

Availability of human rights and the case study of irregular economic migrants in Thailand and Hungary

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Abstract: This study discusses that Thailand and Hungary embrace the availability of human rights in an unsustainable form, specifically in the case of irregular economic migrants. Over years, Europe and Southeast Asia have witnessed extensive human migration within the region due to scarcities, poverties, and climate changes. Humans migrate for work. However, despite the universal conduct of human rights for migrants, irregular migrant workers in Thailand and Hungary hardly ever earn such rights. This is because migration issues filter into the talk of both countries' national security. In fact, economic migrants are interpreted as a threat that potentially causes multi-layered difficulties in the society for a long run. This study reveals that Thailand's and Hungary's migration management is subject to the ad-hocracy and situation-based policies that are instituted in these countries as security mechanisms to prevent the formation of transnational issues and social obstacles. They oversimplify the supposed existence of human rights as in the distinction of individual statuses – legal rights and moral rights. As such, it further effects the unfeasibility of human rights. This research has been conducted with qualitative methodology and used the theory of the push and pull model (1996) and Galtung's violent triangle (1990).

Keywords: irregular migration; transnational issues; Thailand; Hungary; migrant management

1. Introduction

Thailand and Hungary are used for the purpose of a comparative study to find the possible explanation of how human rights, despite its visible practices, are unsustainably available. This can be exemplified through the migration management of these two countries. Evidence described in this research has shown that the two countries present similar migration-related politics that lead to the intangibility of human rights – including the securitisation of policies due to the recognition of irregular economic migrants as national threats, the imposition of serious penalties and fines on migrant workers, and the selective treatment based on migrant's country of origin. In fact, they are characterised by a common style of management and control towards irregular economic migration.

In this era of globalisation, human migration has exacerbated and has continued to be severely impacted by low income and lack of job opportunities, enslavement, economic catastrophes, the repercussions of unsustainable development in employment and economic capacity as well as by climate change effecting agriculture and lands. And this causes economic migration. Migration continues to occur across the globe and be fuelled by starvation and human rights violations, which are experienced in a larger number even than before (Goularas & Ipek, 2018).

One reason for people to migrate is for economic purposes and, by definition, the term of economic migrant is defined as a person who relocates from his or her regular location to another nation in order to enhance his or her quality of life in terms of well-being and economic status (IOM, 2019). This term may sometimes be used interchangeably with undocumented, unauthorised or irregular migration, which refers to anyone seeking to enter a nation without legal authority or via the use of asylum processes without a bona fide reason. In most cases, this is called illegal migration, which is deemed to be erroneous language used against migrants because human beings are devalued if this word is used to describe them. The use of language also has the effect of spreading false information and, which has ultimately resulted in stigmatization on races that could cause any form of mistreatment and violence.

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As it is becoming more apparent, economic migrants significantly play an increasingly important role in both Europe and Southeast Asia. Irregular migrant workers are, most of the time, classified into 8 principal ways in which ones become unauthorized migrants: 1) illegal entry, 2) the use of false documents, 3) the provision of false information to authority, 4) the nonrenewal of work or resident permits, 5) irregular new-borns, 6) overstaying/expiration of visa, 7) fleeing after the asylum procedure or failing to leave the host state after being requested and 8) the failure of a state to enforce a return decision without universally-legal reasons (Morehouse & Blomfield, 2011).

Yet, irregular economic migrants are misunderstood and treated unfairly by the locals of the host nations and their governments. This is because both Thais and Hungarians perceive irregular economic migrants based on migrants' stigmas and pre-judgements over years. They stigmatise irregular economic migrants as a burden to their country's local community, and see them as uneducated people, job stealers, and criminals. As a result, anti-migration sentiments widely arise across these nations, which is visible in policies and parliamentary bills. These irregular economic migrants are treated as people with undeserved rights to health and social services, which humane treatment would otherwise dictate (Pietsch & Clark, 2015).

In addition, as far as the ASEAN and EU are concerned, these regions and its people's economic and social (or demographic) growth have traditionally depended on labour mobility (IOM, 2019). And whereas both Thailand and Hungary have held a long history of migration and have exhibited cultural and societal interaction with migrants for decades, it is still not safe to say that regional institutions with a safeguarding framework of human rights for all types of people, including irregular economic migrants, is fully recognised by both states. This is so as these institutions – ASEAN and EU – still highly respect the sovereign rights of the nations (Vandewalle, 2014).

RQ. Are human rights valid for irregular economic migrants through the Thai and Hungarian governments' migration management?

2. Literature review

As De Genova (2002) points out, the choice of a phrase on irregular migrant does not occur in a social vacuum and is not politically neutral. As a result, this should not be treated as a simple issue. In public discussion and the media, many of scholars perceive several negative social beliefs and stereotypical images, mainly associated with criminality, that have often been linked to irregular migration. According to Chauvin and Garcés-Mascreñas (2012), the historical origins and the history of irregular migration have been the subject of significant investigation, in which there are two sorts of research that have resulted from this endeavour. On the one hand, there have been more general analyses of irregular migration's origins, history, and tendencies. On the other hand, there have been more focused, case-based studies that looked into the motives, methods, and timing of irregular migration in various regions or countries around the world. These efforts resulted in the creation of specialized national studies and, to a lesser extent, a number of international comparative studies in recent years.

Furthermore, Cvajner and Sciortino (2010) express that irregular migration is the outcome of interactions between migration and state enforcement of controls over migrants. The history of irregular migration coincides with the history of attempts by states to establish control over the composition of their population. In this sense, it is obvious that the history of irregular migration is more than just the story of migration control and how such controls are implemented. It is also the story of how those policies interact with actual migrants. Although the battle between restrictions and migrations occurred in varied ways throughout history and geography, and there is not one single image now, several main historical stages appear to be recognizable from this perspective and it is also true that instruments to control the movement of vagrants, poor foreigners, or unwanted populations (for ethnic, racial, or religious reasons) had previously existed at a local level in many contexts.

Meanwhile, another significant epoch of human migration spans from the 1970s through the present day. The author whose work most extensively deals with this is McNevin (2009). This era has been marked by increasingly hostile relationships between recipient governments and migratory pressures. The combination of robust control systems and large

numbers of migrants wanting and eventually being able to travel created the conditions for irregular migration to become a massive and widespread issue. This situation helps to explain why this period has gotten so much attention and given rise to so extensive literature. Since the mid-1970s, scholars have extensively explored the profound structural changes that have occurred in industrialized countries. The developments, the rise of the post-industrial economy, and economic restructuring have had a significant impact on receiving countries' institutions, labour market structures, and labour relations.

3. Research methodology

This study has adopted qualitative methodology, in which the data is collected through various sources including theoretical framework and research. In this paper, qualitative investigations are the most appropriate method of investigation because the research topic of migration is exploratory in nature and the goal is to get an in-depth understanding of this particular subject matter. This is also because, undoubtedly, the criteria of analysis in migrant studies have generated comparative designs, in which the need for a particular category of migration is studied through geographical linkages and broad socio-economic and political approaches of the two countries involved.

4. Results

4.1. The inflow and the Centre of Geographical relevance in the region

It is significant that a push and pull model sees migration as the result of regional differences in development levels between the origin and destination areas. Lee (1996) stresses that the decision to migrate from the place of origin to the location of destination is based on personal circumstances. The actual migration is influenced by an individual's perception of the "pull and push forces", as shown in Figure 1.

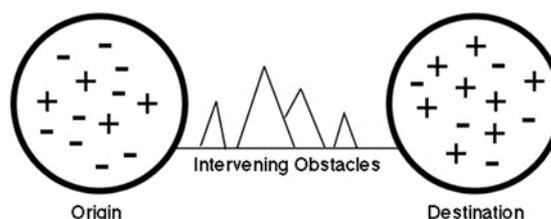


Figure 1. The push and pull factor of the country of origin and the country of destination.

Source: Own work

These forces are divided into "pluses" and "minuses". Each location, according to Lee (1996), has its own combination of favourable (+) and bad (-) characteristics. While good aspects tend to keep individuals inside the area or attract them from other locations, negative factors tend to force them to leave (Lee, 1996).

The Kingdom of Thailand has long been considered as a country of destination and transit. The nation has been playing an important role in international migration in the Southeast Asian region over decades (Hugo, 2005). As Thailand has contributed to the two-way exchange of international investment, trade, and tourism along with other highly-developed and developing countries, this resulted in the country being more wealthy and having a higher income compared to its neighbours (Ostaszewski, 2016). As Thailand continues to grow economically, the country has attracted many foreign workers from its neighbouring states: Myanmar, Laos and Cambodia. Thailand has become a hub of large-scale inflows of international migration. However, the legal provision and visa for work, given by the Thai authorities, have never been easy to obtain and they cost high fees. This greatly increases the chance of a lot of migrant workers coming to Thailand to be associated with

Transnational Organized Crime (TOC), which operates to transfer migrants illegally across the border, and these foreign workers become irregular economic migrants in Thailand.

According to IOM (2019), the report portrays that the vast majority of Thailand's migrant stock originates in three countries – Cambodia, the Lao People's Democratic Republic, and Myanmar. And the presence of these foreign migrant workers signals the economic success of Thailand's economy, which is characterized by higher wages and more job opportunities for its citizens. Regarding to IOM, despite the fact that 20% of migrant workers are undocumented, 3.1 million people work in Thailand with a government-issued employment permit and Myanmar is the country from which the majority of migrants (68 %) originate, followed by Laotians and Cambodians, as mentioned in the IOM survey (Harkins, 2019).

At the same time, in Hungary, the country's geographical, linguistic, and ethnic composition have positioned the country as a migration destination for Europe throughout its history, and the country's political and cultural elites have positioned the country as “the last bulwark of western Christianity” both domestically and internationally (Kallius, 2017). Thus, there is no doubt that migration has been a topic of concerns of Hungary for centuries, vastly based on the history of wars and national identities. Because of its border location, Hungary perceives itself as a central and most-western European countries in the Eastern Europe, which its government and politician have always used to amass domestic political benefits (Korkut et al., 2020). The country subsequently serves as both destination and jumping-off point for many migrants and refugees to continue their journey.

Instead of being granted a positive image, migrant workers in Hungary are viewed negatively. The current Fidesz government has no intention to relocate non-Hungarians to Hungary, as the government believes this would generate socio-economic issues and a threat to Christendom in the long run. Therefore, Hungary's most-recent migration policy has intensively utilised restrictive border controls. The nation set up a border guard agency and Hungarian soldiers protect border security instead of the immigration police force (Hungary Today, 2022).

One cannot truly understand the history of Hungary without being familiar with the Treaty of Trianon, signed in 1920, which did not only bring the First World War to an end but also changed Hungary's borders. This treaty resulted in the country's giving up on more than two-thirds of its territory to its neighbouring countries (Bede, 2021). More than half of the population was expelled from these lands, and there were approximately 7 million of the 10 million former Hungarian inhabitants who now live outside Hungary's territory. Additionally, since the time of socialist administration from 1948 to 1989, the country maintained an effective anti-immigration policy, which severely restricted – and in some cases totally prohibited – both immigration and emigration during particular periods (Larrabee, 1992).

Later, the return of Hungary to democracy in 1990 and the country's accession to the European Union since 2004 have contributed to the development of a coherent migration policy that responds to global population movements that affect all of Europe while also taking into account domestic processes. In fact, Hungary has to comply with the EU's supranational laws and the EU's migration policy. The country still holds on tight to its national stand on the issue of migration within its territory. Out of the foreign migrants travelling to Hungary, some are labour migrants who enter Hungary to seek jobs in hope of finding better living conditions, good public services and improved transportation. Some of these have been made possible thanks to Hungary's EU accession, and are due to cheaper costs of living, which attract many labour immigrants to the country. But thousands of immigrants are blocked at the border through mistreatment and ethnic profiling, are not provided with human rights and basic needs. These cause the immigrants' drastic stigmatisation and highly negative images will develop in Hungarians.

In 2020, the European Commission reported that the top three nationalities from Europe immigrating to Hungary were Ukrainians, Serbians, and Romanians (European Commission, 2020). These three countries accounted for approximately 60% of migrants. Their main reasons to travel to Hungary are for seasonal jobs and, sometimes, seek out an opportunity to go to the Western Europe for higher wages. In this regard, most of the irregular migrant workers start in the informal economy, and there is unofficial employment in the construction, agriculture, small product selling, cleaning and repair sectors.

Furthermore, the consequences of the war in Syria and Iraq forcibly push asylum-seekers to travel the Balkan route, which normally begins in Turkey and then passes through

Bulgaria or Greece. The migrants then continue north, eventually reaching Slovenia or Hungary on their route to countries such as Germany. This caused the mass migration crisis in 2015 across Europe. Because of this crisis, Hungary consequently declared a “state of crisis” and the nation initially had the military force at the border to prevent illegal entry and to intensively screened the inflow of migrant workers from its neighbouring countries such as Serbia, Croatia, Slovenia, and Austria. Later these actions were extended to the entire border area of Hungary in 2016 (Pardavi et al, 2020). This state of crisis, recognised by Hungarian law, mentioned that the immigrants should not take jobs from the Hungarians and rearticulated the country’s cultural and religious identity (Human Rights Watch, 2021).

Thailand and Hungary have significantly been the country of migrant receipts as both show an increasing number of growths on migration stock each year, according to Figure 2. This stock is used to indicate the estimations of “the total number of international migrants present in a given country at any given time”, which is based mostly on the percentage of the country’s population born abroad, and on the percentage of the population who holds a foreign citizenship, according to UNDESA (2020). This shows that, in each year, both countries have an increasing number of immigrant population. On the one hand, this can be interpreted as a positive sign as immigrants count towards as the country’s population and they can alleviate the issue of brain-drain as well as the aging society that characterise both Thailand and Hungary. The cohort of working-age population in Bangkok and Budapest is expected to exponentially decline over the next decades. However, with the inflow of immigrants, the countries can ensure the required productivity and can encourage economic growth as migrant workers will undeniably contribute to future workforce.

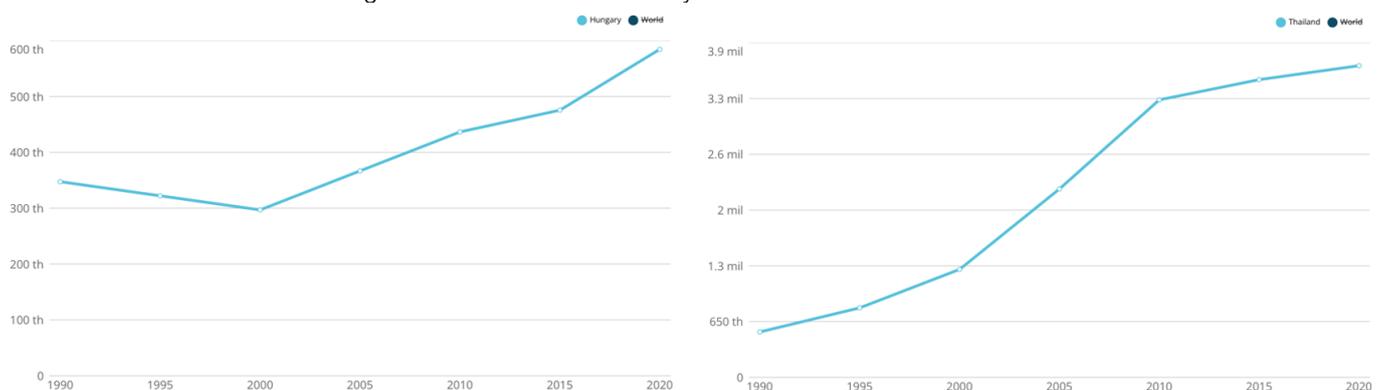


Figure 2. International Migration Stock (Total) in Hungary and in Thailand. Source: Migration Data Portal (2022)

However, in recent years, the rhetoric concerning migration has notably become harsher. Even though migration is not a new phenomenon, the recent influx of refugees has made it a topic of intense interest on a micro-economic level in Thailand and Hungary. The industrialised and industrialising economies already have a significant and expanding migrant population. There are many important areas of the economy that appear to be reliant on irregular migrant workers. Undocumented immigrants have played a significant role in boosting the size of the economy and contribute to economic growth on overall productivity by enhancing the population’s existing skill set. For instance, low-skilled migrants fill critical occupations for which native-born workers are in limited supply, resulting in more efficient economic functioning. Also, when these low-skilled migrants take on more manual routine work, native-born people tend to migrate into more complicated occupations requiring language, communication and more intensive skills, where they have a competitive advantage (Sherman et al., 2019).

These undocumented migrants work primarily in the construction industry, agriculture, textile industry, in hotels and restaurants, and doing cleaning, care and domestic work, according to McKay and Wright (2008). It also appears that irregular migrants are more likely to work in industries with a high number of hard-to-fill or undesired positions, and this is probably because of pay and work conditions that native-born workers refused (Orrenius & Zavodny, 2009). In fact, irregular migrants are able to help the UK economy by allowing businesses to optimize recruitment issues (Gordon et al., 2009). Yet, irregular migrants work is indicated to be largely anecdotal by many of native-born citizens, not only in Thailand and Hungary but also around many countries in the world.

4.2. Politics of migration

Thailand and Hungary perceived increasing immigration over time. Yet, instead of the reconsideration of human rights, these countries' management of migration, particularly irregular migration, is based on mistreatment. These are further shown in Thailand's 2017 law enactment and Hungary's border closure restriction. With the justification of these existing warrants of both nations, structural violence occurs.

According to Galtung's violent Triangle (1990) (Figure 3), violence can be deeply structured into the system of relationships, within socio-economic and political arrangements, and even in the culture of a society. The work of Galtung on the idea of violence and its influence give the deep understanding of issues in which structural motivation – which stemmed from the instrumentalization of migration through policy, the state's functions and migration management – can fuel direct violence. In general, policies, which are the outcomes of the political system, have implemented in various forms – such as laws, regulations, or warrants. And it possibly leads to authorities committing a direct or cultural violence towards irregular economic migrants. This violence is invisible as it stemmed from the intangible government's mechanisms on managing the migration matters and carried out by authorities and law enforcement agencies. Because of its invisibility, none is noticed the mistreatment or abusive practices, justified by the national framework of the policy, that come under this structural implementation.

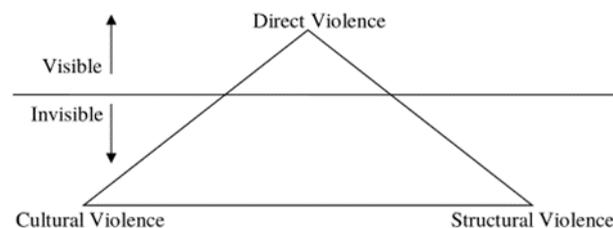


Figure 3. Violent Triangle. Source: Galtung, 1990

Thailand's 2017 enactment of migration law

The new version of the Thai Royal Ordinance Concerning the Management of Migrant Workers' Employment went into effect in June 2017. It produced significant uncertainty and alarm among employers and employees owing to the Royal Ordinance's harsh punishment clauses, as well as a lack of engagement with stakeholders prior to its implementation (Adams, 2021). With rumours of tens of thousands of migrants departing Thailand after the ordinance was promulgated, this left many firms facing serious labour shortages. The Thai government responded by suspending the execution of problematic parts and launching a series of public hearings that would feed into a review process aimed at amending the Royal Ordinance, as well as requested technical assistance from the ILO to help with the modification process.

Despite that, the story of the new version of migration management has incorporated a number of clauses aligned with international labour standards and best practices (ILO, 2020), such as:

Migrant employees should not have charged with any recruitment fees (which is based on the ILO's Private Employment Agencies Convention) (No.181). On the contrary, migrant workers traveling from the neighbouring countries would be subjected to pay a fee for the recruitment. And this promulgation has yet to define the term "recruiting fees" in this secondary legislation.

In this 2017 promulgation, it presents no prison terms for illegal migrant workers, which referred that the authority has rights to immediately put the irregular migrant workers in jail and charge a fine if they are arrested.

Written contracts must be given in the migrant worker's native language (a provision that goes beyond protections offered in the Labour Protection Act). Yet many of the contracts are appeared in Thai language.

Matters related to migrant workers in specific areas of the country and incidents not mentioned in the national migration law, are managed by committees that hold a power to launch ad-hoc implementation on migrants and are subject to Thai regulations. In addition, to prevent irregular economic migrant workers, the Thai government is making a concerted effort by releasing a new royal decree on migrant labour in June 2017, under which firms that hire undocumented immigrants will face high fines of up to \$24,000 per worker (Thai immigration Act 2017). Without papers, foreign workers face harsh penalties, including up to five years in prison.

Hungary's Border Closure

In Hungary, one must note, the transition to an anti-immigration platform was well-integrated into the Hungarian ruling party's wider political strategy. The notion of protection and preventing changes run across all of Fidesz's policies and public communication as well as campaigns. The goal of the current government of Hungary is to protect its homogeneous nation and cultural development at all levels. Majority of Hungarians also believe that migrant workers would rise the likelihood of crimes and take their jobs and social benefit. Fidesz, thus, takes a genuinely anti-pluralist and increasingly populist attitude, claiming to represent only the nation's will and interests against identified opponents and people who constitute a threat (Krekó et al, 2019).

With that concern, Hungary built a 174.6 km long barbed wire fence, commonly known as a border closure, along its southern border with Serbia in the summer of 2015 to keep illegal migrants away from its territory (The Guardian, 2015). The Croatian border segment of the fence was eventually extended to 116.1 km (Pardavi et al, 2020). Despite plans for additional construction work along the Romanian and Slovenian border areas, no fence has ever been built since, but the mixed police-military patrol squads patrol the fence. Every two kilometres, there are gates on the barriers. This intensive border control is still on until the present days.

Following completion of the fences, the Criminal Code was also revised to include three new criminal offenses relating to the "border closure": 1) unauthorized entry through the border closure, 2) damage to the border closure, and 3) obstruction of work on the border closure (Hautzinger, 2019). As this bill implemented, those who have been convicted and did not comply with this restriction would be expelled. In other words, irregular entry was considered a crime. Especially, during "crisis situations caused by mass migration", the Criminal Procedure Act was further amended permitting a law on criminalisation of irregular migration (Hautzinger, 2019).

This border's closure bill was formulated to deal with migration matter more effectively under the immigration law than under criminal law, as Hungary's worry concerning the migration issue is rising. Exemplified below, the criminalisation of irregular migrants clearly state:

Regular entry into Hungary through the border fence is punishable by up to ten years in prison, with or without the possibility of a suspended sentence, and/or the imposition of an expulsion order from the country.

When a defendant submits an asylum application during a court hearing, the criminal procedure is not suspended, despite the fact that the court could have considered a defence under Article 31 of the 1951 Refugee Convention had the defendant done so (Hautzinger, 2019).

The new criminal law modifications created major human rights issues (Gyollai & Amatrudo, 2018). In fact, motions requesting suspension of the criminal proceedings that were submitted by the defendants' legal representatives were systematically rejected by the court on the grounds that eligibility for international protection was not a relevant issue to criminal liability (Gyollai & Amatrudo, 2018).

Despite the fact that Thailand and Hungary are different in their geographic location and economies in terms of international migration, both seem to share the same dilemmas. Political worry about unwanted migration grew around the world and migration restriction evolved from a purely internal concern to a component of "high politics", or "issues impacting inter-state relations, including questions of conflict and peace". There was a lot of talk about migration being "securitized", because of economic migration's stigma occupying the forefront

of public consciousness regarding the safety of the native livelihoods. As such, the idea of migration as a security threat has always been emphasized.

The Ad-hocracy

Thailand and Hungary have been migration destinations whereas both states have increased their attempts to control the rising immigration in response to external and bottom-up pressures. In fact, policy decision making, undoubtedly, vastly stems from political and socio-economic motivation and it somehow leads to the establishment of selective-unfriendly or ad-hoc policies, posed toward irregular migration in particular.

The literature on bureaucratic organization has defined ad-hocracy as an intentional institutional setup that gives certain organizational units a high degree of flexibility and autonomy from bureaucratic hierarchy in order to better address a specific issue and adapt to complex, rapidly changing circumstances (Natter, 2021). To avoid the slowness and self-interest of existing bureaucratic institutions, temporary special commissions, ad-hoc committees, advisory organizations, or taskforces have been established (Schulman, 1989). To this extent, ad hoc policy basically means an action done on the spur of the moment to meet a specific need and to act in response to a single unique scenario, circumstance, or problem, rather than efforts taken to address other or ongoing difficulties. As explained, this so-called ad-hoc policy is unsustainable, which is further exemplified by the cases of Thailand and Hungary.

Chen (2020) states that the autonomy of such ad-hocratic action comes with concerns of accountability and transparency, which might erode the rule of law and democratic monitoring of policy processes in the long run. In this view, ad-hocracy increases state authority by allowing autonomous institutions to produce effective policy responses more accurately. Ad-hocracy, in fact, has been conceptualized in public policy studies as an unintended consequence of policy implementation, with the argument that the gap between policies on paper and policy practices is bound to create ambiguity, unpredictability, and, ultimately, becomes disoriented from initial policy goals (Chen, 2020).

Regulation on 3 specific migrant nationals in Thailand

In Thailand, the nation has dealt with irregular migration policy in a short-term approach and, most of the time, it is done with reactive solutions. As the Tenth National Social and Economic Development Plan did not provide any policy guidance or a strategy framework for addressing structurally rooted labour shortages and cross-border labour migration (Vasuprasat, 2010), the policy solutions are reactive and short-term.

Thailand has different policies toward different groups of nationals who come to the country to work. With respect to the Thai border, there are 3 major migrant workers who come from Thailand's neighbouring countries, including Myanmar, Laos and Cambodia. Nationals from these countries face entry requirements and sometimes seek types of jobs on a basis of MOUs between their governments and the Thai government. Additionally, the new wave of coronavirus expanded the range of issuing the work permits in accordance with each national MOU, causing the government to increase the length and intensity of validating the documents, proactive screening and establishing measures to control labour migration. Therefore, after amendments by the pandemic emergency decree, the Thai government states that it was necessary to introduce the extra screening of foreigner workers, especially undocumented workers, as befitted the situation. The announcement was therefore issued as follows:

"For foreigners who are permitted to work, refereeing to most of Myanmar and Cambodian workers, to perform a health check and register as an insurer or apply for health insurance to be completed by July 31, 2021, to be used as documents or evidence supporting the submission of a work permit application. for permission to work from August 1, 2021, onwards."

Regular economic migrants who work in Thailand are living in a difficulty. And it is even more hard for the irregular economic migrant workers. Yet, these 3 nationals are sometimes granted with benefits and accessibility to healthcare and welfare by the Thai government during the pandemic, based on the MOUs.

Selective benefit for Ukrainian immigrants

Despite its anti-immigration policy, Hungary manages to selectively choose nationals to enter its territories without legal hindrances, referred to the favourable treatment of non-Hungarian ethnics living in the neighbouring countries (De Genova, 2017). The incident remarks on the Russian invasion of Ukraine results in hundreds of thousands of Ukrainian migrants crossing Hungary's border, and the country has complied with European directives to legalize them and improve their living conditions. This is especially true to the right to work, which is available to individuals seeking temporary protection as well as those seeking complete asylum. In addition, there were also other third-national foreigners who study or work in Ukraine, fleeing from war to Hungary. These people were allowed to stay in Hungary legally for 30 days and were requested to travel back to their home countries or travel further outside the Hungarian territory. Moreover, they cannot register for protection unlike Ukrainians (Bathke, 2022).

In addition, the Hungarian government imposed an unusual demand on firms who want to hire a Ukrainian worker, and refugees must be housed at the expense of the company. The government also reimbursed half of these costs, but not more than 60 thousand forints (Hungary Today, 2022). Besides, Hungarian-Ukrainian dual citizens can work in Hungary without limitations, and Ukrainian nationals seeking asylum can work without a work permit in positions where there are shortages.

In contrast to the early crisis, many of Syrians or other war-torn-country migrants are treated differently. As the saying goes, "*Economic migration is a bad thing in Europe. In fact, it should not be considered useful because it simply causes difficulties and danger to the European people, and so it should be stopped — this is the attitude of Hungary*" (Korkut et al., 2020). There is no doubt that the country's policy towards this crisis is more selectively favourable, unlike the previous one in 2015.

4.3. The unsustainability of human rights: Cause and effect

Human rights exist. There is the mechanism of human rights provided by the Thai and Hungarian governments – as well as other international communities like NGOs and UN agencies, which try to aid and provide ethical services for irregular economic migrants. Regional institutions are also playing a major momentum in pushing their member states to follow their human rights decrees, or sometimes pressurise these countries to comply. However, human rights are considered on the level of the country's policy practices, based on debates concerning moral and legal rights. Immigrants are provided with human rights on the consideration of a moral rights basis: those rights are understood as the ethical recognition of these people. At the same time, these rights are to shield everyone from serious legal, political and social violations. In fact, immigrants' legal rights are unrecognised. Economic immigrants are the toys of politics in both countries.

Moral rights vs. legal rights

The concept of human rights is naturally unsustainable in its nature. The idea of human rights has always existed through the system of a state and under an umbrella of its regional institutions. It is also applied differently: whether those concerned are native citizens or foreigners. Legal rights are recognized by legal systems' regulations or as a result of decisions by competent governing bodies. Rights are to extend to the native citizens of a country. While moral rights are not rights in the strict sense, but rather moral claims that may or may not be incorporated into national or international laws. The concept of moral rights and legal rights are distinguished in terms of policy decision-making (Open, 2019). While native citizens receive human rights as legal rights, irregular economic migrants obtain ones as moral rights. Human rights, thus, are not tangible for everyone. Human rights seem to be an ideal way to guarantee mankind's common good and ethicality. While in reality many underprivileged still struggle to be granted human rights.

Human rights merely exist through agreement and recognition

Thailand complied with the implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW), or the so-called Cebu declaration, which is a path forward for implementing (i) migrant worker protection from exploitation, discrimination, and violence; (ii) labour migration governance; and (iii) the battle against human trafficking (ASEAN Secretariat Jakarta, 2018).

When “everyone is at risk, this includes migrant workers, and other vulnerable groups, are entitled to equitable access to social protection, which is a basic human right” (ASEAN Committee, 2008). Thus, the ASEAN Declaration on Strengthening Social Protection was adopted by ASEAN Member States in 2013. Some of the basic ideas that underpin this proclamation should be highlighted, particularly in the light of their importance for migrant workers’ social protection.

In Hungary, Article 78 of The Treaty on the Functioning of the European Union (TFEU) mentions the development of a uniform asylum, subsidiary protection, and temporary protection policy with the goal of providing suitable status to any third-country person in need of international protection ensuring non-refoulement. The Geneva Convention of July 28, 1951, and the Protocol of January 31, 1967, dealing with the status of refugees, as well as other applicable treaties must guide this strategy. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, have adopted measures for a common European asylum system (European Commission, 2020).

Also, Article 79 of the TFEU portrays a common immigration policy that has aimed at ensuring the efficient management of migration, specifically concerning the fair treatment of third-country nationals. This includes authorities’ non ethical profiling and mistreatment while screening third-country nationals who travel to the country. They also introduce a basic notion of consideration of social justice into the Treaty design for immigration policy and highlight the feasibility of human rights into actions. In addition, the EU’s immigration legislation can include rules governing migrants’ integration into host societies, and the EU does support national integration programmes in a variety of ways, including the Common Basic Principles for Immigrant Integration Policy (European Commission, 2020).

Thousands of human rights agreements, conventions, accords, etc. are made for physicalizing human rights. Although they alleviate the human rights issue in a long run, they are yet used depending on the moral recognition of rights.

Limitation of NGOs by governments

Thailand’s 2017 *Draft Act on the Operations of None-Profit Organizations* includes measures that severely punish those who highly advocate for human rights in the country. The Thai government keeps infringing the right to freedom of association and other rights and puts restrictions on the NGO functions (Bylander & Reid, 2020). This act could have imposed organizations and persons who strongly against its will in prison sentences and undergo a high payment of a fine. And this law was also targeting NGOs that might have their stances on criticising and raising independent voices on the mistreatment of the government. Despite the draft was being criticised at the international community and the authorities partially remove this proposed act from being implemented, there is nothing to ensure that any future law regulating on NGOs and restrict international human rights law and norms might not be occurred in Thailand.

While Hungary’s “Stop Soros” law, which was passed in June 2018, has posed threats to many of the existing NGOs in the country that stand for irregular immigrants at risk. This law is to prevent the potential for non-governmental organizations (NGOs) from taking action and subjects employees to jail terms for assisting migrants in applying for asylum when they are not eligible to it. The government, in fact, restricted the presence of NGOs and criminalised migrant aid operations. Besides, NGOs (who must be granted permission to function in the country by the Minister of the Interior) must pay a punitive tax of 25 percent on any financial donation they receive from outside if they are considered to “promote migration”. Failure to pay this fine may result in the imposition of a significantly greater fine, and it is up to 50 percent of their foreign income sources (Bajomi-Lázár, 2019).

5. Conclusions

Exemplified by the case of Thailand and Hungary, this study has showed through the research presented above that anti-migrant policy, or protectionist policy called in this study, have potentially led to the intangibility of human rights and the cause of mistreatment. Both countries impose ad-hocracy and serious penalty on irregular migrations in term of policy. Thus, Thailand and Hungary portray to have committed structural violence, provided of course the launch of their existing warrant, regulation and ad-hoc implementation onto irregular economic migrants.

Human rights, in fact, exist through the concept of moral rights. When these irregular economic migrants are coming to both countries, human rights are unavailable for them because they have no legal rights as citizens. They are seen as an invader, job and social benefit stealer and, at worst, a threat. As such, they are treated with these stigmas and unacceptance from the native communities, whereas its government has influenced and vice versa. These countries are eventually posing a severe mistreatment and racial injustice on migrants, despite the fact that the countries have an increase in international migration and could benefit from the increasing productivity that these irregular migrant workers have contributed to.

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