has – although compared to the process following the period of my research to a lesser extent – somewhat increased. In the circle of culprits connected to illegal migration the number of Afghan citizens was significant. Apart from their growing appearance as asylum applicants, their departure from receiving camps needs attention from security points of view. I have stated that Hungary has become more attractive from migration aspects during the research period; opportunities provided by Hungarian legislation with the pretence of legal migration have strengthened illegal migration. From point of view illegal migration management the integration of the Police and Border Guards has generated system-level problems.

In Chapter 3 on the basis of the experiences of foreign national security services I have stated the operative defence of the migration authorities of the different countries is of significant importance. I have presented the legislative basics of the Hungarian migration vetting system. I have analysed Hungarian national security work from the aspects of scope of activity, structure and risks. I have surveyed and evaluated the migration management of several countries from a national security aspect. I have come to the conclusion that – because of the use of secret service means and methods, in protection of the sources – any national security service is unable or only limitedly able to enforce its interests in criminal procedures. I have proved that the Danish double level model, similarly to the British one is able to integrate sensitive source information. I have verified both forms of migration (legal and

illegal) impose national security risks. I have confirmed and proved the security threats posed by legal and illegal migration cannot be strictly detached, even in Hungary's case security risks connected to both types of migration are interconnected at several points.

In Chapter 4 I have reviewed the results of the series of interviews connected to the research. As a research method I interviewed law enforcement, criminal law, immigration and national security experts using previously compiled questionnaires. It has become univocal that beside illegal migration the vetting of legal migration is equally important. In the enforcement of security interests the method of entry is of less importance than the thorough knowledge of the background (antecedents) of the migrant. The research has proved that immigration experts find national security vetting essential. Legal back-stairs of the examined period between 2007 and 2010 aggravated the work of law enforcement organs and national security services.

SUMMARISED CONCLUSIONS

- As a tendency illegal migration is used for concealing or accomplishing intentions of illegal migration. Consequently vetting of legal migrants remains an outstandingly important issue. I have pointed out in my research that national security aspects and secret service operations have a distinct place and play a defined role in the management of migration.
- The countries of Western Europe by now are going through an open crisis of multiculturalism which has brought to surface the taboo of the hopelessness of social integration. A pliancy and the aim to become accepted demands exceptional toil from the migrants' part which, however, does not always lead to successful integration. The uneducated masses with illegal migration background are unable to join the circulation of global capitalist knowledge based societies and often turn against modernisation. Finally they turn away from the civilisation values of Europe, entering the hall of radicalisation and terrorism.
- East-Central Europe, the ten "new" EU member states are in a favourable position as regards to social risks of migration. Migration – which has intertwined with the national policy deriving from our unique historical situation – has brought demographic advantages for Hungary in the past few decades, especially after 2010. In my opinion too, on the long run, however, a general, not a security type vetting needs to be defined corresponding to a migration strategy. Certain professionals, the

representatives of certain scientific fields could be encouraged even by incentives to settle down in Hungary. To achieve this goal we need to have a reliable system of migration management able to filter out unwanted persons.

- In the course of my research I have come to the conclusion that all available information related to migration needs to be concentrated, thus the establishment of an analytical-evaluation centre is necessary.
- I have proved that the integration of law enforcement forces had a negative impact on the struggle against illegal migration.

NEW SCIENTIFIC RESULTS

1. I have justified that migration management has national security aspects since migration carries national security risks, too, necessitating professionally well found proportionate and effective measures.
2. I consider it to be a scientific result that through my research I have elaborated the operational and structural aspects of the national security services from points of view migration. I have proved the necessity of national security operations in my thesis, and have organised the competencies focused on countering migration of the external and internal intelligence services and those of the special service for national security.
3. I consider compiling the complex catalogue of risks to be of new scientific value containing the risks and challenges posed by global, regional and local migration on public law and on national security.
4. By the comparative analysis and assessment of international and domestic examples I have proved it is necessary to change the legal framework of national security vetting of migrants in order to achieve classified data of the information gathering process can be duly utilised in the course of legal procedures. I have proved that some countries provide such legal means and judiciary fora that enable security services to enforce their interests efficiently.

PRACTICAL USAGE OF SCIENTIFIC RESULTS

- Based on the contents of my thesis, I think the results of my research can be utilised in a number of fields, e.g. in the preparation for structural corrections, when means and force need to be assigned for the struggle against illegal migration. It is important to take into consideration the results that came to surface in my research when the recommended changes in the legal framework are brought about.
- The catalogue has presented a circle of risks which can orientate the government in requesting information related to migration and in tasking the competent services. If the analyst (coordinating) forum connected to migration should be set up, information requests could be specified, made more accurate periodically by constant monitoring and synthesis of the processes.
- I have presented in details in the thesis – especially in relation to the interviews – it is necessary to train the staff of the immigration authorities and law enforcement organs on national security risks and specified migration risks. On the one hand the knowledge of the external intelligence services can be implanted into the everyday operations of police forces, border guards and public servants who encounter migrants on a daily basis. On the other hand the external security services could provide preventive type awareness programmes. By the extension and refinement of the catalogue the circle of migration risks could be utilised in Hungarian higher education, especially in public service training.

RECOMMENDATIONS

- It would be expedient to work out the structural reorganisation of the Police in such a way that a service countering illegal migration (especially human trafficking and human trade) related crime is set up as an operative exploratory unit.
- In order to measure migration processes and to keep the government constantly informed – following the German example – the establishment of a migration analyst (coordinating) group is inevitable in Hungary.
- I recommend the designation of the fight against illegal migration to the Intelligence Office and the Constitution Protection Office in the course the amendment of the Act on National Security.

- The setting up of special migration judiciary body members of which – after having gone through national security screening – along with appointed attorneys could have access to qualified information (even of those originating from foreign secret services) would be expedient.
- In order to explore terrorist background it is necessary to provide the immigration authorities with special questionnaires which – in the course of interviewing migrants – could prompt officials about potentially dangerous persons. A series of lectures or trainings presenting the crisis areas is also inevitable.

LIST OF PUBLICATIONS OF THE PHD ASPIRANT

Gubicza József–Laufer Balázs: Az illegális migráció rendészeti, kiemelten nemzetbiztonsági aspektusú vizsgálata keretében végzett interjúsorozat megállapításai, kutatási eredményei; Határrendészeti tanulmányok, 2012./1. (IX. évfolyam 1.különszám), Szerk.: Dr. Verhóczy János HU ISSN 2061-3997 (Online)

Laufer Balázs: Az észak-afrikai migráció és politikai kételyek Európában In.: Új népvándorlás, Migráció a 21. században Afrika és Európa között Szerk.: Tarrósy István-Glied Viktor-Keserű Dávid, Pécs, ID Research Kft./Publikon Kiadó 2011. ISBN 978-615-5001-52-9

Laufer Balázs: Reflections on migration, AARMS, Academic and Applied Research in Military Science, Volume 10, Issue 1 2011, Miklós Zrínyi National Defence University ISSN 1588-8789

Laufer Balázs: Gondolatok a migrációs stratégia szükségességéről, Magyar Rendészet, X. évfolyam, 2010. 3-4. szám, a Rendőrtiszti Főiskola szakmai, tudományos folyóirata HU ISSN 1586-2895

Laufer Balázs: Az új kihívások hatása a nemzetbiztonságra – a nemzetbiztonsági szolgálatok megváltozott szerepe napjainkban, Felderítő Szemle, IX. évf. 3-4. szám (2010 szeptember-december), Katonai Felderítő Hivatal, Bp. 2010. HU ISSN 1588-242X

Laufer Balázs: A migráció biztonsági aspektusai és annak jogszabályi háttere, Szakmai Szemle, 2010. 3. szám, Katonai Biztonsági Hivatal Tudományos Tanácsa, Bp. 2010. HU ISSN 1785-1181

Laufer Balázs: A migráció jelensége, valamint egyes külföldi biztonsági (elhárító) és hírszerző szolgálatok ezzel kapcsolatos kommunikációja; Felderítő Szemle, IX. évf. 2. szám (2010 június), Katonai Felderítő Hivatal, Bp. 2010. HU ISSN 1588-242X

Laufer Balázs: Az illegális migráció és a menekültügy biztonsági vetületei, Pécsi Határőr Tudományos Közlemények XI., Tanulmányok „Quo vadis rendvédelem? Szabadságjogok, társadalmi kötelezettségek és a biztonság” című tudományos konferenciáról; Pécs, 2010; Szerk.: Gaál Gyula–Hautzinger Zoltán; HU ISSN 1589-1674

Laufer Balázs: Az illegális migráció helyzete a schengeni csatlakozás tükrében, Határrendészeti tanulmányok, 2010. 1. szám, Szerk.: Görbe Attiláné Zán Krisztina; HU ISSN 2061-3997 (Online) HU ISSN 1786-2345

Laufer Balázs: A Magyar Köztársaság aktuális biztonsági jellegű kihívásai, kiemelten az illegális migráció jelenségére, Határrendészeti tanulmányok 2009. 1. szám, Szerk.: Görbe Attiláné Zán Krisztina HU ISSN 1786-2345

Gubicza József – Laufer Balázs: A nemzetbiztonsági szolgálatok szervezeti kultúrájáról, Pécsi Határőr Tudományos Közlemények X. Tanulmányok „A rendészet kultúrája – kulturált rendészet” című tudományos konferenciáról, Pécs, 2009. Szerk.: Gaál Gyula, Hautzinger Zoltán HU ISSN 1589-1674

Laufer Balázs: A migráció és a terrorizmus a nemzetbiztonsági szolgálatok szemszögéből; Hallgatói Közlemények, a ZMNE tudományos lapja, X. évfolyam 1. szám 2006., 107-130. o. HU ISSN 1417-7307

Laufer Balázs: A nemzetbiztonsági szolgálatok parlamenti ellenőrzése; In: Parlamenti ösztöndíjasok 2004/2005., szerk.: Dr. Soltész István, Parlamenti Módszertani Iroda, Budapest, 2005., 117-128. o. HU ISSN 1785-3397

Laufer Balázs: A migráció és a terrorizmus a nemzetbiztonsági szolgálatok szemszögéből;
XXVII. Országos Tudományos Diákköri Konferencia, Hadtudomány szekció, Rendvédelem
és rendvédelem történet tagozat, I. helyezés

PROFESSIONAL AND ACADEMIC RESUME OF THE PhD ASPIRANT

PERSONAL DATA

Name, rank: major Balázs Laufer
Date & place of birth: 17. 09. 1980., Dombóvár,
Mother's name: Anna Szeltner
Address: 1116, Budapest, Kondorosi út 10/B. B épület, 4. em.10.
Telephone: +36-30/690-79-92
E-mail: lauferbalazs1@gmail.com

STUDIES AND QUALIFICATIONS

1992-2000. Béri Balogh Ádám Secondary High School, Tamási
2000-2005. University of Pécs, Faculty of Arts, Master of Art in Politology
2008-2012. Zrínyi Miklós National Defense University Kossuth Lajos Doctoral School of Military Sciences (Research area: law enforcement and national security management of illegal migration following the Schengen accession)
September 1. 2011. National University of Public Service Doctoral School of Military Sciences, *PhD aspirant*

- Courses of foreign secret services abroad (methodology of analysis and assessment)
- Intensive courses of foreign secret services in Hungary (practical training for analysts)

PROFESSIONAL EXPERIENCE

2005. October – **National Security Office**
field officer, then analyst (information officer)

2010. –

Constitution Protection Office

analyst (information officer), deputy head of analyst department of migration

LANGUAGES

English: State Language Examination, Complex, Basic

German: State Language Examination, Complex, Intermediate

SCIENTIFIC ACTIVITIES

- **2011-2012.** Lecturer (Operations of the Constitution Protection Office, the place and role of national security services) at the basic, intermediate and advanced professional training courses of the civilian and military national security services (Special Service for National Security, Military Security Office)
- **2011-** Lecturer at the 3rd National Conference for the PhD aspirants of the Law Enforcement Branch (Police Academy), November 23, 2011. Title: The situation of illegal migration in connection to the events in North Africa
- Member of Hungarian Scientific Association of Law Enforcement (MRTT), Border Guards Section
- Member of Hungarian Association of Military Sciences (MHTT) National Security Section
- **2008-** Lecturer at the law enforcement conference of Pécs (2010: Security issues of illegal migration and immigration), (2009: The structure of national security services)
- **2004-2005.** Parliament trainee at the Defence Committee of Parliament
- **2000-** Constant participation at conferences, symposiums dealing with security policy, law enforcement, foreign policy issues, written contributions
- **2000-** Regular publications on the relationship between migration and security, on the operations of national security services connected to migration