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Are some meant to fall?

Mapping the gaps between theory and practice of migrant and refugee education in Hungary.

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Abstract:

This thesis examines how the right to education for refugee and migrant children is implemented in Hungary and to what extent education serves as a meaningful tool for integration. Although Hungary is legally bound by international and European obligations to provide equal access to education, significant gaps persist between legal commitments and actual practice. Using a qualitative document analysis, the study draws on three critical lenses – policy implementation theory, moral panic and intersectionality – to analyse legal frameworks, political discourse and the role of societal attitudes.

The findings reveal that access to education is not only limited by bureaucratic and infrastructural barriers but also shaped by exclusionary nationalist narratives and widespread xenophobia. These dynamics particularly affect children with uncertain legal status and from marginalised backgrounds. While education holds potential as a mechanism for integration, it currently reflects and reinforces patterns of inequality. The thesis argues that closing the implementation gap requires not only a structural reform but also a fundamental shift in Hungary's political and societal attitudes towards migration.

Keywords: Integration, Education, Migration, Hungary

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1. Introduction

1.1. The Problem

“1 in 8 immigrants worldwide is a child, as is more than one in two refugees […]. Accommodating the unprecedented inflows of immigrant children into education systems is one of the key challenges facing host countries today” (OECD, 2019, 14).

The right to education was a breakthrough concept in international law (Nowak, 1991, 418). Securing the universal access to education underlines the immense importance of adequate education as an investment in the future of every child. However, education is a multidimensional concept that overlaps with different areas. “Education and training systems can play a key role in helping countries unlock the benefits of migration” (OECD, 2019, 3). There is nearly no aspect of all-day life which is not affected by education and there is no doubt that it is meaningful and desirable. However, especially in the context of migration, the most marginalized groups in reality often face an implementation of this right that is marked by gaps, inconsistencies, and political tensions (Funck, 2024, 25). These vulnerable groups are often excluded from access to education by structural-dependant obstacles and juridical pitfalls. Some of these gaps might turn out to be real traps. A main consequence of these exclusionary practices is, beyond many other aspects, the failure of join a successful process of integration. The situation shows remarkable similarities with an Ouroboros. In case integration is desired, education as an essential tool cannot be denied. The snake bites its own tail.

This thesis examines how the right to education influences the success of integration in Hungary as a case study for an eastern European Union member state. By comparing the different obligations under (and phrasing of) legal frameworks, policy implementation, and integration outcomes, this study aims to highlight structural challenges and potential best practices. It highlights the overlapping point of education, integration and Hungary’s political and societal perspective and practice.

“Equality on paper – Halfway unfavourable” (Solano & Huddleston, 2020). This is the latest classification of Hungary in the Migrant Integration Policy Index (MIPEX), a tool which compares the implementation of the integration of migrants in different countries across the world by scoring different parameters like political participation, non-discrimination or labour market mobility. The key findings of MIPEX show that Hungary got 43 out of 100 possible points in 2019, resulting in a comparable low ranking of the category ‘equality on paper’. However, the most drastic scoring (with 0 points) appears in the field *education.* Shared with Indonesia, Hungary is ranked last in this category

in comparison to all other countries observed. It shows that from 2010 until 2019, Hungary was not able to improve in this field and remained stable on 0 points. The number of migrants in the country, however, did not remain still. “National (non-standardised) data suggests that migration flows to Poland and Hungary have increased significantly, also reaching the highest levels on record in 2023.” (OECD, 2024, 16). Those migrant children and adolescents should receive (primary) education under the international and European legal framework. But the theoretical right of education secured by law seems to not work in practice. Furthermore, the political and societal views on immigration in Hungary seem to be coined through Xenophobia (cf. Simonovits et al., 2015, 2016). This thesis will try to find the impact of education on the society’s perspective on immigration and vice versa.

1.2. Relevance of the topic

“Education, is quite simply, peace-building by another name. Education is the most effective form of defence spending there is. Education is an investment which yields a higher profit than any other” (United Nations, 1999, 2). This quote by Kofi Annan, delivered in a speech, sums up the relevance of the topic quite well. Of course, the individual effect on students being put into schools and receiving adequate education is immense, as it offers access to a life of opportunities. However, looking at this topic from a broader perspective, education does not touch the individual only. The state itself, the domestic and in the aftermath the international community, will benefit from realising the right to education. In ever changing realities caused by emerging wars, upcoming and ongoing crises, peace-building secures the stability of a state within its borders and maintaining international partnerships. Beyond that, in times of globalisation as well as in migration processes, respectful interaction and collaboration was coined by what was learned. Education can and will never end; and with regard to future climate refugees, migration won’t, too. To have a functioning education for all which works not only theoretically but also practical, is of urgent need.

However, recent history has shown that the broader perspective of education as a tool for integration and exchange brought up new challenges including changes of legal responsibilities and the formation of supranational legal frameworks (Funck, 2024, 50 ff.). Education has the potential to respond to present needs and visions regarding the future of refugees (Subasi Singh et al., 2023, 9f.). For this work Hungary was chosen for different reasons. Firstly, in foreign perspectives it is often displayed as restrictive and negative by the media. This work seeks to draw a realistic, data-based picture of the state and its policies while highlighting perspectives. Secondly, Hungary offers ground for research due to its membership in the European Union but also interesting geographical position, which was especially important in the 2015 migrant crisis. It is a state with various influencing factors at the

borders of the EU and the Schengen area. Historically, the Hungarian history was influenced by migration streams and interculturality, playing a major role in the past century. Hungary is not only obliged to implement the right to education under international law, but also under European frameworks and domestic law. This work aims to connect the different factors through the right to education, which has a universality claim to see whether it can withstand those influences and how it varies despite or because of those.

By identifying structural barriers and political factors that shape educational access, this thesis aims to contribute to a broader understanding of refugee integration in illiberal democratic (Bíró-Nagy, 2017, 31) contexts.

1.3. Research questions and Hypothesis

The aim of the research is to critically examine how the right to education is implemented for refugee and migrant children in Hungary and to assess the extent to which education contributes to the success of education. Although Hungary has formal obligations under international and European law guaranteeing access to education for all children, existing literature and NGO reports suggest a discrepancy between the theoretical obligation and the practical implementation. The concept of integration is itself contested, raising questions about the conditions under which education promotes or prevents equal belonging. Based on those concerns, this thesis will work with three central research questions:

1. How is the right to education for refugees, migrants and citizens defined and protected in international, European and Hungarian legal frameworks?

This question examines the legal and normative frameworks that establish educational institutions and practices.

2. How is refugee and migrant education implemented in practice in Hungary, and what differences exist based on the legal status and other identity markers?

This part of the research will focus on the analysis of the practical implementation in comparison with the legal obligation. Special attention is given to the selective practices regarding the legal status of the child and other deciding indicators satisfactory/ dissatisfactory treatment.

3. To what extent does education promote the integration of refugee and migrant children in Hungary?

This question will reflect on how ‘integration’ is conceptualised in Hungarian policy and discourse and whether education can function as an effective tool of integration. The question opens space to analyse barriers that may hinder educational success as well as positive integrational outcomes.

In response to these guiding research questions, this thesis proposes the following hypothesis to be examined throughout the analysis: There is a persistent implementation gap in Hungary between international and domestic legal obligations guaranteeing education and the actual access provided to refugee and migrant children, primarily driven by political resistance and societal xenophobia.
This hypothesis aims to capture the structural disconnect between legal commitments and lived realities. It also suggests that the success of education as a tool for integration cannot be addressed isolated from the political and societal dynamics. The analysis will test this assumption by examining both the theoretical and the practical implementation.

1.4. Structure and scope of research

The structure of this thesis will primarily explain and define the necessary terms. Afterwards the theoretical level of the right to education in the migration context contains the legal frameworks in place for the situation in Hungary. These will successively go from the universal, international level to the European and EU level and lastly to Hungary's domestic law, covering hard and soft law. Afterwards, the situation on the ground will be explained, starting with a demographic overview and focusing on the different discourses and practices. It will explain the Educational System, the access to education, the geopolitical situation and other insights of NGOs. The analysis will use three lenses to concretely target the material based on operationalised questions. After the analysis, the discussion will bring together the key findings and answer the research questions.

1.5. Methodology

This thesis employs a qualitative legal and policy analysis to examine how the right to education is defined in theory and realized in practice in Hungary, particularly in the context of migration and refugee integration. Given the complexity of the topic, the analysis will apply a multilayered approach.

The study applies a doctrinal legal analysis combined with critical policy review, focusing on how legal obligations are reflected (or not) in national practice. This covers qualitative content analysis of legal texts, NGO reports and political discourse.

Primary legal sources include international conventions (e.g. the 1951 Refugee Convention, CRC), EU directives, and Hungarian education and asylum laws. In addition to these legal instruments, policy documents and reports (e.g. OECD, UNHCR, EU), NGO publications and observations (e.g. Menedék Association), and Integration monitoring tools like the Migrant Integration Policy Index (MIPEX) are used to assess the practical implementation and inclusivity of education for migrant populations in Hungary.

Academic literature on the different dimensions of the topic, including integration and a demographic profile of Hungary are included to contextualise the research.

This research does not rely on empirical data collection but is based on qualitative document analysis. The analysis is interpretive and descriptive, aiming to identify both structural challenges and normative gaps between legal commitments and educational realities. The scope is limited to Hungary, which allows for a more in-depth exploration of one national context but does not offer direct cross-country comparison.

Given the three theoretical lenses - policy implementation gap, moral panic and intersectionality - the research will employ a doctrinal legal analysis to examine the normative content of the right to education and assess Hungary's legal obligations under international, European and domestic law. In a second step, the discrepancy between theory and practice will be analysed through a normative gap and implementation analysis, using Matland's Ambiguity/Conflict model to examine possible reasons for implementation difficulties, connecting the legal obligations with political and societal perspectives and NGO insights. By applying the moral panic theory, the policies analysed earlier will be put into Hungary's specific context, taking into account the different players involved.

The analysis together with data from practical realities are assessed through secondary qualitative data review, collecting a diverse perspective of the reality on the ground. The intersectionality framework, particularly Bešić's model tailored on education, allows an in-depth understanding of the influence of multiple identity markers and the surrounding community on the individual.

2. Theoretical basis

The right to education has been widely discussed in international human rights literature, with scholars emphasizing its dual role as both a social and individual right (Tomasevski, 2001). Education not only supports personal development but also serves as a tool for social integration, particularly in migration contexts (UNESCO, 2018).

In refugee education research, authors such as Delbrück (1992) and Dryden-Peterson (2019) highlight the tensions between legal entitlement and practical access. Theoretical contributions on human rights, integration, and inclusive education provide a foundation for understanding how legal commitments translate into policy and everyday schooling practices (Subasi Singh et. al; 2023).

2.1. Integration

The legal frameworks dealing with migrants aim to protect of the basic needs and rights for the migrants (regard the specification of status), while the end goal remains to find a sustainable and permanent solution, "given the high likelihood that a large number of new arrivals will settle permanently in their country of destination" (OECD, 2019, 14). The Statute of UNHCR identifies three permanent solutions: a) voluntary repatriation to the country of origin; b) local integration in the host country; or c) resettlement in a third country (UNHCR, 2007, 191ff.). For this work, the local integration in the host country is of most interest to identify the impact of appropriate education and the long-term implementation of it. The success of integration depends on several factors, such as but not limited to the refugee caseload and social and economic conditions in the host society (cf. UNHCR, 2007, 194).

Rudmin (2003, 4) identifies four general types of relationship between host community and refugees (or other migrants, as explained above), which apply regardless the culture, topic or intent: (1) assimilation; (2) separation; (3) integration or (4) marginalization. Assimilation describes the absorption of the host culture by the refugee, whereas integration is more an acceptance of the host culture, while keeping characteristics of the refugees' culture. In the state of separation, the host culture is rejected, marginalization describes a state, where no identification with either culture is found. Internationally, integration seems to be the desired outcome of the process so that Governmental as well as non-governmental organisations work and publish in this field. However, integration itself is not universally defined, and migratory traditions, policies and assumptions of the country shape their pathway of integration (cf. Council of Europe, 1997, 8). Different countries or regions follow different integration plans to different extents. Since this thesis is working with Hungary's integration situation, it will use the Zaragoza indicators by the European Union and the MIPEX, which focuses on the policies, bearing in mind that it may be limited in scope and action.

2.1.1. MIPEX and Zaragoza indicators

Moving from a focus on integration policies to the outcome of the implementation, this section will first introduce the MIPEX and then the Zaragoza indicators by the EU.

The MIPEX, as mentioned above, is a comparative tool that evaluates and ranks countries based on their integration policies for migrants and refugees. It assesses the national performance across multiple dimensions, including education, labour market mobility, political participation, family reunion, permanent residence, access to health and anti-discrimination. Each domain is scored on a

scale of 0-100, based on this scoring, the countries are put into different categories (Solano & Huddleston, 2020).

The Zaragoza indicators define a set of indicators to measure integration by the European Union in the groups: *employment*, *education*, *social inclusion, active citizenship* and *welcoming society*. The indicators of the group *employment* measure the employment, unemployment and activity rate, identify the number of self-employment and (over)qualification. The second group *education* consists of the indicators highest educational attainment, tertiary attainment, early school leaving, low-achievers according to PISA studies and language skills of non-native speakers. *Social inclusion* covers the income, self-reported health status, property ownership and at-risk-of poverty. The last group, *welcoming society,* consists of the perceived experience of discrimination, the trust in public institutions and a sense of belonging. The Zaragoza indicators focus on the outcomes of integration policies (European Commission, 2010).

2.1.2. Indicators for and Barriers of successful integration

Integration is a complex, multi-dimensional process that involves participation in different sectors, reaching from political to cultural. Identifying what constitutes "successful" integration requires structural indicators and qualitative assessments. The OECD publication "The road to integration. Education and Migration" (2019) acknowledges the polarising effect migration and the policy responses can have on countries and its populations. It emphasizes the importance of coordination and strategic knowledge to ensure the effectiveness of policies and action (OECD, 2019, 9). Furthermore, one of the most important criteria for successful integration is a welcoming society, in which there's an understanding of the reasons to flee and the necessity of refugee protection (cf. ECRE, 2005, 5). This involves public attitudes, political discourse, institutional behaviour and public services, including education.

Several barriers to successful integration persist across contexts, particularly in countries that have politicised migration narratives. These include lack of language support structures for newly arrived (OECD, 2019), belonging and emotional safety and visibility (Dryden-Petersen et al., 2019, 348 f.).

2.1.3. (Refugee) education as an indicator for integration

Education as an indicator is not limited to one side of society but should be available for incoming migrants as well as the host community.

> Education and training systems not only enable immigrants to acquire skills necessary for entering the labour market, they also help immigrants understand the culture and traditions of the country

> of destination and can ensure that native populations have the cognitive and affective skills that are necessary to be open to diversity and change. (OECD, 2019, 9).

Scholars widely agree that pro-immigration attitudes are heavily influenced by the level of education (Umansky et.al., 2025; Borgonovi & Pokropek, 2019; Simonovits, 2015; 2016) can be used as an indicator to measure the success of integration, with studies showing the interconnection between the level of education and the perception of migrants (European Union, 2022). Although a strong education leads to stronger pro-immigrant attitudes, regional studies showed that in Eastern Europe higher level of education has weaker effects on openness towards migrants than in Western Europe (Umansky et al., 2025, 4). The scholars assume that the geographic location of being a transit country in the migration crisis as well as the country's history with a restrictive, socialist system contributed to the sentiments (Umansky et al., 2025, 23).

2.1.4. Critiques on integration

Although integration is often used as a normative goal in policies for and the treatment of refugees and migrants, its definition, application and presumptions have been subject to sustained academic criticism. Integration is commonly assumed to be a desirable, neutral and linear goal. However, scholars argue that it often functions as a tool for control, exclusion and inequality if used uncritically. This chapter outlines five key points of critique that occurred in the past years.

The first major critique regards the assumptions on responsibility of integration. It is often conceived as a one-way process, where all the responsibility to integrate is put on the migrants. However, scholars advocate for an understanding of integration as a two way process, since insiders are affected by the integration as well, can influence the integration and are an intrinsic part of the process, instead of distinguishing between a society and an individual or group that needs to be integrated into such society (Klarenbeek, 2019, 907ff.).

Secondly, critics argue that the society is imaged as a homogenous entity; in reality, society is way more diverse, fluid and segmented with the possibility to evolve. Spencer & Charsley (2021, 6) recommend studying society as a collective of institutions and individuals who “create opportunities and barriers for those who have newly arrived as well as for those who have never been away”. The assumption of homogeneity erases internal diversity, social conflict and the institutional sentiments towards pluralism.

The framing of the *newly arrived* is of essential importance for the practice of integration. Migrants are marginalized and problematized in integrational discourses (Magazzini, 2020). Schinkel (2018)

states that integration is a form of neocolonialism, with the recent discourse forming a framework in which marginalisation is justified. The enforcement of the differences of 'the others' and their objectification reinforces segregation (Spencer & Charsley, 2021, 6).

Lastly, integration is seen as a normative endpoint instead of a process. Spencer & Charsley (2021, 6) call for a shift away from perceiving integration as the desired outcome towards a focus on the current developments, moving away from a narrow focus on migrants.

2.1.5. Concepts of implementation of refugee education

The implementation of refugee education represents the intersection of international law, education policy, migration management and social inclusion. While the right to education for refugees is enshrined in international law like the 1951 Convention Relating to the Status of Refugees (UN General Assembly, 1951; henceforward Geneva Convention), the translation of those rights into practical implementation covering accessibility, equitability and quality of education is not yet universalised and heavily influenced by the country's political and societal context.

Historically, refugee education was mainly designed around a temporary displacement, relying on parallel systems such as informal schools in refugee camps or non-governmental education through volunteers and NGOs. However, the UNHCR Global Education Strategy (UNHCR, 2009) estimates the average length of 10-25 years of exile and therefore proposes to include refugee students long term instead of establishing two parallel systems (Dryden-Peterson et al., 2019, 348). This transition towards inclusionary models is reflected in key frameworks such as the UNHCR's Global Education strategy and the Global Compact on Refugees (UN General Assembly, 2018), which both promote access to national education as a foundation for socio-economic integration.

Dryden-Peterson et al. differ between multiple models of inclusion of refugees in the educational system on a national level. The first being no access to national schools at all, secondly access to the national curriculum and examination but no physical contact with national students, and lastly both groups of students studying together without separation (cf. Dryden-Peterson et al., 2019, 347). Although the third model is the preferred, implementation in practice often remains uneven and the question on how to establish the integration into the national educational system has not yet been perfected.

UNHCR outlined three 'durable solutions' for refugees: voluntary repatriation, local integration in the host country or resettlement to a third country (UNHCR, 2017, 25ff). A fourth possible outcome is transnationalism, a state in which refugees remain attached to different cultures and societies, a

phenomenon which especially can be found in youth refugees (Dryden-Peterson et al., 2019, 350). Depending on the trajectory, the purpose of education varies: while return-oriented education may prioritise the continuation of the curricula and language of the country of origin, integration emphasizes on host-country education access including language learning and inclusion. Resettlement on the other hand could focus on transferable skills which are usable internationally (e.g. digital skills). Transnationalism education combines a flexible skill set with cultural integration.

The purposes of refugee education touch upon different areas, including social belonging, economic opportunity and access to quality education. However, global practice shows that poorly functioning national systems often do not ensure these goals (Dryden-Peterson et al., 2019, 348f.). The concept of 'vernacularisation' comes into place, which describes the phenomenon of global norms being adapted into national context. This adaptation can lead to distortion of the original goal.

The success of refugee education depends on different factors that can be grouped into resources and system capacities; training, curriculum and language barriers; autonomy and authority; xenophobia and discrimination.

The resources that are available to schools and teachers include the system capacity and the funding. Without sufficient investment, fragile infrastructure, educational quality and overcrowded classrooms can worsen the situation both for refugee and host-country students (OECD, 2019, 12; Mendenhall et. al., 2017, 31f.).

Teachers in host countries often lack training in second language instruction or teaching the host country's language to non-native speakers, intercultural competence or trauma-informed approaches, which can multiply marginalisation and stereotypes while not meeting the students' unique needs (Mendenhall et al., 2017, 15f.). Furthermore, national curricula are mostly monolingual and reflect national historical and cultural norms which can constitute as barriers in the learning process due to an underrepresentation of differing experiences, limiting the potential for cultural inclusion (Dryden-Peterson et al., 2019, 348f.).

The barrier group of autonomy and authority refers to bureaucratic hurdles that delay or prevent school enrolment. Refugees may face challenges regarding documentation, legal status or eligibility criteria. Furthermore, local school administrators often have a significant autonomy, which can lead to discrepancies in the implementation by region (Mendenhall et al. 2017, 32). Implementation process may not be monitored sufficiently.

The last group refers to discrimination and Xenophobia, which can occur on different levels. There can be discriminatory laws and policies on an administrative level, a xenophobic perspective in civil society and individual-level- Xenophobia. All of the above influence school enrolment and policy implementation, affecting the refugee population directly and indirectly. Discriminatory dynamics in the classroom can influence school attendance, academic performance, and long-term integration outcomes.

2.2. Definitions

In the following chapter, some key terms are being defined. Firstly, the differences between the terms *Refugee*, *Migrant*, *Asylum Seeker* and *Beneficiary of subsidiary protection*, although sometimes used exchangeably in everyday life and by the media (UNHCR Ireland, 2023; BAMF, n.d.), need to be specified as they provide a different legal status to the individual, which then includes or excludes specific rights. The definitions of the United Nations or their bodies will be used, since the international framework will mainly rely on their categories.

Asylum seeker:

An asylum seeker is an individual who is seeking international protection but does not yet have refugee status. It is important to consider that not all asylum seekers will ultimately be recognized as refugees. It may be described as a preliminary stage towards the refugee status (Amnesty International, n.d.).

Refugee:

Refugees are specifically protected under international law (see chapter 2.3. The legal framework). They are “people outside their country of origin because of feared persecution, conflict, violence, or other circumstances that have seriously disturbed public order, and who, as a result, require ‘international protection’” (UNHCR, 2016). Refugees seek safety in another country because of the danger they face in their home country. To be recognized as a refugee, applicants must meet specific criteria laid out in the Geneva Convention and its 1967 Protocol. The key criteria include a well-founded fear, which the applicants face subjectively but is also objectively reasonable and provable through evidence. Feared persecution must be a serious harm and appears from the state or non-state actors. It must be linked to at least one of the five grounds for persecution: Race, Religion, Nationality, Membership of Particular Social Group or Political Opinion. Furthermore, the applicant must prove that he cannot return to their home country; or, if the applicant is stateless, the country of former habitual residence. The potential risk of life that may occur if the individual returns is tackled through the principle of non-refoulement (Article 33 of the 1951 Convention), which theoretically ensures that

refugees are not returned to situations where life or freedom is threatened. However, individuals can be excluded from refugee protection, if they have committed serious non-political crimes or are guilty of acts contrary to the United Nations principles, like terrorism.

Migrant:

The term 'Migrant' on the other hand is not universally accepted for legal instruments. The International Organisation for Migrants (IOM) however, uses the following description: "a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons" (IOM Somalia, n.d.). Although the media, politicians and others sometimes use the terms 'refugee' and 'migrant' interchangeably, there are differences in the rights and support the person is entitled to under international law. The term 'migrant' can refer to migrant workers, international students, or others and therefore needs to be specified.

Beneficiaries of subsidiary protection:

Beneficiaries of subsidiary protection is a new form of protection which was introduced by the European Union for individuals who do not meet the criteria to be recognized as refugees under the 1951 Convention but still face risks of harm in the scenario of return to the country of origin. The European Union's Qualification Directive (Directive 2011/95/EU) specifies the criteria for this specific protection. Within the EASO Practical Guide: Qualification for international protection, the different options of protection can be examined. A beneficiary of subsidiary protection describes

> 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 as defined in Article 15 [death penalty or execution; torture, inhuman or degrading treatment or punishment; serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict. (European Asylum Support Office, 2018, 11)

2.3. The right to education in international, European and Hungary's domestic law

The legal foundation of the right to education for migrants and refugees spans multiple levels and will be looked at individually. The different levels include instruments on the international, European and domestic level for Education, Migration and both combined. Internationally, key instruments include

the Geneva Convention, the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the UN Convention on the Rights of the Child (CRC). These documents affirm the principle of non-discrimination and emphasize access to education as a universal right.

At the European level, the European Convention on Human Rights and the Charter of Fundamental Rights of the EU provide additional protection. Hungary, as an EU member state, is also bound by directives such as the Reception Conditions Directive (2013/33/EU), which mandates access to education for asylum-seeking children.

Nationally, Hungary has embedded the right to education in its constitutions and education laws, yet practical implementation and access differs significantly from the theoretical base. This thesis will look at a country, which does not only operate under their domestic law, but is also a member state or party to international as well as regional frameworks. Balancing both legal systems against each other presents difficulties for the state. As Funck (2024, 27) explains, it is the state bound to secure human rights under the international conventions. However, especially under domestic law, the subjects of those laws are the domestic citizens, and not necessarily migrants.

> National policy can create the conditions for refugee registration and inclusion in Ministry of Education-managed schools across all phases of displacement by explicitly guaranteeing all refugees access to the education system. However, education policy and law can also explicitly guarantee, prohibit or obstruct the inclusion of some, yet not all, refugees. (UNESCO Institute for Statistics and UNHCR, 2021, 15)

2.3.1. The right to education internationally

The international recognition of the right to education as a fundamental and universal human right is rooted in the foundational texts of human rights law. Foremost among these is the Universal Declaration of Human Rights (UDHR) adopted by the United Nations in 1948. Article 26 of the UDHR states that “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. […]” (United Nations, 1946). Importantly, Article 26(3) also affirms the prior right of choosing the kind of education for the child to the parents. While the UDHR is not legally binding, it served as a cornerstone for following conventions and treaties.

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) from 1966 specified the right to education, being the first binding universal instrument aiming on the protection of the right to education. Article 13 of the Covenant obligates the state parties to recognize the right to education to everyone and implement specific measures for the progressive realisation of this right. It affirms that primary education shall be compulsory and free to all, while secondary education must be available

and accessible to all, with the intention of successively making it free. The Covenant acknowledges the need of fundamental education for persons, who have not completed primary education. Such education is specified in General Comment No.13 and refers to the basic education of the World Declaration on Education for All (cf. UN Committee on Economic, Social and Cultural Rights, 1999, 7). The UN Committee on Economic, Social and Cultural Rights elaborated on the scope of Article 13 in General Comment No. 13 (E/C.12/1999/10, UN Committee on Economic, Social and Cultural Rights, 1999). It identified four essential features as a minimum base for the right to education: a) Availability; b) Accessibility; c) Acceptability; d) Adaptability.

The first feature describes the obligation of the states to have a sufficient quantity of educational institutions and programmes, which include the respect of the basic needs of students and staff, such as sufficient sanitary facilities, materials, drinking water etc. (cf. UN Committee on Economic, Social and Cultural Rights, 1999, 3). Accessibility consists of three overlapping dimensions, which are non-discrimination, physical accessibility, meaning safe geographically reachable position and economic accessibility to ensure that education is affordable for all. The feature of acceptability aims to ensure a high-quality content of education, including methods, and curricula. Lastly, through Adaptability education is able to react flexibly to changing situations and societies and can include cultural differences. The implementation and balancing of proportion of those features should always be made under the primary consideration of the best interest of the child (cf. UN Committee on Economic, Social and Cultural Rights, 1999, 3).

The international commitment towards the right of education was reinforced by several other instruments. The Convention on the Rights of the Child (CRC) (UN General Assembly, 1989), one of the most ratified international human rights treaties of the United Nations, recognizes the right to education for every child, particularly outlining the objectives of education in Article 28 and 29. The CRC emphasizes the child's right to access all levels of education and reinforces the obligation of states to take measures that ensure school attendance and reduce dropout rates. Article 29 expands the concept of education to include the development of the child's personality, talents, and mental and physical abilities to their fullest potential, while fostering respect for human rights, cultural identity, and diversity.

Earlier expressions of this commitment were laid out in the 1959 Declaration on the Rights of the Child, where Principle 7 affirms the right to education and calls for states to ensure equal opportunities for higher education based on individual capacity.

2.3.2. Refugee education internationally

With ongoing migration processes, the right to education developed from a fundamental human right to a tool of integration. While many international frameworks address education in general terms, several legal instruments and policy agreements specifically highlight the rights and needs of refugees in educational contexts. The primary legally binding framework for refugee protection is the Geneva Convention and its Protocol from 1967. Article 22 directly addresses education, stating that States Parties must accord refugees the same treatment as nationals for primary education. For levels beyond primary, refugees must be granted treatment "as favourable as possible", (UNHCR, 2011) particularly in access to education, recognition of diplomas, and the awarding of scholarships.

The CRC, introduced before, explicitly adds the protection of rights of refugee children in Article 22, obliging states to ensure that refugee children receive assistance, including access to education, regardless of their status or documentation.

Although the ICESCR does not have an explicit reference to refugees, the non-discriminatory application of the Articles 13 and 14, interpreted by the UN committee on Economic, Social and Cultural Rights (CESCR) leads to refugees being included in national educational systems.

Beyond those binding instruments, a range of non-binding international frameworks provide guidance regarding refugee education. The Global Compact on Refugees from 2018 represents international commitment and calls for the inclusion of refugees in national educational systems, lowering thresholds in the access to education for refugees and more support for host countries. Paragraphs 68 and 69 aim to ensure access to quality education on all levels.

The foundation for the Global Compact from 2018 was the New York Declaration for Refugees and Migrants from 2016 (A/RES/71/1, UN General Assembly, 2016), which emphasizes the importance of education, especially in the context of migration and proposes the enrolment of refugee students within the first months of displacement.

Regarding the field of development, the Incheon Declaration and Education 2030 Framework for Action (UNESCO, 2016) operates as part of the Sustainable Development Goals (SDGs) and specifically identifies refugees, internally displaced persons and stateless individuals as stakeholders who should not be left behind. They rather should be integrated in national educational systems and be provided with support and resources.

The UNHCR Education Strategy 2010-2012 (UNHCR, 2009) offers detailed programmatic guidance for ensuring equitable access to education for displaced populations. While not legally binding, this

strategy shapes policy implementation and operational coordination across refugee-hosting contexts by developing partnerships with the ministries of education and strengthening capacity and expertise. It emphasizes system-strengthening approaches, community engagement, and the importance of education in emergencies and protracted crises.

2.3.3. International Migrant Integration Policies

Integration on an international level is covering the issue of migrant integration through several instruments. As already mentioned, the UDHR and the ICESCR apply to all people, regardless their nationality or legal status and therefore can be seen as integrational instruments. The Geneva Convention, although focusing on refugees, supports integration processes through the principle of non-discrimination as well as including access to employment, education and housing. A major instrument is the International Convention on the Protection of the Rights of All Migrant Workers and Members of their families from 1990, which provides specific protection and equal treatment. However, Hungary is not a State Party nor a Signatory to this Convention. Hungary has also not ratified the two main conventions of the International Labour Organisation (ILO) which regard migration Number 097 (ILO, 1949) and Number 143 (ILO, 1975).

The Global Compact for Safe, Orderly and Regular Migration by the United Nations (UN General Assembly, 2019) proposes the integration of students into national educational systems instead of parallel structures while establishing inclusive, non-discriminatory policies regardless of status. However, this is not a legally binding framework and therefore without enforcement mechanisms.

2.3.4. European legal instruments: education and refugee education under EU and Council of Europe law

Moving from the international to the regional legal level, the right to education is enshrined within the European framework in several major legal instruments and through case law. The general right to education and refugee education will be explained condensed, because in some cases, refugee education is not mentioned specifically but is covered through interpretation of articles under the legal framework. Within the framework of the Council of Europe, the core lies in the European Convention on Human Rights (ECHR), in particular in the 1st protocol, article 2 (Council of Europe, 1952). It ensures that "No person shall be denied the right to education" and that the Member States must respect "the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions" (Council of Europe, 1952). This emphasizes the different dimensions of the right to education. As Nowak (1991, 421ff.) elaborates, does the state have the obligation to respect, protect and fulfil the right to education. The negative and positive obligation is embedded in the ECHR.

Interpreted by the European Court of Human Rights (ECtHR), this right to education, although not explicitly mentioning refugees, was affirmed to apply to everyone within a state's jurisdiction, including asylum seekers and refugees without discrimination (Timishev v. Russia, 2005; Ponomaryovi v. Bulgaria, 2011).

The European Social Charter (ESC) (Council of Europe, 1961), originally adopted in 1961 and revised in 1996, explicitly includes the right to vocational guidance (Article 9) and the right to vocational Training (Article 10). The vocational guidance is not limited to children but should be available and free of charge for adults as well and explicitly includes persons with handicaps. Article 17 ensures the protection of children and young people, including free primary and secondary education and encouraging regular attendance (Council of Europe, 1966). The European Committee of Social Rights monitors the implementation and compliance with the Charter and progressively interpreted educational rights to include non-discrimination.

Regarding EU law, the Charter of Fundamental Rights of the European Union (CFREU) offers a broader conception of the right to education by including vocational and continuing training in Article 14. As the ECHR, the CFREU reinforces the right of parents to ensure the education of their children in conformity with the religious, philosophical and pedagogical convictions. However, those should be "in accordance with the national laws governing the exercise of such freedom and right" (European Union, 2007). Article 21 prohibits discrimination and includes nationality and therefore protects refugees and asylum seekers. Following, refugees must have access to education under EU law, particularly once they receive official status.

The Qualification Directive (Directive 2011/95/EU) explicitly addresses refugee education. Article 27(1) states that "Member States shall grant full access to the education system to all minors granted international protection, under the same conditions as nationals" (European Union, 2011). This includes primary, secondary, higher education and vocational training. The directive also encourages Member states to enhance further integration measures.

Regarding the rights of asylum seekers, the Reception Conditions Directive (Directive 2013/33/EU) mandates that children of asylum seekers should have access to education similar to nationals. Article 14(1) ensures that states do not withdraw secondary education if the only reason is that the minor has reached the age of majority. Furthermore, the education may be provided in accommodation centres but can also be offered through different education arrangements if the situation of the minor requires so. (cf. European Union, Article 14(3)). The access should not be delayed by more than three months

from the asylum application. Additionally, the Directive proposes preparatory and language classes for facilitation of access and participation in the education system (Article 14(2)).

Beyond formal treaties, soft-law policy initiatives have been implemented on European level to further develop the practice of the right to education. The Europe 2020 Strategy emphasises sustainable and inclusive education and highlights the benefits of education in economic and social development. Its goal (amongst others) is to "raise the overall quality of all levels of education and training in the EU, combining both excellence and equity, by promoting student mobility and trainees' mobility, and improve the employment situation of young people." (European Commission, 2010, 11). Furthermore, the European Education Area (EEA) promotes a learning space which is not limited by borders and strengthens quality, inclusiveness and digital development. However, those initiatives are not legally binding for member states of the European Union.

2.3.5. European Integration policies

The European Union welcomes integration plans of its member states and although it largely remains in the states competence, Article 79(4) of the Treaty on the Functioning of the European Union (TFEU) allows the EU to support the member states through funding and coordination. Binding directives of the EU secure other rights in the context of integration. Directive 2011/95/EU includes rights to employment, healthcare and social welfare and defines the legal status. The Long-Term Residence Directive (2003/109/EC) grants third-country nationals long-term resident status after 5 years and ensures equal treatment. The equal treatment is further specified in two more directives, which focus on anti-discrimination, ensuring the prohibition of discrimination in employment, education and social protection (Racial Equality Directive 2000/437EU) and workplace discrimination (Employment Equality Directive 2000/78/EC). With the Family Reunification Directive 2003/86/EC, not only the possibility of family reunification is constituted, but also emotional and social stability is defined as a key factor for integration.

Furthermore, soft law mechanisms like the Common Basic Principles for Immigration Integration Policy (2004) established integration as a two-way process by promoting intercultural dialogue and social cohesion while focusing on education, language, employment and civic participation. The EU Action Plan on Integration and Inclusion (2020) includes inclusive education, early childhood interventions and language learning for immigrants with the encouragement of qualification recognition and participation in society and advises on teacher training and diverse curriculum adaptation in the hosting societies. The Action Plan recognizes education as a key to long-term inclusion and labour market participation. Although those publications are mostly policy guidelines

and therefore non-binding, some principles are also integrated in the CRFEU, which applies to all persons under EU law.

The Council of Europe Action Plan on Protecting Refugee and Migrant Children (2017) calls for inclusive school environments.

2.3.6. Hungary's domestic law on Education and Migration

Refugee education in Hungary on a theoretical level is implemented through a combination of general education law and asylum-specific legislation.

In the country's constitution, Hungary's Fundamental Law (2011), the right to education is guaranteed to every citizen in Article XI. Compulsory primary education is free and accessible, while secondary education must be generally accessible. Refugees are not explicitly mentioned; however, Article XV introduces the principle of equality through which the application expands to all persons under the state's jurisdiction, including refugees and beneficiaries of subsidiary protection.

The Act CXC of 2011 on National Public Education organises the structure of Hungarian education. The compulsory education starts from age 3, where children are enrolled in kindergarten until age 16 and applies to every child with residence in Hungary. Included are refugees, asylum seekers and beneficiaries of subsidiary protection through the principle of equal treatment.

Further specification for refugees and asylum seekers lies within the Act LXXX on Asylum from 2007. Refugees and beneficiaries of subsidiary protection receive the same conditions for the access of education as Hungarian citizens. This reaches from primary to higher education, including vocational training (cf. UNHCR Hungary). Initially, this Act also included integration support for refugees, however, Hungary abolished the integration support in 2016. The political developments will be explained in Chapter 3.2. and 3.3.

Although the specific integration support is not in place anymore, Hungary's legal system offers instruments which deal with the indicators, which fall under the integration plans of the EU. The Act CXXV on Equal Treatment and Promotion of Equal Opportunities from 2003 implements the EU's non-discrimination law by prohibiting discrimination on grounds of nationality, ethnicity, religion, etc. in employment, education, housing and healthcare, which applies to citizens as well as legally residing migrants.

In 2015, Hungary introduced the 'state of crisis due to mass migration' (Government Decree No. 41/2016), establishing special rules and suspending certain provisions of the Asylum Act. It has been

used to deviate from EU law provisions on asylum (AIDA, 2024b, 13), including the entitlement of the police to carry out pushbacks of irregularly staying migrants without legal procedure.

A new asylum system was introduced in March 2020 limiting the access to asylum. Asylum applications could only be submitted with a declaration of intent approved by either the Hungarian embassy in Kyiv or Belgrade, externalising the asylum procedure.

3. Implementation in practice

3.1. Demographic profile of Hungary

To understand the practical implementation of integration and in particular the realisation of the right to education in Hungary, it is essential to gain some insight to the specific national context. Therefore, the practical part will start with a sketch of a demographic profile of Hungary and will provide an overview of the migrant and refugee situation in the country.

Hungary, located in central eastern Europe, with a population of around 9.5 million, has a century long remarkable history as a location for multiple cultures and various ethnicities for centuries. During the 20th century, Hungary has undergone eight regime changes and revolutions (Glied & Pap, 2016, 136), leaving the country in an ever changing situation. After the first World War (1914-1918) and the defeat of Austria-Hungary, the Treaty of Trianon shaped the country's territory and borders, with a drastic reduction of territory leading to many Hungarians living in bordering states. Compared to the past, Hungary can today be seen as an ethnically homogeneous country (Schafft & Kulcsár, 2020, 553), in terms of ethnicity and religion with a majority of Catholics (Simonovits, 2020, 156). The political and societal landscape towards minorities has influenced the country drastically throughout the past decades. In 1993, Hungary passed Act 77 on the Rights of National and Ethnic minorities which recognizes and identifies 13 groups (Armenian, Bulgarian, Croatian, German, Greek, Roma, Polish, Romanian, Ruthenian, Serb, Slovak, Slovene and Ukrainian) whose culture deserves special protection. The largest group are Roma with an estimated number of 400.000 - 600.000 (Schafft & Kulcsár, 2020, 554), however, this group consists of at least three main groups. The history of rights for and protection of Roma in Hungary is long and filled with push backs and experiences of discrimination (Messing et al., 2011, 270).

3.2. Migration and Refugees in Hungary

Migration, immigration and refugees are sensitive topics in Hungary with an unarguable history of human rights violation (Köves, 2017), compliances with regulations, clear and vague messages for civic society. The following chapter will provide a brief introduction in Hungary's recent immigration history, starting with the refugee crisis of 2015, which was a turning point in not only Hungary's, but Europe's perspective on migration.

Hungary joined the 1951 Geneva Convention in 1989, acknowledging refugees' rights in its territory. It had established three big refugee camps, originally constructed for war refugees coming from Yugoslavia (cf. Böhm, 2021, 118). With its entrance into the European Union in 2004 and the Schengen countries in 2007, Hungary controls the outer Schengen borders and by that became a transit country within the 2015 migrant crisis for people coming via the Balkan route. Before 2015, Hungary has been a country of emigration with 34% of graduates and 55% of people aged 18-40 planning on emigrating from Hungary (Migrants & Refugees section, n.d.). Being in this crucial (geographical and political) position, the numbers of asylum requests suddenly numbered drastically with the inflows from Serbia. The OECD International Migration outlook from 2024 published a number of 18.570 asylum requests in 2013, increasing until 2015 up to 174.435 requests. After that, the numbers decreased drastically to the most recent number for 2023, when only 30 requests were posted in Hungary (cf. OECD, 2024, 293). However, most asylum seekers submitted applications for official reasons but left to western Europe afterwards (Stoklosa, 2018, 41), due to experiences of discrimination and low opportunities in the labour sector and as a response to the lack of cultural and social inclusion (Böhm, 2021, 118). In 2015, 391.000 migrants entered Hungary, 174.000 applied for asylum, but only about 5.000 remained in the country until the procedure of application was completed (Migrants & Refugees section, n.d.).

All refugees coming until 2015 were placed in the three camps, isolated from the society, which hindered successful integration. Political perspectives of anti-immigration (see chapter 3.3.) were realised through policies and the construction of two transit zones and a fence at the Hungarian-Serbian border, which were classified as 'detention' by the Court of Justice of the European Union in 2020 (Court of Justice of the European Union, 14th May 2020, ECLI:EU:C:2020:367), and then closed in the aftermath of the ruling. On August 1st, 2015, Serbia was classified as a safe third country for asylum seekers, resulting in the rejection and return of 99% or asylum requests (Migrants & Refugees section, n.d.). Deadlines for lodging appeals to the asylum application's outcome were made extremely short (3 days) and entry bans for 1 or 2 years after negative outcomes were introduced. From 2016-2017, the mandate of the Hungarian border police was expanded so that asylum seekers within an 8km radius

of the border to Serbia or Croatia were automatically arrested, regardless of vulnerability criteria or needs for protection (Migrants & Refugees section, n.d.). There are no specific identification measures in place to detect victims of gender-based violence, persecution or harassment and asylum seekers with special needs, especially if those special needs are not obvious (Hungarian Helsinki Committee, 2011, 15; 18). Regarding the sensitivity of asylum interview officers, the Hungarian Helsinki Committee (2011, 15) found that questions about medical problems which may reveal trauma are normally asked at the end of the interview, therefore appropriate techniques considering former traumatisation may not have been used throughout the interview. According to the HHC's publication of 2009, the officers do not follow specific guidelines and are not specifically trained on gender issues. In 2016, the government withdrew from all integration provisions including monthly cash allowance and school-enrolment benefits (Simonovits, 2020, 171). Ever since, migrant support and integrational actions were exclusively realised through NGOs. With the extension of the 'state of crisis for mass migration' in 2017, the police was authorised to reject migrants in any part of the country without any legal basis or procedure. However, in 2018, the government passed a bill package, consisting of three Bills (Bill T/19776; Bill T/19774; Bill T/19775) and commonly called the 'Stop Soros' law, which restricted and criminalized assistance to asylum seekers and migrants; individuals or organisations that help migrants apply for asylum, distribute information materials or provide legal aid face up to one year of prison, NGOs have to register and receive prior approval and asylum applications were heavily aggravated (Boros, 2018, 2). Furthermore, contracts for EU aid were terminated in 2019, additionally complicating NGOs work for asylum seekers and integration.

The approval rate of applications is, according to the Migrants & Refugees section (n.d.) the lowest in Europe. Until 2017, 30 cases per day were admitted, but then it was limited to 50 per week, with a waiting time of several months. Final decisions were only taken in 10% of the cases, mostly refusals.

3.3. Hungary's political narrative towards migrants

Hungary's current government, led by Viktor Orbán as prime minister of the Fidesz party, emerged as one of the most vocal and hardline critics of migration within the European Union, putting primary importance on the effects of and causes for the migrant crisis of 2015. After a crisis of the democratic government in 2008 and an economic collapse in the country, followed by heavy protests, the right-wing party Fidesz started an anti-government campaign which led to the victory of the 2010 election with little opposition (Glied & Pap, 2016, 134f.). After this election, Orbán established a political system which influences the public discourse (Glied & Pap, 2016, 137), including control over the media (Barlai & Sik, 2017, 148; Neumann & Rudnicki, 2025, 91). By spreading party-government

propaganda, populist slogans reached the society (Neumann & Rudnicki, 2025, 91). The political narrative is based on historical identity, securitised nationalism and domestic political shifts, resulting in the construction of a "fortress Hungary" (Glied & Pap, 2016, 140 f.), in which Muslim religion is framed as the invading force through refugees and illegal migrants and the Hungarian police and army acting as the Christian defenders (Geva & Santos, 2021), with Orbán being the fortress captain, protecting the southern border of Europe (Glied & Pap, 2016, 140f.). The government's rhetoric did not only use islamophobic but also antisemitic attitudes as a policy-making tool (Barlai & Sik, 2017, 153). However, Orbán also positions himself in opposition to the west, which he described as an environment, "In which political conformity and correctness veils real problems, and therefore cannot provide answers to them" (Glied & Pap, 2016, 137). This perspective aligned with growing European populist narratives that reject multiculturalism and supranational governance (Zambeta, 2019, 384).

The amount of attention that was given to migration and migration-related topics by the government party rose and drowned out other opinions and topics (Barlai & Sik, 2017, 152).

A national consultation "on immigration and terrorism" entitled all Hungarians to answer a questionnaire with 12 questions about migration policies. However, scholars agree that this consultation was phrased in a way that intended answers were predetermined ("Is there any relationship between immigration and terrorism?") and no dialogue was intended (Pintér, 2015; Czene, 2016). The result of this national consultation was a sentence the government published and used later as legitimation: "AZ EMBEREK AZ ORSZÁGOT DÖNTÖTTEK: MEG KELL VÉDENI." (translation: "The people have decided: The country must be protected").

Constructing and spreading the alleged threat succeeded through a simple but efficient communication and campaigning strategy, which can be separated in two main streams: framing migrants as dangerous and something Hungary needs to be protected from and criticising and questioning decisions made by the EU, often simply referred to as 'Brussels' (Roose & Karolewski, 2019). To achieve the first part, billboard, TV and radio campaigns were launched to instil fears such as the "Did you know?" campaign which enumerated the dangers of migration (Glied & Pap, 2016, 147). Those dangers included sentences like "Almost one million immigrants would like to come to Europe from Libya alone" or "Brussels wants to resettle illegal immigrants in Hungary equalling the population of a whole town" (Barlai & Sik, 2017, 157). Scholars describe the state-controlled media system as a "propaganda manufacture" (Barlai & Sik, 2017, 152). Government language further avoided terms like 'asylum seekers' or 'refugees', instead favouring 'illegal' or 'economic migrants' (Simonovits, 2020, 157). Furthermore, European Union's decisions were not accepted nor followed like the Dublin Regulation

(Zambeta, 2019, 384), framing integration policies as hopeless and alleging the West to see migrants as future voters in their favour (Glied & Pap, 2016, 141).

Hungary's narrative has relied on the politics of fear, a typical rhetoric used by right-wing populists (Zambeta, 2019, 381). Scholars interpreted the Hungarian political process as moral panic, orchestrated by moral entrepreneurs within the government and reinforced through media (Simonovits, 2020, 158). The fear-related campaigns served to create an enemy image which threatens the moral and cultural order of Hungary, reinforced through biased national consultations as well as spreading the belief that the EU cannot prevent terrorist attacks (Barlai & Sik, 2017, 154; 151). The political narrative linked the term 'migrant', especially in a religious context, with 'terrorism'. Furthermore, the discourse increasingly constructs binaries such as deserving vs. non-deserving refugees, national vs. foreign (Neumann & Rudnicki, 2025, 90).

The narrative was supported by a series of legal and institutional reforms, closure of borders and withdrawal from integration support (Simonovits, 2020, 155). Since 2016, asylum seekers, including minors over 14, have been detained in transit zones (Simonovits, 2020, 171), fast-track procedures and legal amendments regarding deportation made it nearly impossible to receive protection (Barna & Hunyadi, 2015, 10). By 2015, Hungary's full anti-refugee policy system was in place (Barlai & Sik, 2017, 151). The aftermath of the anti-migration statements and policies influence Hungary's interior and foreign affairs. While the ongoing conflict with the European Union creates instability within the supranational system, "reports suggest that the government's strong anti-migrant rhetoric and actions have made it difficult for international companies to obtain approval for new investments" (Global Initiative Against Transnational Organized Crime, 2023, 6). In 2017, government officials expressed the wish to quit the European Convention on Human Rights (Köves, 2017), however, to this point, Hungary is still a state party.

3.4. Hungary's societal perspective towards migrants

Studies showed that until the migration crisis, immigration has not been considered particularly dangerous in Hungary (Glied & Pap, 2016, 143). However, scholars largely agree that the xenophobic attitudes in Hungary are high, peaking in 2017 (Simonovits, 2020, 161). A higher rate of Xenophobia compared to neighbouring countries can be explained with the difficult historic coexistence with the Roma minority as well as informational lack (Glied & Pap, 2016, 143). The anti-immigrant views constitute through the different components of fear (labour market, welfare, crime, cultural and religious). The study of Simonovits revealed that respondents were distinguishing between different reasons for flight, showing that acceptance for those who fled because they are part of an oppressed

minority was significantly lower than for those who fled due to hunger or natural catastrophes (Simonovits, 2020). A turning point for the rise of xenophobic attitudes was the migration crisis in 2015 and 2016, where positive attitudes dropped by half. Respondents would rather show a welcoming attitude towards Christians (23%) than Muslims (9%) in 2016. “The overwhelming majority of the group interviewees shared the opinion that Islam is a violent and domineering religion […] and that Muslim migrants are unable to integrate into European societies” (Simonovits, 2020, 172). The Special Eurobarometer analysed the state of integration of immigrants in the European Union, showing that Hungary had (together with Bulgaria and Romania) the lowest proportions of respondents who answered to feel comfortable with immigrants (European Commission, 2022, 8). This feeling of discomfort reaches upon all sectors of life: A majority of Hungarian respondents stated that they would not feel comfortable with having an immigrant as a friend (ibid., 25), a work colleague (ibid., 26), a neighbour (ibid., 26), a doctor (ibid., 27), a family member including partner (ibid., 28) and as a manager (ibid., 29). 70% of Hungarian respondents would see the negative portrayal of immigrants through the media as an obstacle to integration (ibid., 65), while acknowledging the media’s importance in the integration process (ibid., 84). Regarding refugee education, only 18% believe that education outcomes have improved for children of immigrants in the past years. Hungary was the only EU member State, in which a minority believes that the success for integration lies within both the host society and the immigrants' responsibility. The highest percentage (39%) in comparison with all other EU States believed that immigrants are mostly responsible (ibid., 78). However, the number of respondents actually socially interacting with immigrants on a daily basis is only 3% (ibid., 21).

3.5. The Hungarian Education System and Migrant Inclusion

The Hungarian public education system has a centralized structure with split responsibilities between the Ministry of Culture and Innovation covering higher, vocational and adult education and the Ministry of Interior governing public education. There is no Ministry of Education in place since May 2022, when the responsibility was placed under the ministry of interior (Hungary Today, 2022). However, it is monitored by the Klebelsberg Center (KLIK), an authority which controls school funding and staff. Although monitoring is important, it has shown that this practice enhanced bureaucratic rigidity and limited responsiveness to individual students’ needs and local contexts (United Nations, 2025, 1f.). Historically, Hungarian schools were unprepared for refugee children. They were often automatically grouped with Roma pupils, using the same pedagogy for both groups (Szilassy & Árendás, 2007, 400).

It was shown that refugee children are able to access public education in Hungary (AIDA, 2024b, 90). Nevertheless, the data doesn't seem to correspond with the situation in reception facilities, where a survey by FRA discovered that refugees and asylum seekers in reception facilities in some parts of Hungary have no access to formal education (Koehler, 2025, 10). Regarding the situation outside of reception facilities, refugee children are often placed in separate, preparatory classes instead of being included in classes with Hungarian students. The Duncan Index, which measures the segregation of immigrants and natives in schools, indicates high levels of segregation in Hungary (Koehler, 2025, 11). But once the students' language skills in Hungarian reach a sufficient level, they can move to the other classes (AIDA, 2024 a, 91). This process can vary between one or two years.

The quantitative process of this practice is limited because only a few institutions accept those students in the first place and are able to provide appropriate programmes. This phenomenon is influenced by several factors: limited resources and capacity, administrative barriers and intolerance.

The public education system is heavily influenced by teacher shortages, low pay and political pressure that led to public protests of educators and parents in 2022 that remained unanswered through higher wages or more autonomy by the government (Balkan Insight, 2022). The financial shortcomes also influenced migrant students since educational expenses were not reimbursed and financial support was halted by virtue of crisis due to mass migration especially after the withdrawal in 2016 (AIDA, 2024 a, 84).

The Menedék Association has observed that there are no standardized systems in place for refugee integration into schools. The schools lack funding, training and formal procedures to support refugee students (Menedék, n.d.; United Nations, 2025, 2f.). Although public schools did rely on EU programmes and initiatives (Koehler, 2025, 19), those EU funded programs, including language learning, peer mentoring and intercultural training only have limited influence in Hungary due to political resistance (Koehler, 2025, 4). NGOs try to fill this gap with additional support, especially language learning classes. The success of integration heavily depends on individual school staff or goodwill that differs across regions (Szilassy & Árendás, 2007, 401).

However, the association monitored early dropouts of refugee children and cold integration, a strategy in which "the educator [is] expecting the child to integrate into the classroom on their own." (Menedék, n.d.). This strategy often leads to isolation of the child. The dropout rates rose especially amongst marginalized groups like Roma. "Economically disadvantaged families may want children not to continue their education so they can start earning. Many end up in low-paid or informal jobs, reinforcing poverty cycles" (United Nations, 2025, 1).

Furthermore, “Hungarian families would voice their adversarial feelings towards the reception of asylum-seeking children” (AIDA, 2024 b, 91). Intolerance can also be found in the curricula of the public education system. The curriculum is structured to emphasize the Hungarian national identity, including ethnic and cultural homogeneity, offering little scope or awareness for pluralism or interculturality (Szilassy & Árendás, 2007, 398). Neumann and Rudnicki (2025, 90) found that Hungary’s education policy is increasingly defined by Christian nationalism, framing education as a moral-religious project instead of an integration tool. Some scholars see in the structure of higher education the government’s political project to train a new international conservative elite (Geva & Santos, 2021). Limitations in the law regarding LGBTQI+ education and sexual education enhance a hegemonic narrative (Graff & Korolczuk, 2022, Juhász & Pap, 2018). “[P]olicy-makers have considered education and upbringing a symbolic space for national identity-building wherein conservative nationalist attitudes can be ingrained into future generations” (Neumann & Rudnicki, 2025, 93). Vincent (2018) showed that neoconservative administrations usually implement patriotic education, values and morals and prescriptive academic content in the national curriculum. Human rights education is not implemented in the national curriculum, “education through human rights is not a principle, education about human rights is not comprehensive at all, and consequently education for human rights is not achievable” (Civil Coalition for Human Rights, 2015, 13).

Some good practices and standards were found both in public and church funded schools (UN Special Rapporteur, 2025), which make up 20% of schools in Hungary and are not controlled by the ministries. Preferential regulations invited the (Christian) Church to take over educational institutions (Neumann & Rudnicki, 2025, 96). This rise however, can lead to enhanced Christian identity narratives and worsen inequalities between public and church-run schools. The observation of exceptional good practices of individuals imply that the majority of teachers are untrained in fields of trauma-informed education, multiculturalism that enhances misconceptions (Szilassy & Árendás, 2007). The alleged ‘difference’ is problematized and not considered as enriching (Messing et al., 2010, 6f.).

The AIDA Country report (Update 2023) showed that by law, compulsory education for asylum seekers starts from the submission of the asylum request, including financial support provided by the government for preparation of students to fulfil compulsory education (AIDA, 2024 c, 13). This preparation aims at learning or improving the Hungarian language and should be practiced in the afternoon in addition to the standard curricula hours. In reality, however, AIDA found in their overview regarding changes since the previous report that there are no institutions in place where Hungarian is taught as a foreign language (also monitored by the HHC), although this is required by law. Many Ukrainian students therefore chose Ukrainian online education over Hungarian in-person schooling

(AIDA, 2024 a, 17). For unaccompanied and separated children, the enrolment procedure was further delayed by 2 to 3 months as they were only eligible for education once registered as asylum seekers. To gain such status, a letter of intent must be submitted at the embassy in Belgrade, which further delayed the procedure, so that successful enrolment could only be ensured through individual solutions rather than systematic structures (Hungarian Helsinki Committee, 2025).

However, the number of applicants revealed that in 2024, 7 accompanied and 4 unaccompanied children applied for asylum seeking status (European Council on Refugees and Exiles, 2024).

In 2012, the compulsory school age in Hungary was lowered from 18 to 16, leading to asylum-seeking children above the age of 16 not being offered the possibility to attend school until they received protection status (AIDA, 2024 a, 91).

According to Eurydice, the school-age population is declining especially in rural areas, while segregation trends particularly affecting Roma students, rises (Eurydice, 2024).

The Hungarian government changed its strategy on migrant education and integration throughout the past decades. From 2002 to 2010, a 'colour-blind' approach was used, which disregards ethnicity and focuses on the two target groups of multiply disadvantaged children and children with special needs, where schools and teachers received additional funding and training; prioritising the integration of these children into regular schools (cf. Szalai, 2011, 274). However, the practice of integrating disadvantaged children and children with special needs was heavily criticized for three main reasons: a) it did not take the schools demographic placement into account, by generalizing the policy for schools in marginalized settlements; b) it did not "treat the consequences of white flight" (Szalai, 2011, 275) and c) integrating children with special needs at an advanced age revealed difficulties and obstacles.

Civil organisations like Menedék advocate for preparatory programs for newly arrived, specialized training and an inclusive curriculum reform. Neumann & Rudnicki (2025) propose to analyse "the combination of right-wing conservatism, populism, and the strategic mainstreaming of far-right ideas" and how this combination is embedded in educational institutions.

3.6. Recent migration flows: Ukrainian refugees in Hungary

The arrival of Ukrainian refugees following the Russian invasion of Ukraine in February 2022 led to a new chapter in Hungary's refugee landscape. Unlike asylum seekers coming from other regions and countries, refugees from Ukraine are covered by the European Union's Temporary Protection Directive (Council Directive 2001/55/EC), which introduced a status that grants the beneficiaries legal residence,

access to healthcare and education and financial assistance. Those mechanisms were activated by Hungary in March 2022 and stand in contrast to other, restrictive Hungarian asylum procedures. The Hungarian government accepted support from IOM, UNHCR, UNICEF and Caritas for language, psychological and legal support. In 2024, however, the Government Decree 623/2023 (Government Decree 623/2023 (XII.23)) restricted the state support for Ukrainian refugees, making it only applicable for refugees coming from direct combat zones according to their official Ukrainian address, primarily targeting Roma communities from the Zakarpattia region, which "pushed an estimated 3.000 beneficiaries of temporary protection to the verge of homelessness" (AIDA, 2024b, 15).

According to UNHCR, more than 67.000 Ukrainian refugees are currently (April 2025) in Hungary, 34% of which are children. 78% of those children were attending school in mid-2024 (UNESCO, 2023, 5), however, implementation was limited by language barriers and lack of teacher training on Hungary's institutional side and Ukrainian parents who chose to maintain their children's education through Ukrainian online education. This delayed or hindered integration into the Hungarian schools (UNESCO, 2023, 5).

Politically, the support for Ukrainian refugees was connected with criticism of the Ukrainian government, emphasizing Hungary's veto right in the European Union, warning Ukrainians to avoid criticizing Hungary but rather be thankful (Hungary Today, 2025). Prime Minister Orbán repeatedly framed the support as a favour and not a humanitarian duty (MTI, 2025). The public initially showed a welcoming response with extensive volunteer mobilisation which decreased overtime. Resource concerns and public fatigue surfaced. Nevertheless, the societal empathy remained higher for Ukrainians compared to Syrian or Afghan refugees, but distinguishes within the group of Ukrainians, where Roma would find least empathy and face higher discrimination (Eredics, 2024).

3.7. Hungary's integrational status in MIPEX and Zaragoza

This section examines Hungary's performance scores in integration, especially in the field of education in the MIPEX and Zaragoza indicators, which were introduced earlier.

Due to the MIPEX report (2020), Hungary received an overall score of 43 out of 100, categorizing it in the group 'equality on paper'. This means that frameworks exist but effective practical implementation remains weak. Most critically, the area of education scored 0 points, indicating a complete absence of policies for educational support and inclusion of migrant and refugee students. The report shows that no systematic measures exist to support or prepare the students to enter into Hungary's educational system. The system lacks support structures and relies on NGOs or individual

schools. Additional weaknesses were identified in the field of political participation (17/100), access to nationality (21/100) and anti-discrimination measures (31/100). Labour market mobility and health care access scored better (with 56/100 and 54/100).

The Zaragoza indicators show challenges in Hungary's PISA scores and school attainment in comparison to other EU countries. The study indicates high segregation, limited language support and higher dropout rates among vulnerable groups including Roma. However, there is barely any data regarding migrant or refugee students, making it difficult to assess the system's efficiency for migrant/refugee education. The indicators showed that migrants experience limited access to high-quality jobs and lower employment rates. In the field of social inclusion, Zaragoza assessed higher risks of poverty and social exclusion due to targeted policies and lack of financial support for newcomers. There is none to minimal opportunity for participation in political and civic life and engagement. Lastly, regarding the welcoming Society, Eurobarometer data (2022) highlights some of the most negative attitudes towards migrants within the EU member States.

Both monitoring frameworks provide a comprehensive picture of Hungary's integration landscape. While legal entitlements exist in several fields, practical implementation remains limited, particularly in education.

4. Theoretical framework

To analyse (refugee) education both as a legal entitlement and an instrument for integration, this work will use three different concepts as analytical lenses to focus on different aspects of this topic in order to gain nuanced insights. The process from policy in theory to implementation in practice faces political, structural and socio-cultural barriers. The lenses employed, policy implementation gap and intersectionality allow the research to examine those influences in depth. The policy implementation (gap) theory, consisting of the Ambiguity/conflict model by Matland (1995) helps to identify the disconnect between legal norms and practice through analysing ambiguity and conflict. By using the concept of moral panic by Goode & Ben-Yehuda (1994), the interconnection of politics, societal perspectives and institutions can be analysed. This provides the basis to understand and analyse the concept of intersectionality. The structure of the analysis aims to move from the theoretical framework more and more towards the individual's experiences to understand how the individual is directly or indirectly affected by the landscape constituted through policies, the politics and the societal perspectives in Hungary. The intersectionality lens allows a narrowed down perspective on individual (or group) experiences, linking the topic with questions of gender, ethnicity and status as well as power

dynamics. Although initially constructed to analyse gender and race intersections, the model of Bešić (2020) with regards to Bourdieu's (1991) definition of symbolic power will be used, which puts intersectionality into the context of education, which is not yet a common practice. Together, these theories form a composite framework to interpret the institutional, political and societal framework creating the situation of education and integration in Hungary.

4.1. Policy implementation gap

Policy implementation is a process which is influenced by a complex interaction of various influences by stakeholders and circumstances. Matland's (1995) Ambiguity/conflict model originally aimed to combine the two main streams of previous researchers, who could be classified in either top-down or bottom-up approaches of policy implementation. While top-down approaches (e.g. Mazmanian and Sabatier, 1981; 1983; 1989) focus on the policy designers as the central actors, bottom-up approaches emphasize the role of target groups and service deliverers. However, both theoretical streams were criticised; while the top-down approach starts with statutory language and disregards every action taken before and focusing purely on administrative implementation, the bottom-up approach overemphasizes the level of local autonomy and authority (cf. Matland, 1995, 147 ff.).

Matland tries to overcome those critics by combining both theoretical streams into one model, which consists of the two variables of Policy conflict and Policy Ambiguity.

Policy conflict arises if actors are interdependent, the objectives are incompatible and a perceived zero-sum element regarding the policy exists. The more the incompatibility increases, the more intense and aggressive the conflict gets (Matland, 1995, 156f.). Some policy conflicts are manipulable and can be deescalated through limiting the changes the policies will bring, while other policies are so inevitably controversial that conflict cannot be avoided.

The second variable of the model is Policy Ambiguity, which describes how clear or vague a policy's goals and means are or how broadly interpreted it can be. It combines the clarity of legal obligation with the specification of implementation mechanisms.

Those variables combined produce the theory's matrix with four possible outcomes:

Administrative Implementation (Low Ambiguity and Low Conflict): In this case, the goals and means of the policy are clear and non-controversial. The implementation is more a technical matter than diplomatic work. The success of implementation mostly depends on capacity and compliance as well as the allocation of sufficient resources (Matland, 1995, 160).

Political implementation (Low Ambiguity and High Conflict): Although the policy goals are clear, different groups and stakeholders have controversial perspectives/concerns, which influences the success of implementation that relies on the political dynamics and negotiations. Whichever actors have more influence (e.g. politicians, courts) decide the outcome of implementation by overcoming or eliminating resistance (Matland, 1995, 163).

Experimental Implementation (High Ambiguity and Low Conflict): The policy goals are unclear but face a low-conflict environment which allows local experimentation in and successive implementation throughout the process. The success is largely context-determined and depends on the skills of local actors (Matland, 1995, 161).

Symbolic implementation (High Ambiguity and High Conflict): With the policy's goals and means remaining unclear, the high Ambiguity opens the room for competing interpretations while the intensity of conflict deconstructs the success of implementation. This type may be used to create the appearance of action with the practice remaining inconsistent or purely performative. It also varies depending on the interpretation, sabotage or compliance of local actors (Matland, 1995, 164).

The model is particularly significant for analysing policies that claim universal applicability like the right to education, but face barriers in implementation due to conflicting political perspectives. However, it has been criticised for oversimplification of complex processes by focusing too heavily on two variables only. Furthermore, it may not adequately account for multinational governance structures or policies, such as the European Union.

Latest implementation research emphasizes the interaction between policymakers and street-level actors (Abdullahi, 2020, 24f.). This includes school directors and teachers as frontline implementers who hold the power of reinterpreting policies according to resources, local power dynamics and policies, as well as individual or community attitudes (Abdullahi, 2020, 26).

4.2. Moral panic

The concept of moral panic was originally introduced by Stanley Cohen in 1972. It describes the phenomenon of how public fears and societal responses towards specific groups are socially constructed, exaggerated and mobilized. The concept has been developed further by Goode and Ben-Yehuda in 1994, who define moral panic as episodes of exaggerated public concern over a perceived threat. This threat is targeted towards a specific group or behaviour which is constructed as dangerous, typically triggered through media, political discourse and institutional practice. The groups that are labelled as dangerous are perceived as enemies to the societal order and their actions are stereotyped

in disproportionate ways. Moral panic does not evolve from an objective, empiric severity of the threat but from a symbolic overreaction that follows. It is a flexible system which fluctuates in intensity and may disappear.

Goode and Ben-Yehouda (1994) theorise moral panic using five criteria, some retrieved from Cohen's original concept.

(1) Concern: The society must have an enhanced level of concern towards the specific group (or behavior) with presumed negative consequences for the rest of society. It is measurable through public opinion surveys, media coverage, legislation or social movements.
(2) Hostility: An increased level of hostility towards the group which is seen as being engaged in the threatening behavior. A dichotomy occurs between 'us' and 'them', including stereotyping and the creation of 'heroes' and 'devils'.
(3) Consensus: The society must have a certain amount of agreement that the threat is real and caused by the target group. Although this perspective needs to be fairly widespread, it is not necessary that the population who share the sentiment is in majority.
(4) Disproportionality: This criteria describes the disproportionate perception of a threat compared to its actual harm based on a sober evaluation. Moral panic constitutes through generated numbers, that 'support' the claims but are in reality exaggerated. However, Goode and Ben-Yehuda acknowledge critical opinions questioning the measurability of disproportionality and therefore introduce four indicators to rank the amount of disproportionality: First, cited figures are exaggerated; secondly, the feared threat is nonexistent in available evidence. If the attention paid to a specific problem is greater than what is paid to another, although the damage is the same or even higher for the second problem, the third indicator is met. Lastly, if the seriousness of the condition remains the same but the attention paid to it is much larger than before, it is an indicator that the criterion of disproportionality may have been met.
(5) Volatility: Moral panics fluctuate in their intensity, they may erupt and vanish quickly, some are institutionalised and remain for a long period of time through routines, some vanish without many remains. Even if it has a longtime impact, the time period of the state of panic, measured with the indicators explained above, is limited.

To understand why a moral panic arises and different actors get involved, Goode & Ben-Yehuda (1994) introduce a model with two dimensions that distinguish the theories that explain the emergence.

The first dimension covers the question of motive: The concerns and sentiments can either arise out of an ideology or morality as a deeply felt attitude, or out of material/status interest that the actors gain if

successfully starting a moral panic. The second dimension differs between a bottom-up approach, the panic beginning in the middle of society's status and a top-down approach with the elites starting. Combining the two dimensions with each other leaves the model with six potential outcomes, however, as Goode & Ben-Yehuda (1994, 161) argue, are three of those merely hypothetical without empirical evidence of real-life examples. The three remaining outcomes are the grassroot model, the elite-engineering model and the interest group model. Those models are not exclusive but rather analytical tools.

The *grassroot model* is a bottom-up model, where moral panic arises from widespread public anxiety. The concern may appear from rapid social changes, economic uncertainty or unfamiliar cultural encounters. In this model, politicians and the media do not start but reply to the arising panic and sentiment by amplifying and legitimizing it. The popular moral values are stable so that panic arises when those values appear endangered.

The *elite-engineered model* on the other hand is a top-down model in which moral panics are manufactured by political elites. The perceived threat is minor, whereas the panic is being instrumentalized for strategic diversion from economic or political problems or as a mechanism of social control. With the start of a moral panic, elites can shift away from their own shortcomings and justify policy measures that otherwise would've been viewed as extraordinary. These panics are often orchestrated with carefully established campaigns driven by political strategic objectives. This type of moral panic can often be found in populist regimes where power is maintained through the construction of external enemies instead of consensus within the domestic society.

The last model, the *Interest Group model* focuses on intermediate actors that initiate the moral panic for their own institutional, ideological or financial gain. Those actors (e.g. media organisations, religious groups or bureaucracies) do believe in the danger posed by the 'enemy' but also benefit from increased visibility, funding or authority. This model highlights the interplay of bureaucratic self-interest and moral entrepreneurship to intensify moral panics. It differs from the elite-engineered model by focusing on semi-autonomous actors instead of a central authority.

Despite the classification in one of those models, the acting groups as well as the interests are interconnected and stress the interdependence of political, institutional and cultural forces in constructing moral panics.

4.3. Intersectionality

The concept of intersectionality gained significance over the past three decades, however, there are differing perspectives on what it constitutes and to whom it applies. It was initially introduced by Women of colour scholars and Black feminists in the United States (cf. Al-Faham et.al., 2019, 248). The core concept analyses the intersections of identity features that reinforce marginalization. Kimberley Crenshaw primarily introduced the concepts of intersectionality and social movement politics through her articles "Demarginalizing the Intersection of Race and Sex" (Crenshaw, 1989) and "Mapping the Margins" (Crenshaw, 1991), focusing on the experiences of Black women within racial and gender hierarchies. Her research was developed and adapted by other scholars to show how policies, which are not sufficiently accounted for intersectionally situated citizens could produce malfunctions, including employment discrimination and gaps in housing protection (cf. Al-Faham et al., 2019, 249). Intersectionality aims on asserting all identity aspects simultaneously interacting affecting one's perception in a society. "[A] Muslim, a Bosnian, a female, and under the age 30. These identities do not exist in a vacuum, but rather are intimately connected to how the world perceives that particular individual" (Bešić, 2020, 114). This perception then leads to privileges or disadvantages in given society and shows in power dynamics and hierarchies. Those power dynamics decide on representation and visibility in society and political participation. Many scholars have defined power in various ways, this thesis will use Bourdieu's (1991) concept of 'symbolic power'. It describes the interaction of those who exercise power and those who submit to it, claiming an uncritical acceptance of a narrative, terms or language in a community. Representation through symbols is being produced by power-holders and reproduced by the society, resulting in consequences in reality. "These consequences can take the shape of attitudes towards a specific group of people (e.g. negative attitudes towards refugees), resulting in a specific perception of these people (e.g. that they take advantage of the social system) that is then perpetuated throughout society" (Bešić, 2020, 115).

Symbolic power also transfers into the educational system. The language used by educators has an enormous amount of symbolic power, used to achieve a certain goal by the authority.

To understand the different levels of intersectionality, Bešić developed a model called the 'intersection onion' (Bešić, 2020, 116) with four layers. The core of the metaphor is the Individual, consisting of different identity markers such as age, language, ethnicity, gender, disability, etc. The next layer, group membership, illustrates the individuals' membership to a specific group, for example refugee/migrant students, or students with disabilities. The individual is not only a member to one group but various, as intersectional theory has shown, and is categorized in those groups by society. The third layer, Social

context, acknowledges the social structure within the society, namely power, symbols, privilege, social order, capital, institutions, attitudes and beliefs. Lastly, the layer 'Unified system of oppression' shows the meta-structures of discrimination. It consists of racism, sexism, ageism, classism, ableism and/or religious oppression. The last, outer layer is the one which applies to all individuals the same way, whereas the other layers vary.

Bešić argues that practitioners need to be aware of the different identity markers of the individual and arrange their practice as well as policies accordingly. Otherwise, students can become invisible and underserved with the specific needs they have (Bešić, 2020, 120). She proposes a deeper understanding of the individual and critical awareness towards cultural-historical legacies within institutions and practices, especially in the context of migration and globalisation.

5. Operationalisation

To structure the analysis, following guiding questions have been operationalised, combining the lenses and the methodology, grouped into five thematic subchapters:

Legal and normative framework:

1. How is the right to education for refugees and migrants defined under international, European and Hungarian law?
2. How does Hungary's legal framework align with international and European standards and obligations?

Policy implementation gap:

3. What discrepancies exist between legal guarantees and practical realities in Hungary's education system for refugees and migrants?
4. Do Hungary's legal frameworks and practice fulfil the 4 A's of education: Availability, Accessibility, Acceptability and Adaptability? To which legal status do they apply?
5. Which factors contribute to these gaps (political, institutional, societal, financial)?
6. What type of implementation is predominantly used?

Political narrative and discourse:

7. How do political narratives, government policies, and media discourses shape the public attitudes towards refugee and migrant education?
8. How do these narratives impact integration policies and practices?

9. Is the Hungarian government using the concept of moral panic to influence the society?

Intersectionality:

10. How do identity markers and factors like the legal status intersect with the right to education and integration outcomes?
11. Which groups face compounded disadvantages or vulnerabilities?

Role of education in Integration:

12. To what extent does (access to) education promote the integration of refugees and migrants into Hungarian society?
13. Is education functioning as an effective integration tool in practice?

After analysing the literature with those operationalised questions, this work will answer the research question to then conclude how the right to education acts as an indicator for migrant integration in Hungary.

5.1. Limitations

This study is limited to the Hungarian context and does not include primary empirical data collection but relies on an interpretive analysis of secondary sources, including legal texts, policy documents, academic literature and NGO reports. Misinterpretations and -understandings are possible. While this approach allows for a theoretically grounded analysis, it limits the capacity to assess individual experiences directly and to provide insight to lived experiences of refugee and migrant children, teachers or policy makers. As such, the findings represent institutional and structural perspectives rather than individual experiences.

This study applies the concept of integration as an analytical framework, despite acknowledging its contested nature. Although a critical discussion of integration is included, the continued use of the term and concept may reproduce some of the normative assumptions associated with it. Future research might benefit from using alternative methods such as inclusion or decolonial perspectives.

The research primarily focuses on English-written literature. Although key Hungarian reports and legal documents were consulted in translation or secondary analysis, some national materials remained inaccessible due to language limitations. This may have excluded valuable local insights.

The thesis focuses on the Hungarian context only. While the main findings may be relevant for other Central or eastern European countries with similar political conditions, comparative insights remain

outside the scope of this study. Furthermore, regional differences within Hungary were not regarded, even though access and practices may vary significantly between urban and rural settings.

To analyse the practical implementation more tailored towards this thesis' topic, interviews and data collection would have been useful. This work therefore only relies on literature describing and examining reality.

Finally, the evolving political landscape in Hungary and inconsistencies in public available data present further limitations. Legislative changes and political decisions affecting refugee education may not yet be fully reflected in the literature used. Comparative analysis with other EU countries was also excluded, even though it could have provided additional contextual depth, distinguishing between domestic or regional problems within the field of refugee education.

6. Analysis

This chapter applies the methodological approaches outlined in Chapter 5, combining doctrinal legal analysis, normative gap analysis and secondary qualitative data review while using Matland's Policy implementation Gap theory and Bešić's intersectionality model. Chapter 6.1. will provide the basis with the theoretical, legal framework for chapter 6.2., where it will be compared with the practice in place. Chapter 6.3. will examine the influence of the political narrative and discourse. In chapter 6.4., the intersection of the different levels analysed before will be identified and consequences outlined. Chapter 6.5. brings all different aspects together to understand the role of education in Hungary.

6.1. Legal and normative framework

The first chapter of the analysis will work with a doctrinal legal analysis to extract Hungary's obligations under International and European law to see how it is implemented in domestic law. Hungary's obligations derive from binding and non-binding international and European frameworks. The terms binding and non-binding are used for Hungary's specific position and cannot be applied for other states due to signatures and ratifications.

Binding legal obligations (hard law):

At the international level, Hungary is bound by the Geneva Convention, with Article 22 dedicated to education, securing the same treatment as nationals for primary education and "as favourable as possible" (UNHCR, 2011) for post-primary stages of education. The ICESCR introduces the universal right to education in Article 13, the principle of non-discrimination and several general obligations

which influence the realisation of free education. The CRC outlines the objectives of education for every child in Article 28 and 29 (UN General Assembly, 1989). States should take measures to ensure school attendance and reduce dropout rates and education should be a tool for the development of the child's personality with respect for human rights, cultural identity and diversity, as well as ensuring special protection for refugee children.

At the European level, Hungary's membership in the European Union and the Council of Europe obligates compliance with several instruments. The Charter of Fundamental Rights of the European Union guarantees the right to education in Article 14 and prohibits discrimination (Article 21). The First Protocol of the ECHR affirms the right to education for all individuals under a state' s jurisdiction. Detailed obligations are provided in the EU directives. Beneficiaries of international protection are granted full educational access under the Qualification Directive, the Reception Conditions Directive mandates access for asylum-seeking minors. Both the Racial Equality Directive and the Employment Equality Directive prohibit discrimination in education and employment.

Those are the main binding obligations Hungary must implement in the field of (refugee) education. The Fundamental Law (Article XI) enshrines the right to education as a fundamental right for all. Act CXC on National Public education guarantees access to education for all children residing in Hungary without specification of nationality, therefore aligning with non-discrimination principles under international treaties. This principle is further incorporated in Act CXXV of 2003 on Equal Treatment that prohibits discrimination based on multiple grounds, including nationality and ethnic origin. Regarding refugee education, Act LXXX on Asylum formulates provisions for access to education for recognized refugees and beneficiaries of subsidiary protection, aligning with the obligations under the Qualification directive.

However, incorporation of the Reception Conditions Directive, particularly concerning asylum seekers who still await their status determination, remains less fully articulated in national law.

Non-binding instruments shape the interpretation and expected standards of binding obligations. The General comment 13 introduces the 4 A's: Availability, Accessibility, Acceptability and Adaptability as an authoritative interpretation of ICESCR Article 13. These criteria serve as the global standard for assessing compliance. Although they are not binding, non-compliance could be interpreted as a violation of Article 13 of ICESCR. The Global Compact on refugees (2018) promotes the inclusion of refugees in national education systems and quality education. Inclusive education regardless of status is encouraged to eliminate barriers in access to education is encouraged in the Global Compact for Safe, Orderly and Regular Migration. The UNHCR Education Strategy outlines standards for

equitable, inclusive quality education for refugees through capacity-building measures in the host country. The New York Declaration (2016) highlights the importance of education as a key element for sustainable development and durable solutions. Collectively, these frameworks advocate for inclusive education systems and provide policy guidance.

Within the EU, non-binding documents such as the Common Principles on Integration, the EU Action Plan on Integration and Inclusion, the Europe 2020 Strategy and the European Education Area offer additional guidelines and encourage its Member States to enhance integration efforts through education.

In sum, Hungary's legal framework shows an extensive commitment to ensure and implement the right to education not only for domestic students but also for refugees and migrants. It follows legal obligations under the international and European hard law. Regarding the soft law, however, Hungary has not established dedicated national strategies that fully operationalise these soft law expectations. While some elements are indirectly part of various educational policies, Hungary has also progressively withdrawn from integration strategies for refugees since 2016.

6.2. Policy implementation gap

On the basis of Hungary's actual legal status concerning migration, integration and education, this chapter will analyse the differences between this theory and the practice in place. Therefore, the different obligations and their practical implementation will be looked at individually, while categorizing it into Matland's model of Ambiguity and Conflict. In the end of the chapter, those categorizations will be interpreted and analysed as a whole.

Based on the nature and content of the different obligations, the chapter will be structured in four blocks: (1) General right to education and access; (2) The 4 A's; (3) Discrimination and differential treatment; (4) Integration policies (soft law).

Universal Education for all children is theoretically established through the CRC Article 28 on an international level and Hungary's Fundamental Law, Article XI and Act CXC/2011 Article 2(1). The observed practice showed that asylum-seeking minors are excluded from education during the asylum procedure (AIDA, 2024, 13). Children in reception facilities had no access to education (Koehler, 2017, 10). In contrast to that, beneficiaries of subsidiary protection from Ukraine enjoyed stronger protection than other groups (Simonovits, 2020, 171). Scholars agree that status influences the implementation of universal education for all children. Formally, the law does apply to all children regardless of status, but practice remains uneven. The ambiguity appears low, since Act CXC/2011

specifically guarantees education for all children. The conflict on the other hand is high, guided by the political narrative that selectively favours specific groups. The selection of students by the schools as well as pressure from outside (e.g. through EU decisions or the UN special rapporteur) enhances the conflict. In Matland's matrix, low ambiguity and high conflict is a political implementation.

Moving from a universal education for all to equal access to primary education, an obligation found in the 1951 Geneva Convention, implemented in Hungary's law through Act LXXX/2007, Article 32 and Act CXC/2011, Section 92. In the practice of refugee education, the UN special rapporteur (2025, 3) pointed out that no national system is monitoring refugee school enrolment, whilst the AIDA report (2024a, 91) showed a delay or absence of enrolment (in the case of reception facilities). However, some church-run schools actively enrol refugees (Szilassy & Árendás, 2007, 400) and positive practices were found. The reports pointed out that this, however, is not because of state support or policies, but because of individual engagement and motivation of educators and school directors. Nevertheless, lack of Hungarian language teachers reduces the effective access for refugee students (Menedék, n.d.). Regarding Matland's concept, the implementation of this obligation falls under political implementation again, combining the low ambiguity of the explicit guarantee of equal access for recognized refugees in Act LXXX/2007 and a medium conflict through the resistance of local administrators against resource constraints with a weak central government oversight.

Special protection for refugee children, as envisioned in CRC Article 22 (UN General Assembly, 1989) and somewhat implemented in Hungary's Act LXXX/2007 could barely be observed in the results of the reports and data. There is no state-wide trauma-sensitive teacher training (UN Special rapporteur, 2025, 3) so that psychological (and other) support is mainly provided by NGOs (Menedék, n.d.). By Hungarian law, person in need of special treatment include unaccompanied minors that have experienced psychological, physical or sexual violence, torture or rape (Act LXXX/2007, Article 2), however, there is no general policy regarding the special protection for refugee children, therefore, the ambiguity is high. Regarding the conflict, it appears rather low on an institutional level, which reflects political neglect, but moderate to high within NGO actors.

The general right to education of ICESCR Article 13 is established in Hungary's Fundamental law, Article XI. The observed state practice is comparable to the first obligation of universal education for all children, as is the classification into Maitland's model. In addition to Article 13, the General Comment No.14 introduced the 4 A's, which are not binding by law but will be looked at individually in the next group's paragraph.

Under EU law, the right to education includes everyone under a state's jurisdiction, regardless of their status. It is transposed to Hungary's Fundamental law. In practice, the UN special rapporteur found that Roma and refugee children continue to be segregated and no national structural reforms were established to hinder the segregating education system (UN Special Rapporteur, 2025, 3). Nevertheless, some positive practices are monitored. Those are not the outcome of a structural well-function of the system, but an individual's effort (Szilassy & Árendás, 2007, 400).

Scholars observed the externalisation of asylum processes via the Hungarian embassy in Belgrade. This externalisation can be understood as a mechanism to prevent asylum seekers entering the Hungarian jurisdiction, since only those who physically enter Hungary's territory become eligible (AIDA, 2024b, 13). As long as there is no person under the jurisdiction of the state there is as well nobody deserving any educational support. Further operations of deportations without a legal process broaden Hungary's range of options to prevent a practical realisation of this obligation. The combination of low Ambiguity and high conflict due to the political use of jurisdiction to override education access for asylum seekers constitutes a political implementation.

In sum, the obligations of the first block, general right to education and access show a gap between policy intent and specification and observed practice. The implementation appears to be mostly political.

The 4 A's (Availability, Accessibility, Acceptability and Adaptability) were only partially transposed into Hungary's national law.

The principle of *availability* under international human rights law requires the sufficient presence of educational institutions and programs in a state's territory. In Hungary, it is guaranteed through Act CXC/2011, which affirms the state's duty to provide primary and secondary education, but it remains a general guarantee without mechanisms ensuring equitable distribution across regions. Although this pattern is not a specific Hungarian problem, it nevertheless fuels the overall critical condition even further. This leads to limited school capacity of schools in rural areas in practice (UN Special Rapporteur, 2025, 2) and no obligations to distribute language teachers throughout the country (AIDA, 2024a, 91). There has been capacity expansion through EU funds, however, it remains uneven and was only partially activated by the Hungarian government. Therefore, placement in schools is often a question of capacity rather than suitability. The ambiguity of the policy can be classified as medium due to the lack of mechanisms including coordination and financial resources, although the preliminary provision is quite unambiguous. The conflict appears high, budgetary constraints created local resistance, protests in 2022 showed disagreement with the politics, vocalizing resentment against

teacher shortages and low payment (Balkan Insight, 2022). The implementation of the guarantee of school availability remains symbolic.

Accessibility refers to physical and economic access to education and non-discrimination in admission policies. It is not only embedded in General Comment No. 13 but also in the EU Reception Directive and adapted in Hungarian law Act CXXV/2003, Article 8, which guarantees equal treatment for all persons within Hungary. Despite the low ambiguity, the situation in practice is influenced by thresholds and barriers. Complication arises through the demand of some schools for excessive documentation (e.g. proof of a permanent address) before enrolling refugee children. Those demands exceed what is legally required, excluding asylum-seeking children. In some municipalities, informal entry tests are required to filter applicants (UN Special Rapporteur, 2025, 3). Language barriers further complicate the enrolment procedures so that NGOs like Menedék assist families and students navigating through the bureaucracy, suggesting systemic administrative resistance (Menedék, n.d.). The individual requirements of students with special needs are often not met due to the school's capacity or teacher training. Furthermore, differential treatment based on status has been observed and Hungarian families voiced their aversion towards the reception of refugee students (AIDA, 2024 b, 91). Although Hungary ensured by law that minorities can access education in their language, this leads in practice to limited enrolment of minority children and larger segregation.

Conflict is high, as the gap between the law and local implementation is sustained by political rhetoric that influences the local actor's willingness to comply.

The dimension of *Acceptability* requires that the education's content must be relevant, culturally appropriate and of good quality. In the Hungarian context, this obligation is not implemented in the National Public Education Act. The current National Curriculum (2020) lacks binding provisions regarding the visibility of intercultural education or refuge-relevant content. The result is a high degree of ambiguity in domestic law, since neither diversity-sensitive nor cultural or linguistic needs of refugee, minority or other culturally, ethnic diverse children are addressed.

This assessment is strongly supported by the observed practices. Szilassy & Árendás (2007) reported that teachers barely adapt teaching materials or content that reflects the diverse backgrounds of refugee children. The curriculum reinforces a homogenized national identity, leaving minimal space for divergent narratives. More recently, the special rapporteur on the Right to education noted in 2025 that from a governmental, centralised stage no systemic efforts are made that would promote intercultural and inclusive education for minorities and refugees. Lack of teacher training amplifies stereotypical

narratives, so that difference is almost exclusively used and seen negatively instead of enriching (Messing et al., 2010, 6f.).

The conflict level is high, as political and societal narratives actively resist pluralistic approaches. The government has repeatedly reframed refugee issues through a nationalistic lens (Neumann & Rudnicki) influencing the public's perspective over several years. That limits the education system's capacity to evolve within a strict national curriculum. This symbolic implementation leads to policy stagnation. Although some church-run schools make informal efforts (UN Special rapporteur, 2025, 1), these remain isolated good practices that rather enhance the conflict than could be seen as systemic responses.

The *Adaptability* obligation refers to the state's duty to adjust the education system to the evolving needs of the students, particularly those in vulnerable situations. According to General Comment No. 13, Adaptability includes modified pedagogy and classroom structure, as well as support services that reflect the individual learner's context. In Hungary, there is no such transposition into the domestic law for refugee or asylum-seeking children. The law does not require an individualized education plan or language support. Preparatory classes should provide language classes to reach a certain proficiency to gradually integrate into regular classes.

In practice, those preparatory classes often become long-term holding spaces, delaying or even blocking integration (Koehler, 2017, 11). There is no formal structure or guideline in place to detect whether a student is ready to transition or to support this move adequately through pedagogical measures (UN Special rapporteur, 2025, 3). Additionally, those classes are almost exclusively for language learning, however in reality, the classes do not always take place or in reduced quantity and other aspects such as psychological or academic support are not provided. This system produces early dropout rates and cold integration for refugee children (Menedék, n.d.).

The legal Ambiguity is high, as national law remains silent on mechanisms meeting the individual (refugee) student's needs appropriately. Despite the absence of legal clarity, the political opposition is not particularly strong, since this issue isn't as politicized and provocatively framed as refugee access or segregation. The implementation therefore is experimental, with high ambiguity and low conflict, the outcomes depend on local capacity and practices.

The next two obligations concern the principle of non-discrimination. The first one specifies discrimination based on ethnic origin, the second one discrimination based on nationality and country of origin.

The prohibition of discrimination based on ethnicity as well as nationality and country of origin in education is enshrined through the Racial Equality Directive 2000/43/EC, Article and transposed by Hungary through Act CXXV of 2003, with Article 27 and 28 being specifically dedicated to education and training. The provisions explicitly prohibit discrimination on the basis of several factors (Article 8), including racial origin, origin of national or ethnic minority and nationality. Both obligations have the same, clear legal source.

Despite this clear standard (Low Ambiguity), implementation reveals deep reaching disparities in treatment based on ethnic/ racial origin, most extensively researched concerning the Roma minority. Empirical research shows that Roma refugees or students that do not have a sufficient level in the Hungarian language are disproportionately placed in segregated Roma-majority schools (Szilassy & Árendás, 2007, 400). In many cases, Roma experience discrimination and refugees are treated similarly to Hungarian Roma children. The 2025 report of the UN special rapporteur noted that Roma refugee students are frequently put into educational institutions with no opportunity for inclusion or academic success (UN, 2025, 3). There is minimal state effort to counteract this segregation.

This practice is not enabled by legal ambiguity, but by a social system that is heavily driven by anti-immigrant and xenophobic perspectives. Local authorities may justify the placements with capacity and resources. There is no national-level oversight to detect such patterns of segregation. Because of societal perspectives and political narrative, including antigypsyism and Xenophobia, the level of conflict is low within the society but high when it comes to human rights compliance. As with many obligations in Hungary's refugee education regime, the problem is not in the text of the law, but in the will to apply it consistently across ethnic groups.

Non-discrimination based on nationality has the same legal basis in Hungarian law, regarding the analysis of implementation, however, the recent migration streams of Ukrainians entering Hungary shows a discrepancy with the refugees that came during the migration crisis in 2015 and 2016.

Ukrainian Refugees have an easier access to a recognition of status, the Temporary Protection and experience prioritisation compared to non-European asylum seekers (Eredics, 2024). It is arguable that they are perceived differently because a return to the home country is intended. Nevertheless, the differentiation reaches the public and political discourse as well. The government has repeatedly shown a clear ethnic/national differentiation in public statements and publications, framing some nationalities as more deserving than others (Neumann & Rudnicki, 2025, 90). Furthermore, the AIDA report showed that some humanitarian resources and EU funded support mechanisms are accessible for Ukrainians only (AIDA, 2024b, 15).

This differential treatment of different refugee groups shows a high conflict; therefore, the implementation remains political.

The last group covers integration provisions, which are included through International and European soft law. Firstly, inclusive education for refugee children including special support as envisioned in the UNHCR Education Strategy. Hungary did not transpose it into the national legislation; therefore, practical implementation relies on NGOs. Some church-run schools established individualized support, but it remains a singular practice. The high ambiguity and high conflict due to the rejection of responsibility, the implementation is symbolic.

The same implementation type can be found in the last obligation, a coordinated integration policy. Although embedded in the EU Action Plan in Integration, there is no national transposition in Hungary, as it withdrew from integrational practices. The observed practice reveals that integration is directly connected with a security threat in the governmental discourse (Neumann & Rudnicki, 2025, 90). Furthermore, criminalisation of migrant supportive practices further enhance the pressure on NGOs who remain with the responsibility for integrational practices. Societal perspectives and segregation trends hinder the implementation.

This section addressed the operationalised questions 3 and 4 by analysing the legal and institutional structures that shape the right to education for refugee and migrant children in Hungary. The domestic legal framework formally incorporates international and European obligations. However, these formal guarantees often fail to translate into meaningful access, particularly for asylum seekers and unaccompanied minors.

In applying the 4 A's framework, the analysis found that availability only works partially, while regional inconsistencies based on resource disparities and lack of coordination remain. Accessibility is formally guaranteed but hindered in practice by administrative gatekeeping and discriminatory practices. Acceptability is absent both from legal and curricular frameworks since no intercultural content or training is carried out by the authorities. Lastly, adaptability depends on local actors and NGOs, on a formal level, policies that adjust linguistic and psychological support are absent.

The type of implementation for Matland's (1995) Ambiguity-Conflict model that is used the most often in Hungary is the political implementation. This type is defined through a low ambiguity of obligations but high conflict. The second most implementation type is symbolic implementation, showing a compliance on paper rather than a transposition to practice.

Overall, Hungary exhibits a pattern of strategic legal compliance. While the laws are codified, the implementation is obstructed through political pressure and messages as well as administrative practices and a lack of resource prioritisation.

6.3. Political narrative and discourse: A moral panic?

The implementation of refugee education policy in Hungary as well as the political and societal landscape influencing intersectionality issues can not be fully understood without examining the political narratives and public discourse that shape both institutional behaviour and societal attitudes. The political narratives that surround migration, especially the way in which refugees and migrants are framed by state actors and the media, play a decisive role in the way the public perceives them. It further influences institutional behaviour and policy design. In Hungary, the political discourse about migration is not merely reactive or symbolic but functions as a political instrument. This chapter applies the concept of moral panic, as defined by Goode and Ben-Yehuda in 1994, to analyse the Hungarian government's political strategy and its implications for refugee education.

The five criteria for identifying whether a moral panic was constructed are Concern, Hostility, Consensus, Disproportionality and Volatility. These moral panics are not exclusively cultural phenomena but are often rooted in power and political interest. Goode and Ben-Yehuda outline three explanatory models. The grassroot model posits that moral panic emerges from genuine public concern or anxiety. The interest group model highlights how institutions amplify concerns to serve ideological or material interests, including power. The last model, the elite-engineered model, understands moral panic as a strategic tool by political elites to embed fear, distract from their own inadequacies and to consolidate power.

These frameworks will be used to evaluate whether the Hungarian discourse on refugees and migrants constitutes a moral panic, and how this framing affects the implementation of refugee education policies.

(1) Concern

Hungarian political discourse has been centred around the notion that migration threatens national sovereignty, cultural identity and public safety. This Concern was amplified through repeated campaigns, including billboards, TV and radio spots and national consultations (Barlai & Sik, 2017, 148). A system with legal measures was set up. It was targeted towards refugees and migrants, especially Muslim, Arab and Roma populations (Neumann & Rudnicki, 2025, 90).

(2) Hostility

The moral boundaries around the refugee question drew a sharp line between an imagined 'us' and 'them'. Those binaries were given central attention in the government's campaigns. The term 'migrant' was linked with 'illegal' and 'terrorism'. Dichotomies of 'deserving' and 'undeserving' were repeatedly used (Neumann & Rudnicki, 2025, 90). The communication strategy of the government created the image of the Hungarian Fortress (Glied & Pap, 2016, 140), which protects Hungary and its citizens from two intruding 'enemies'. Firstly, refugees and migrants, particularly Muslim refugees that, as the narrative states, do not comply with the Hungarian cultural and moral order (Barlai & Sik, 2017, 154). Hostile attitudes are not only triggered towards the refugees and migrants, but also towards their supporters. The political system criminalized integration support organisations and withdrew from integration strategies. Secondly, prime minister Orbán places himself, as Hungary's defender, in opposition to the West and the European Union, creating an anti-identification with both images of enemies. The hostility is also monitored within the civil society, with the highest rates of Xenophobia among all EU Member States. Numerous examples show how those attitudes can be found in all sectors of public life, as data from the Eurobarometer (2022), Simonovits (2020) and Glied & Pap (2016) showed.

(3) Consensus

While public opinion is not uniform, surveys indicate substantial support for the government's anti-immigration perspective, showing that a majority of Hungarians would feel uncomfortable engaging with immigrants in their daily life (Eurobarometer, 2022, 25f.). The perspectives constitute through different components of fear, which are of moral and cultural but also materialistic (e.g. labour market) nature. State-controlled media ensures that differing narratives remain limited. The maintenance of one-sided perspectives can also be found in the national curriculum, through which the sensitivity for different histories and cultural backgrounds among students is limited. The constructed institutionalised consensus gives the government legitimacy to enact restrictive policies, as its decisions are backed through mechanisms like the national consultation about the public sentiments towards refugees (Barlai & Sik, 2017, 154).

(4) Disproportionality

Regarding the disproportionality of concern, the data observed that the level of political and societal response exceeded the objective scope of migration to Hungary. It should not be forgotten that a lot of refugees came to Hungary in 2015 and 2016, due to its geographical position on the Balkan route, however, in comparison to other EU states, only a very few percentage of those coming to the country actually stayed and received international protection status (Böhm, 2021; Integral Human

Development, 2019). Nevertheless, Hungary established some of the most punitive asylum and (anti-)integration policies in the EU, including the criminalisation of asylum seekers, the construction of border fences and transit zones and the withdrawal from integration programs. In 2023, Hungary received less than 50 asylum applications, but the border legislation and military authority was maintained by the government. The magnitude of response is disproportionate to current levels of migration.

It is arguable whether the feared threat was non-existent in 2015, however, the public xenophobic sentiments peaked in 2017 (Simonovits, 2017, 161) and further remained. The EU Special Barometer showed that in 2022, only 3% of respondents interact with immigrants on a daily basis (ibid., 21). This suggests that now (2025), the symbolic threat is much higher than the actual threat. Additionally, particularly Muslim and non-European groups are framed as dangerous. However, the available data did not support the claim of increased crime rates in Hungary due to migration or carried out by migrants or refugees, including terrorist attacks. The statement of the prime minister in 2024 refers to the attack on a Christmas market in Magdeburg, Germany: “These events only began with the wave of mass migration. Hungary will not allow itself to become a nation where such attacks are the norm” (Anadolu Agency, 2024).

While migration remains a central issue in Hungarian politics, other structural problems, like teacher shortages, brain drain of young Hungarians etc., receive less public and/or political attention. The issues that are covered are mostly not constructed as crises in public discourse. Instead, migration, regardless of its marginal presence, is prioritised in rhetoric and institutional practices.

The alleged threat of migration and the constructed narrative peaked with the migration crises but has been strategically reactivated throughout the years. Although the actual migration rate (of non-Europeans) has decreased and remained low since 2017, political attention spikes in times of political conflict and in response to EU legal challenges. This supports the indicator of disproportionality but also the criterion of volatility.

(5) Volatility

The construction of a full anti-refugee policy system started in 2010 and was in place by 2015 (Barlai & Sik, 2017, 151). Although refugee flows have declined, the narrative infrastructure remains active, ready to be reactivated for questions of legitimacy. The negative public sentiment towards refugees was not outstandingly high but doubled rapidly in 2015 (Glied & Pap, 2016, 143). It is yet to be observed how the narrative and perspective will change towards Ukrainian refugees, as a change in the primarily welcoming public attitude can be already seen (Eredics, 2024).

It appears that all five criteria of a moral panic are met in Hungary's case. The case aligns most closely with Goode and Ben-Yehuda's elite-engineered model of moral panic, in which political elites construct and amplify societal fears. This practice consolidates power, marginalizes opposition and legitimises restrictive policy interventions. The ruling Fidesz party led by Viktor Orbán produced the moral panic through strategic campaigns amplifying xenophobia on the one hand and national identity narratives on the other hand. The centralisation of media control has allowed the government to shape public discourse with minimal resistance. The multi-channelled campaigns assured reaching the target groups and political views were embedded in institutional practices.

Additionally, the interest group model may also be of relevance. Media outlets that align with the government and bureaucratic bodies benefit from reinforcing the panic, to establish and maintain their own power, access to additional funding, relevance or institutional expansion. For instance, the military might want to maintain the additional authority they received during the state of crisis.

The grassroot model, however, appears less applicable. Although numbers of Xenophobia are high and public fear exists, the data implies that it has been mobilised and amplified through a top-down mechanism, rather than emerging from bottom-up.

This section answered the operationalised questions 6-8 by examining how the discourse carried out by politicians and the media shapes the attitudes towards refugee education and influences integration practices.

The analysis applied the concept of moral panic, finding out that Hungary meets all five criteria. The discourse surrounding migration is marked by elite-engineered use of fear and panic as a tool for political legitimacy. The image of migrants is linked with cultural and security risks. This strategy creates a hierarchy of deservingness.

The moral panic serves three purposes as it mobilises the public support for political decisions through fear-based rhetoric, justifies restrictive policies like the withdrawal from integration system and shapes institutional behaviour.

The public discourse reflects the success of the constructed moral panic. Its importance in the implementation of legal obligations can also be transposed to Matland's (1995) model, where moral panic heightens political conflict. This reinforces the observed policy implementation gap and its political implementation.

6.4. Intersectionality

Although the previous analyses showed the institutional and political deficiencies in Hungary's refugee education framework, they often fail to regard the intersection and compounded disadvantages the individual student is facing. This chapter applies the theoretical lens of intersectionality, as operationalised in chapter 3.3., to understand how refugee students' multiple identity markers, including legal status, ethnicity, religion, gender and age, interact with group membership, social context and the unified system of oppression to produce distinct and layered forms of exclusion.

The individual:

The Individual's identity markers that intersect and form someone's societal appearance and influence their unique experience with the system also apply to the situation of refugee children and students in Hungary.

Gender does influence the access to public society and institutions. Although the database is limited, the GENSEN report by the Hungarian Helsinki Committee (2011) showed that no assessment regarding gender-based violence or persecution is in place, explaining the limited availability of data. Nevertheless, the special needs and required protection refugee women and girls need are undeniable. Politically, Hungary has not ratified the Istanbul Convention on preventing and combating violence against women and domestic violence (CETS No. 210).

The age of the refugees is a determining factor for the eligibility to access education. With the lowering of school age from 18 to 16 in 2012, asylum-seeking children above 16 were denied access to education (AIDA, 2024 a, 91).

The available data showed no specific influence of citizenship itself, but a different treatment of European and non-European refugees entering Hungary. This may be influenced more by culture, ethnicity and religion than nationality.

Ethnicity is a crucial identity marker in the case of Hungary. Several sources showed that particularly Roma children - whether Hungarian or refugee - are subject to longstanding (institutional) discrimination (Glied & Pap, 2016, 143; Neumann & Rudnicki, 2025, 90;). The importance of this marker is clearly exemplified in the treatment of Ukrainian Roma refugees. Although the political and societal sentiments towards Ukrainian refugees were more positive than towards non-Europeans, the factor of Roma ethnicity led to a hostile perception with legal and discriminatory consequences (AIDA, 2024b, 15; Eredics, 2024).

Furthermore, religion was a key aspect in Hungary's political campaigns, where Islam is viewed as extremely negative. Religion intersects both with ethnicity and nationality. Muslim students, especially those coming from Middle Eastern or African backgrounds, are often framed as incompatible with Hungarian culture and treated similar to Roma children, enhancing educational segregation.

Lastly, the legal status of the individual is the most crucial in deciding the institutional categorization in Hungary. The status regulates the simplicity of educational access, but also additional support and bureaucratic hurdles (AIDA, 2024a, 91).

These categories do not operate separately, but compound disadvantages. A Muslim asylum-seeking girl from north Africa with special needs, for instance, may face legal exclusion, religious stigmatisation, ableism and gender-based vulnerability all at once.

Group membership:

Beyond identity, institutions and the society construct and categorise refugee students in groups. The political and societal narrative revealed that the construction of binaries between the 'deserving' and the 'non-deserving' group (Neumann & Rudnicki, 2025, 90) as well as between European and non-European refugees influences the individual's perception. The group membership decides over a person's legitimacy to participate in public life. The AIDA report showed that some schools introduced informal interviews to refuse enrolments (AIDA, 2024a, 91). In the school's context, 'difference' is perceived as something negative (Messing et al., 2010, 6f.), and due to the curriculum and enrolment difficulties, every student who is not Hungarian may be seen as different, automatically associated with negative stereotypes and narratives.

Additional support for students with special needs are largely absent, the physical accessibility of schools is not ensured.

Further discrimination arises through the categorisation of migrants as the future voters of western EU countries (Glied & Pap, 2016, 141). This frames the refugees in a double-negative image of enemies because of their history and background and enemies because of their potential (pro-EU) future.

Social context:

The social context provides little support for refugee students in Hungary. The dominant educational discourse is nationalist and monocultural. Interculturality and diversity are framed as problems, multiculturalism rejected (Zambeta, 2019, 384). Regarding the situation of teachers, there is a lack of training, funding and awareness-raising. The lack of institutional guidance leaves schools vulnerable

to actively or passively reproducing societal prejudice, including the perpetuation of binaries and automatisms like the grouping of refugee and Roma students and segregation in different classes.

The students themselves do not have access to monthly cash allowance and school enrolment benefits anymore, which adds an economic dimension to their situation.

Unified system of oppression:

The final and most embedded layer of intersectionality lies in Hungary's legal and policy framework that have been analysed in chapter 6.1. and 6.2.. The analysis showed that the legal system fails to address and support compounded disadvantage but reinforces it. The withdrawal of Hungary's national integration strategy in 2016 eliminated state-level coordination of support for refugee students and their families, leaving NGOs as the primary and exclusive providers of language support, trauma-informed psychological help and school mediation (Simonovits, 2020, 171). Systemic issues of xenophobia, antiygypsyism and Islamophobia are rarely addressed through the law. Instead, the legal system and its implementation in practice often amplifies limited access for refugee students, especially on the basis of their status. Deportation mechanisms eliminate the possibility to receive protection based on special vulnerability (Barna & Hunyadi, 2015, 10) and the system lacks responsiveness to an individual's special needs (UN, 2025, 1f.). Roma refugee children receive no targeted support despite their double marginalisation.

These factors weave a web in which the intersecting history of refugee students are not addressed, but persistent, layered exclusion was institutionalised.

This chapter analysed intersectionality in education with regards to the operationalised questions 9 and 10. Drawing on Bešić's (2021) layered model, it examined how overlapping identity factors can produce different experiences of exclusion. The analysis identified that legal status, ethnicity, religion, gender and age are the most influential identity markers within the unified system of oppression. Institutional categorisation reflects symbolic power and upholds societal hierarchies. By applying Intersectionality, the analysis showed that the political strategy of a hierarchy of deservingness, as found in the previous chapter, is much more complex and determined by several, intersecting factors.

Intersectionality reveals that Hungary's refugee education system does not fail evenly, it fails differently for different groups, leaving the most marginalized with the least support. Legal guarantees alone are insufficient without acknowledging those intersecting layers of inequality.

The final section brings together the findings of the legal, political and intersectional analyses to address the overarching questions about the role of refugee education for integration processes in

Hungary. It critically reflects on how the Hungarian state has operationalised the right to education for refugee and migrant children and evaluates the gaps between legal commitments, political narratives and practical realities. The analyses showed how education is simultaneously a site of entitlement, control and exclusion. While education is frequently described as a cornerstone of integration in international frameworks and appears as an indicator to measure the success of integration; in the Hungarian context it functions as a selective, conditional and politically charged mechanism, where integration is layered along limits of legality, ethnicity and cultural proximity.

With the withdrawal from integration mechanisms, the importance of education as a tool for implementation rose, since Hungary could not withdraw from education. This chapter will analyse if and how education is politicised to keep integration as marginal as possible.

Hungary's legal commitments under international (CRC, ICESCR) and EU law require the state to provide equal access to education for all children within its territory. These commitments are reflected in national law. However, the implementation gap analysis reveals a consistent disconnect between law and practice. The MIPEX, introduced in the beginning, classified Hungary's policies as 'equality on paper'. The analysis of policy implementation supports that classification. While education is legally framed as a universal right, it is practice selectively implemented. Beneficiaries of Temporary Protection are afforded a much smoother access than asylum seekers, Roma and non-European refugees, who are facing administrative blockages, under-resourced schools and exclusion. Education therefore is not promoting integration but becomes a mechanism of segregation and status differentiation, reinforcing and multiplying the political distinction between those who 'deserve' inclusion and those who do not.

One of the most significant findings is that access to education and the quality and type of inclusion are shaped not only by legal status but by perceived cultural and ethnic proximity to Hungarian identity. The analysis with the concept of moral panic revealed that the public and political discourse construct a hierarchy of 'deservingness'.

It was illustrated by the comparison in the treatment and framing of Ukrainian and non-European refugees. Ukrainian refugees (except Roma Ukrainians) are framed as culturally close and are integrated accordingly. In contrast, Muslim, Roma, and African refugees are symbolically excluded through state-controlled or influenced media, political campaigns, and institutional practices. Those discursive constructions predefine the possibility of integration. Refugee education no longer depends on need, but on narrative compatibility. This dynamic transforms education into a site of identity

filtering, where the goal is not integration in a civic or democratic sense, including learning from each other, but assimilation for some and inclusion for others.

Those identity markers used for filtering were illuminated by the intersectionality analysis. It showed their interaction to produce compound disadvantages. The Hungarian education system reproduces disadvantaged structures of societal inequality. Refugee children who are both legally vulnerable and symbolically marginalized are most likely to be excluded or under-supported. The state's silence on intersectional needs, combined with a monocultural curriculum and absence of intercultural and awareness-raising training for teachers, ensures that these are not recognised within the system. They do not have a voice within the Hungarian system and their identities and needs fall outside what the educational infrastructure is built to accommodate.

International literature presents education as both universal legal right and an integrative force, fostering inclusion, empowerment, and long-term social cohesion. However, in Hungary, education is not structured to perform this function systematically. Instead, it operates as a gatekeeping institution.

While some refugee children, particularly those aligning with the dominant, politically 'preferred' cultural narrative, may experience education as a pathway to integration, especially through the support of individual, motivated teachers and NGOs, others find education as a continuation of the asylum system's exclusion. The exaggerated concern and hostility among Hungarian society and within the political narrative meets all the indicators of a moral panic according to Goodes & Ben-Yehuda's theory, leading to disproportional policy responses. The dynamic transforms education as a filter for access to belonging. Even if refugee students are formally 'integrated', the understanding of integration demands critical reflection. As highlighted in Chapter 2.1.4., scholars criticise that integration is often framed as a one-sided, conditional end goal which places responsibility exclusively on migrants. Although Hungary withdrew from integrational norms, the students who were 'integrated' seem to be integrated through the outdated understanding of integration, where migrants are expected to adjust, while the host society remains static. Although a *welcoming society* is one of the indicators for successful integration in the Zaragoza indicators, the need for the host society is not implemented.

Looking at the numbers of asylum seekers in Hungary, the relevance of refugee education may appear marginal. However, this thesis showed that the problem is not the exclusion of a specific number, but the strategic establishment of a long reaching system to undermine integrational provisions. Furthermore, the number shouldn't determine the importance, but highlight the need for legal and practical implementations that work universally and reach every child, without filtering identity markers.

Education is a tool for integration. However, the concept of integration must be critically reflected. It is important to note that this thesis was only working with education as a single indicator but disregarded the other elements of successful integration and their interconnections. The analysis showed that education alone is not able to fill the gap of non-existent integration policies and mechanisms but, if established correctly, can serve as an important tool to reach the most marginalized. However, this thesis also showed how vulnerable education is towards political strategies and power.

7. Conclusion

The research addressed three main questions:

1. How the right to education is articulated in legal frameworks;
2. How refugee and migrant education is implemented in practice and how it varies across legal frameworks;
3. Whether and how education supports integration in Hungary

The findings showed that although Hungary complies with international and European hard law obligations, practical access to education diverges crucially based on a child's legal status and ethnicity. Asylum seekers, recognised refugees, Roma and Muslim children often face indirect and direct exclusion, under-support and delayed enrolment. In contrast, the recent migration flows from Ukraine showed that the students experience smoother access through institutional and political support. The implementation analysis, guided by Matland's policy implementation model, revealed that the implementation of policies regarding refugee education is mostly of political nature, established through strategic campaigns to reinforce narratives. This discursive dynamic was analysed with the lens of moral panic by Goode & Ben-Yehuda (1994). It showed that the Hungarian state has mobilised and instrumentalised migration as a threat, creating a hierarchy of deservingness. Ukrainian refugees are symbolically and practically included whereas particularly Muslim, Roma, and African asylum seekers face structural and symbolic exclusion. The political strategy focusses on creating an enemy picture that drowns out other topics due to its disproportionality. The intersectional analysis further illustrated that refugee education outcomes are not determined by legal status and policies alone. Factors such as ethnicity, religion, age and gender intersect to produce layers of disadvantage. As such, education operates not as a universal right but as a filtering mechanism – granting access and recognition to some while marginalising others.

Although education is widely considered as a key tool of integration, the thesis found that in Hungary, education does not support social inclusion. Rather, it is used as a selective gateway. The work revealed the vulnerability of Hungary's education system to political influences.

The concept of integration itself was interrogated. As scholars like Klarenbeek (2019) and Spencer & Charsley (2021) argue, integration is often constructed as a one-way process, demanding adaptation from migrants while requiring little change from institutions. The case of Hungary showed this imbalance through a strict mono-cultural curriculum and the focus on the threats of migration. The withdrawal from integration mechanisms in 2016 left education as a pillar for possible positive outcomes. However, education alone does not and can not function as a key aspect of integration in Hungary. Education can support integration, but as a policy-bound institution, it will not substitute it.

To close the gap between legal norms and practical outcomes, this thesis proposes a reinstallation of a national integration strategy with specific measures for integration; an intersectional approach to meet the individual's needs; and reforms of teacher training, resource distribution and monitoring processes. Nevertheless, the political influences and narratives of Hungary's current government do not show a development towards those proposes in the near future.

This work is limited by its desk-based methodology without direct fieldwork or interviews. While legal and structural analyses provide critical insights, future research should prioritise first-hand accounts to capture lived experiences, especially in the field of intersectionality. Additionally, this research focused exclusively on Hungary. Comparative studies across Central and Eastern Europe could reveal regional patterns and good practices as templates. Further investigation into curriculum content, school governance, the education system for domestic students and the role of civil society could deepen understanding of symbolic inclusion and exclusion in education.

The thesis revealed an embedded paradox. Although education in Hungary is a legally guaranteed right, it is not a universally guaranteed reality. Rights are unequal, implementation is selective and integration is understood as cultural compliance rather than mutual transformation. The potential of education to reach every child, practice inclusion and recognize difference as positive, however, remains. For that to happen, Hungary must move beyond legal formalism and narrative patterns towards substantive equality, redefining education from a service to be provided to a right to be fulfilled.

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