

**Zrínyi Miklós National Defence University  
Budapest**

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## **Ph.D Dissertation**

**AUTHORIAL REPRESENTATION ON PH. D. THESIS ENTITLED**

**MISSIONS OF ORGANIZATIONS RESPONSIBLE FOR BORDER  
CONTROL CONCERNING INTERRUPTION, DETECTION AND SANCTION  
OF STATE BORDER RELATING ILLEGAL ACTS QUALIFIED AS PETTY  
OFFENCES**

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## **COMPOSING SCIENTIFIC PROBLEM:**

In the very beginning of the 21st century, the issue of the role of security seems to be upgraded more than ever. Numbers of analysis made and still make attempts to determine its definition, to present its features. The available evaluations try to determine - nearly in the same way - the security as a notion in consonance with societal and economic changes and to analyze the features of threatening situations waiting for us nowadays.

Among the numerous risk factors the migration including illegal migration represents a permanent element as a determining societal-economic security factor.

This security and the sense of security have to be guaranteed and sustained by - among others - the border control. The quality and the importance of the state border control are always defined by those acts' danger-grades that appear at the state border or relating to state border crossings and the society qualified those as illegal. This is a paradox procedure, in which the organizations responsible for border control struggle for prevention, detection and interruption of infringement in a way that during their measures they have to face with the necessities of the economic background system beside the priority viewpoint of the proportion.

For every state the border policing activity is one of the guarantees to preserve security and in the same time an important area of the migration policy. The procedure for formulating the legal and institutional background necessary for performing tasks derived from the EU accession and the migration including illegal migration management has been launched. Both in the EU and in our country significant measures had been taken to shape a modern border control system suitable for societal demands and humanitarian principles, To recognize the aspects and the difficulties of the EU accession concerning the Border Guard may serve with considerable consequences.

All of these made me create the subject of my research for surveying the missions of organizations dealing with border control, to search opportunities and solutions in varying circumstances. My survey is exclusively focuses on the institutional measures against border relating illegal acts qualified as petty offences by the Hungarian effective legislation and on the determination of missions to be performed in order to meet the societal norms concerning border policing. My dissertation extends to an era between 1990 and 2006, covering 17 years. Naturally I necessarily enlarged this period, where the revision of the antecedents for given subjects or the statements regarding the future demanded it.

I wish to prove my hypothesis concerning the fact that the organizations executing border control are able in most of the aspects to take measures effectively and meeting the societal demands against persons committing petty offences relating to state border and to manage activities endangering security sense of citizens in relation with state border related petty offences.

Based on the actuality of the theme I considered necessary and reasonable - according to the requirements of the scientific research work - to examine the functions of the state border and the relating petty offences, especially searching for opportunities in the activity of the Hungarian Border Guard.

The dissertation is leaning on my more than 20 year long border guard experience and on my knowledge gained at statuses of territorial executive, central professional leader and central senior leader in a narrower area of the alien policing and petty offences of the Border Guard during 13 years. The study applies and summarizes the outcomes of my accomplished researches.

## **OBJECTIVES OF RESEARCH:**

1. In parallel with systematization of the missions of the Border Guard for prevention, detection and interruption of petty offences to analyze and evaluate the methods of the Border Guard for taking measures against persons perpetrating petty offences, to present the possibilities of a more effective task performing, to examine all those procedural orders what can be utilized by the transforming Border Guard or a future organization responsible for border control.
2. To demonstrate in a system-oriented examination that how the integration intention of Hungary and the changes in the illegal migration influenced the Hungarian border control. To scrutinize the relation system between the illegal migration and the petty offences, especially regarding Schengen based “Europe without borders”, the variation of societal and legal norms, and in consonance with formulation of the security risks.
3. To compare the EU border control system with that of the Border Guard, to examine this system, its suitability for the era demands, and to study further possibilities of the prevention and sanctioning of perpetrating petty offenses.
4. To analyze and evaluate the role of the readmission agreements in the migration management, the Hungarian practice of removal of persons perpetrating petty offences relating to state border, to demonstrate further possibilities in the application of readmission agreements for the effective measures against petty offences.
5. By applying the methods of analysis and synthesis to determine and modeling the future possible missions of the Hungarian authority responsible for border control and its measures against persons perpetrating petty offences.

## **METHODS OF RESEARCH:**

- I *examined* and *explained* the relation system of migration including illegal migration and border related petty offences, changes of the legal norms regarding the accession to the EU and the Schengen Implementation Agreement.
- Based on international and national statistics I *analyzed* the evolution of migration flows of Central – Eastern Europe, especially that of reaching Hungary.
- I *categorized* the petty offences tasks of the Border Guard, I *revealed* the influencing factors during task performing, and I *proved* from practical side the anomalies of the legislation.
- I *surveyed* the legal and other rules for the execution of alien policing tasks of the Border Guard, the present and the future situation of the task performing,
- I *studied, analyzed and assessed* the available *documents*, relevant *publications*, international and national scientific articles, information databases.
- I *examined* the relevant Hungarian and European legal sources and other ruling documents, I *discussed* with researchers and colleagues acting in the field, I *looked into* the archives of the Border Guard and making *surveys* and at last but not least other writings, articles were used up for presenting the issue in a vary way.
- I *participated* in study visits, international conferences in more European Union and Accession countries, and I *carried out surveys* on site at the organization of the Border Guard (central, local and regional)
- I *had conversation* with national and international (Schengen) border guards, and representatives of organizations managing migration for revealing problems, analysis and categorizations.

- I **introduced** my statements on more national and international seminars and conference concerning migration and border control. I continuously **publicized** the outcomes of my researches.

#### **SUMMARY OF THE ACCOMPLISHED RESEARCH ACTIVITY , THE CONSEQUENCES:**

In **Chapter 1** of the dissertation I dealt with the appearing forms of the state border related petty offences, the missions of the Border Guard in the interruption, detection and sanction of the illegal acts. I **demonstrated** the evolution of the legal branch of petty offences, I investigated historically and revealed the appearing of the state border related petty offences, the changes of the societal and legal judgment of the illegal border crossings, I **presented** the basic rules, principles and aims of the effective petty offences regulations, I **categorized** the execution order of the tasks of the Border Guard relating the petty offences, I **listed up** the legal authorization of the Border Guard relating petty offences. Meanwhile the exposition of the current effective legislation I revealed the anomalies of the current legislation by the clarification of the place of the Border Guard in this system. By the categorization of the current border guarding task performance I justified my hypothesis, which states that the recognition of the problems proved by me itself identifies numerous measures. The anomalies founded in the practical execution can be derived firstly from the lack of the legislation or from inaccuracy.

The reveal of above mentioned legal discrepancies made me possible **to draft recommendations for dissolving existing contradictions**– based on the outcomes of my researches - for the Border Guard ( or a future organization responsible for border control).

In **Chapter 2** I dealt with the re-evaluation of the state border related petty offences in the light of the Hungarian accession to the Schengen Implementation Agreement, I **analyzed** the basic and relevant elements of the Schengen acquis, I **conferred** those with the effective Hungarian legislation. I justified that the “codicator is in forced legislation”. Referring to the theme I **stated** that the relation system of Schengen Membership and the societal judgment of the border related petty offences was not subject of any significant research in Hungary. Throughout the **analysis** of the Community and Hungarian legislation in the field, and the **categorization of information and knowledge** gained at different professional forums and practical work I **proved** that the cause and effect relations explored by me and the dissolution of the discrepancies means numerous measures until the Schengen accession. By the explanation of Schengen internal and external borders I **justified** the necessity of wide and complex survey of legislation referring to the illegal state border crossing and clarification of the relating contradictions. I made **recommendations** for the dissolution of existing anomalies and I phrased concrete legal texts.

In **Chapter 3** I demonstrated the experience of the Border Guard in the application of readmission agreements, the system of cooperation among organizations responsible for border control, the practice of simplified readmission of perpetrators. I **stated** that the perpetrators in the field of state border relating petty offences and alien policing petty offences are those illegal migrants, whose interruption of their illegal acts means a significant challenge for the measuring authorities. I **verified** that on of the highly effective ways of removal of the Hungary declared personas non grata is the application of readmission agreements, what is a well operating complex system. I **demonstrated** the possible roles of border guard in the system.

I **certified** that the readmission agreements give an excellent base for the Border Guard (or other organizations in the future responsible for border control) to become one of the important elements of the border related co-operations. I **determined** that the tasks deriving from readmission agreements – out of their international features – appear without political and institutional transformation, thus the achievement of these tasks will be a constant, continuously upgrading task for the actual organization responsible for border control.

In **Chapter 4** I **compared** the border control system of the European Union and that of Hungary according to the so-called “Ten Schengen filters”. These filters are policy, economy, communication tools in migration management, application of visa system, deployed document experts, liaison officers, responsibilities of carriers, border control system of transit countries, secure third countries, strict external border control, compensatory measures, surveillance of internal borders. The filters are jointly suitable for ensuring a high level of border control. After comparison of Schengen and Hungarian filters I **justified** that Hungary, based on the evaluation of border security aspect, is prepared for Schengen accession.

In **Chapter 5** I revealed the possible methods of measures of state border related petty offences. I **affirmed** that development of border related illegal acts and the perpetrating behaviors are least influenced by the nature of the organization performing the detection, interruption and sanctions. Instead of it the effective arrangements bears much higher influence in the measures against illegal acts. Leaning on my statements I **made recommendation** for reconsideration and re-regulation of petty offences tasks of the future organization responsible for border control. I **compiled that professional argument system** what justifies the scope of competency for border guarding authorities and ensures the right for imposing fine on the spot. I **elaborated a conception** for implementing system of authority competency and for a possible logical chain of the procedure.

In **Chapter 6** I summarized my researching activities, recorded my achievements. This chapter is followed by the list of referred legal rules, list of professional literatures, records of my publications, and the annexes.

#### **NEW SCIENTIFIC RESULTS:**

1. I analyzed, synthesized, and categorized in a unique system and demonstrated in details the petty offences missions of the Border Guard fixed in legal rules, its authorization and task performing system. This part of the results of my research was published in 2002 with the title of “ Handbook of the Border Guard on Petty offences” as a unified, assisting manual for the execution and as a university material. I justified the reasonableness of the change in legislation, to which I phrased concrete texts proposals.
2. I conferred the consequences of my survey in Schengen Acquis with the present Hungarian effective petty offences legislation, I pointed out the societal norm changes of national legislation concerning the petty offences state of affaires of illegal border crossing following the accession. I proved the necessity of the legislation changes, and for this purpose I made concrete text proposals to the definition of crossing internal and external borders of Schengen what is in opposition with the legislation, and of the possibilities of sanctioning.

3. I compared the principles of the EU border control with the operating border control system of the Republic of Hungary. As a result of the survey I stated that the Hungarian border control system meet the requirements of the EU norms and is able to combat effectively against the illegal migration.
4. I demonstrated and analyzed the role of the readmission agreements in the migration management and the practice of the removal of persons perpetrating state border relating petty offences. I justified that the application of readmission agreement is the most effective methods for the removal of illegal migrants from the territory of the republic of Hungary. I revealed and presented the further possibilities of the readmission agreements.
5. As a result of my research work I defined for the organization responsible for border control new type of missions concerning measures against the state border related petty offences, I certified their raison d'être. I made text proposals for the legislation changes cornering the activities. I modeled the procedure of execution of new missions regarding the scope of authority for petty offences of the organization responsible for border control.

#### **PRACTICAL APPLICATION OF RESULTS OF RESEARCH:**

- Major parts of the results of my research have already been utilized by the relevant professional fields in the Border Guard regulations and in the practice as well – by utilizing and adaptation of my different publications.
- One part of the results of my research was published in 2002 with the title of “Handbook of the Border Guard on Petty offences” as a unified, assisting manual for the execution and as a university material.
- The texts of legal norms drafted by me, in addition the attached explanation may give assistance in the procedure of legislation forming, during the development of the border control system in the EU and in the country.
- My dissertation could be resource of and be theme of further researches and can be used in the education as well.

#### **RECOMMENDATIONS FOR DIRECTION OF FURHTER RESEARCHES:**

- To take subject of further surveys I would recommend the issue of effective use of service methods for measures against illegal migration in case of change in the responsible organization referring to the integration procedures of the mission of border control, furthermore the definition of the optimum system of task performing with attention to the principles defined in my dissertation.

## **LIST OF PUBLICATIONS AND OTHER SCIENTIFIC ACTIVITIES:**

### **EDITED PUBLICATIONS:**

- Péter Tájok: Influencing factors on Border Guard activities concerning on-the-spot fine, Border Guard Studies No 2001/2, Scientific Committee of the Border Guard, Budapest 2001
- Péter Tájok: Handbook of the Border Guard on petty offences, Policing Directorate of Border Guard, (ID No: 7252/2002.) Budapest 2002.
- Péter Tájok: Training Booklet to the Handbook of the Border Guard on petty offences, Zrínyi Miklós National Defence University, Publisher of University, Budapest 2002
- Péter Tájok: Crime prevention tasks of the Border Guard concerning the professional field of alien policing and petty offences, Border Guard Scientific Publications of Pécs II. HU ISSN 1589-1674, Pécs 2003
- Péter Tájok: Protection of refugees and security risks, Border Guard Scientific Publications of Pécs III. HU ISSN 1589-1674, Pécs 2004
- Péter Tájok: Border Guard as a petty offences authority, Border Guard Studies No 2004/1, Scientific Committee of the Border Guard, HU ISSN 1786-2345, Budapest 2004

### **ARTICLES UNDER PUBLISHING:**

- Péter Tájok: Opportunities in the management of illegal immigration as a highlighted section of the complex security following the Schengen accession of Hungary, Border Guard Studies No 2006/5. Special edition, Scientific Committee of the Border Guard
- Péter Tájok: Re-evaluation of petty offences regarding the state border of the Republic of Hungary in the relation of the accession to the Schengen Implementation Agreement of Hungary, Border Guard Studies No 2007/1. Scientific Committee of the Border Guard

### **PROFESSIONAL ARTICLES:**

- Zán-Tájok: Standard legal explanation and practice, Border Guard Vol. 58. Issue 7. pp 9, Magazine of the Border Guard, HU ISSN 1419-5380
- Tájok-Tari: Together against illegal migration, Border Guard, Vol. 61. Issue 11. pp 14, Magazine of the Border Guard, HU ISSN 1419-5380.

### **CONFERENCES IN HUNGARY:**

- Role of the Border Guard in the crime prevention, Pécs, 19<sup>th</sup> June 2003, Hungarian Defense Science Society – Border Guard Division, Section of Pécs, speech edited in publication
- The Hungarian border control – European security, Pécs, 2004, Hungarian Defense Science Society – Border Guard Division, Section of Pécs, speech edited in publication

- Cooperation with non-governmental organizations and the current situation of management of illegal immigration, Budapest, 5<sup>th</sup> October 2006, organizer and chairman,
- Officer training on the eve millennium. Situation of education for border guard officer, further tasks for the modernization of the training, Budapest, 10<sup>th</sup> April 2003, organized by Hungarian Defense Science Society – Border Guard Division, speech
- Annual professional conference of the alien policing and petty offences service fields, Siófok, 13<sup>th</sup> May 2003, organizer, section leader, speech
- Annual professional conference of the alien policing and petty offences service fields, 2004, RTF RVTKI Nagykovácsi, 11-13<sup>th</sup> May 2004, organizer, section leader, speech

**INTERNATIONAL CONFERENCES:**

- Main directions of the border guard activities for combat against illegal migration and cross border organized crime, international conference, Záhony, 23<sup>rd</sup> May 2003, Hungarian Defense Science Society – Border Guard Division, speech in Russian,
- Scientific – professional conference on border co-operations, asylum management, and responsibility sharing, Prague, 7<sup>th</sup> May 2003. Speech
- In the organization of the ICMPD conference for the system of Moldavian border management, situation assessment of migration management, evaluation of application of return and readmission system and the second assessment group revealing discussion, Kishinyov, 06<sup>th</sup> -07<sup>th</sup> May 2003, speech in Russian, written materiel forwarded to ICMPD,
- Conference on the effective cooperation development between border guard authorities and civil organizations during the border monitoring, organized by Regional Unir of United Nations High Commissioner for Refugees, Lithuania, Trakaj, 19<sup>th</sup> –21<sup>st</sup> April 2004, speech in Russian, written materiel forwarded to organizers
- Meeting of the Söderköping Process 7<sup>th</sup> – 8<sup>th</sup> February 2005, Ukraine, Kiev, speech in Russian, written materiel forwarded to organizers,
- Closure conference of the program with the title of “Facilitating migration management by the International Migration Organization and hindering illegal migration from and across Ukraine, 5<sup>th</sup> March 2005, Ukraine, Kiev, speech in Russian,

**REPORTS:**

I reported to the Scientific Committee of the Border Guard two times in an individual lecture on partial results of my research. The committee accepted my reports, more results had been noted in the medium and long-term strategy plan of the Border Guard, and were referred to in the preparation of the integration processes of the Border Guard and Police.

## PROFESSIONAL SCIENTIFIC CV:

- Name, rank, year of birth, Péter Tájok border guard Lt. Col., 1967
- Education:
- Border Guard Commander College of the State Security Committee of the Soviet Union, basic military training No 2115 for commanding and tactical mechanized rifle-corps, speciality of P.E. (1990)
  - Zrínyi Miklós National Defence University, science of war, border guard branch, (1999)
  - Police Leaders' and Further Training Institution, Nagykovácsi, senior head police officer (2004)
  - 2001-2004 ZMNDU HDI Trainings for Ph. D degree.
- Beosztások:
- Border Guard District of Kiskunhalas, Cavalry School, deputy commissar of company commander, (1990-1991)
  - Border Guard District of Kiskunhalas, Cavalry School, head of financial-material (1991-1992)
  - Border Guard Directorate at Kiskunhalas, senior executive assistant in replacement (1992-1993)
  - Border Guard Directorate at Kiskunhalas senior executive assistant in defense affaires (1993-1994)
  - Border Guard Directorate at Kiskunhalas senior executive assistant in alien policing and petty offences (1994-1998)
  - Headquarters of the Border Guard, Department of Alien Policing and Petty Offences, senior executive assistant in alien policing affairs (1998-1999)
  - Leaders' and further Training Institution, senior teacher in alien policing, (1999)
  - Headquarters of the Border Guard, Department of Alien Policing and Petty Offences, senior executive officer in alien policing affairs (2000-2004)
  - Headquarters of the Border Guard, Department of Alien Policing and Petty Offences, Assigned Head of Division of Detention and Coercion Measures (2004)
  - Headquarters of the Border Guard, Department of Alien Policing and Petty Offences, Head of division of Central Alien Policing (from 2004)
- Other position:
- Member of Scientific Committee of the Border Guard from 1<sup>st</sup> January 2007
- Language skills:
- Russian – Advanced - type C
  - English – Intermediate - type B
  - English – Basic - type C