



PROGRAMMES AND STRATEGIES IN HUNGARY FOSTERING ASSISTED RETURN AND RE-INTEGRATION IN THIRD COUNTRIES

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1. INTRODUCTION

The aim of this study is to provide a comprehensive overview of return measures in the Republic of Hungary, with special focus on voluntary return.

Return is an important aspect of migration management. It refers to the movement of a person returning to his/her country of origin, country of citizenship or habitual residence, usually after spending a significant period of time in another country. The return may or may not be voluntary.

When return is not voluntary, it is based on the decision of the authorities of a state regarding the nature of the stay of the concerned person. There are cases when the person would comply with the requirement to return voluntarily, or the person may be returned by using force. However, voluntary return in the strict sense means a scenario, when the return is based solely on the free will of the returnee, without any legal obligation.

As part of the efforts in managing migration flows, states promote so-called voluntary return programmes. These entail provisions of (logistical, financial etc.) assistance for the voluntary return of a returnee. The funding for these programmes is usually provided by the states or from European Union sources, most notably the European Return Fund.

This report will try to cover all of these aspects, with special emphasis on the assisted voluntary return programmes in Hungary and the details of their implementation.

For understanding return migration, one must, first of all, differentiate between the different categories of returnees. This report will focus on the return of third-country nationals (this category excludes the citizens of the European Union and their family members), as well as explain the difference between the main categories of migrants and the various reasons for their return. In this section, statistical data will also be provided in order to show the volume of migration to as well as that of forced and voluntary return from Hungary. The report will also review the political and

legislative background concerning return migration, including the influence European legislation had on Hungary's return policy.

The core part of the report will introduce Hungary's assisted voluntary return programmes, which were started in the mid 1990s, and had a boost with Hungary's accession to the European Union in 2004. The main stakeholders and their role in the return process will be identified. The study will try to identify the best practices and obstacles in implementing these programs, and the motives for operating and taking part in them.

The report will present the re-integration measures aimed at returning migrants in a separate chapter, and will describe what efforts are made to monitor the sustainability of return.

The main sources used to compile this study were primary sources, given that the reports and studies produced earlier were not detailed enough to form the basis of a comprehensive overview of Hungarian return policies.

The sources available were the laws of Hungary regulating the legal status of foreigners, statistical data found in the multi-annual programme of Hungary for the European Return Fund, and the project documentations of assisted voluntary return programmes.

The two main stakeholders of voluntary return measures of Hungary, the Budapest office of the International Organization for Migration and the Office of Immigration and Nationality were also very helpful, they have provided information in the form of presentations, and were also open to questions, which helped me to identify the difficulties and the best practices of their voluntary return programmes.

I hope that the findings of this study will shed light on what has been achieved in this field and will identify fields of voluntary return where further improvements are possible.

2. DEFINITIONS, CATEGORIES OF RETURNEES AND AVAILABLE DATA

In the first part of the study, the definitions of the different categories of foreigners according to the Hungarian legislation is given. Most definitions (citizens of the Union, third-country nationals, asylum seekers etc.) are the same throughout the European Union due to the fact that they originate from the *acquis communautaire* together with their definitions, so they are present in the national legislation of each Member State. However, some differences may exist (for example, according to Hungarian law, family members of Hungarian citizens enjoy almost the same rights in Hungary as those of citizens of other countries of the European Economic Area, which is not the case in some other EU countries; or the fourth tier of international protection granted to foreigners in Hungary who do not qualify for refugee status or secondary protection set forth in the relevant legal instrument of the European Union, the qualification directive¹).

The various situations, in which a foreign national is obliged to leave the country, are also described. Since it helps to understand the motives behind facilitating voluntary return, a multifaceted phenomenon with various benefits to the country operating such a system. First of all, it may convince irregular migrants whose presence the authorities are not aware of to leave voluntarily. Second, it may help lower the workload of the authorities assessing asylum. And in some cases it can mean a cheap (from the authorities' point of view) and humane (from the returnee's point of view) alternative to forced return. Last, but not least, there are cases when voluntary return is not an available option, for example when the foreigner's obligation to leave Hungary arises from the fact that he/she has committed a criminal offence.

In the last part of this chapter, the statistical data available will be given, and the volumes of cases of forced return and voluntary return will be compared as well.

¹ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted

2.1 Categories of returning migrants

In Hungary, according to the legislation, a foreign national can fall into three different categories:

- persons with the right of free movement and residence
- third-country nationals
- asylum seekers and persons enjoying international protection

The first category, persons with the right of free movement and residence, are EEA-nationals and their family members, as foreseen in Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC. This category of foreigners includes citizens of the European Union, of the countries of the European Economic Area and Switzerland. Relatives of Hungarian citizens – who, under community law would not fall under this category – also enjoy the same rights.

The second category, third-country nationals, means all foreigners who do not enjoy the right of free movement and residence. It includes a wide range of different titles of residing in Hungary, from visa-free entries as tourists to settled persons.

The last category is that of asylum-seekers and people granted a form of international protection, which can be any of the following: recognized refugee, a person who is the beneficiary of subsidiary protection and a person granted temporary protection, in line with the relevant directives.

2.2 Legal grounds for return

A foreigner of any of the above categories can be subject to the obligation of returning² to another country (in most cases to the country of origin) by virtue of a decision passed by the Hungarian authorities, on different grounds.

2.2.1 Order to leave the country

Persons with the right of free movement and residence are obliged to leave Hungary if their right to stay has ceased. In this case they have to comply with this requirement within three months from receiving the final decision of the Office of Immigration and Nationality.

Third-country nationals can also be subject to an order to leave the country, if their stay had been legal and they applied for a new visa or residence permit or for the renewal of these, but the Office of Immigration and Nationality have decided to reject the application. In this case the period open for leaving the country is 30 days at the most, depending on individual assessment of the preparations needed to leave.

In case of a rejected application, an asylum-seeker is also ordered to leave the country. In this case the time limit of leaving should be minimum 10, maximum 30 days.

In case of an order to leave the country, the return is always voluntary in the sense that the state will not use force (measures like custody or forced removal) to make sure that the foreigner in question will not try to avoid leaving by hiding etc. It is supposed that the *bona fide* migrant will make the necessary arrangements for his/her travel, and leave.

² In Hungarian legislation, the Hungarian term for return (“visszatérés”) is not used. The term used is expulsion (“kiutasítás”) or order to leave the country (“kötelezettség az ország elhagyására”).

2.2.2 *Expulsion by court*

The courts of Hungary have the power to expel a foreigner under the Criminal Code³, in case he/she committed a criminal offence, and his/her presence in the country is “not desirable”. This can be the sole punishment or a secondary punishment, for example after serving time in prison. There are some restrictions, e.g. refugees can not be expelled, or settled third-country nationals and persons with the right of free movement and residence can only be expelled in case they commit an offense punishable by at least 5 years of deprivation of liberty.

The expulsion ordered by the court in a criminal procedure is also executed by the Office of Immigration and Nationality, e.g. the Office decides the timeframe available for leaving the country or whether forced removal is necessary etc.

2.2.3 *Expulsion by aliens policing authorities*

The aliens policing authorities – which in Hungary means the authorities who deal with legal and irregular migration, namely the Police and the Office of Immigration and Nationality – also have the power to expel a foreigner. The conditions of expulsion are different for persons enjoying the right of free movement and residence and third-country nationals.

The right of free movement and residence may only be restricted – as provided in Community legislation – in compliance with the principle of proportionality and based exclusively on the personal conduct of the individual concerned, where such personal conduct represents a genuine, present and sufficiently serious threat affecting public policy, public and national security or public health. According to the Hungarian legislation, the Office of Immigration and Nationality can only expel a person with the right of free movement and residence if his/her stay poses a threat to public health or if he did not comply with an order to leave the country voluntarily within the given period or if he provided false or misleading information to the competent authority to verify his/her right

3 Act IV of 1978 on the Criminal Code

of residence. In these cases, the expulsion is always carried out by force (which means Police escort).

Expelling a third-country national can be either compulsory or discretionary. The expulsion is compulsory, if the person is subject to a travel ban imposed by the United Nations, or a similar restrictive measure of the Council of the European Union.

The discretionary reasons for expelling a third-country national, e.g. when the Police or the Office of Immigration and Nationality can decide to expel the foreigner, are as follows:

- the third-country national has crossed the frontier of the Republic of Hungary illegally, or has attempted to do so;
- the third-country national fails to comply with the requirements for the right of residence;
- the third-country national fails to comply with the order to leave the territory of the Republic of Hungary within the prescribed time limit;
- the third-country national was engaged in any gainful employment in the absence of the prescribed work permit or any permit prescribed under statutory provision;
- the third-country national has failed to repay the refundable costs of his/her previous return advanced by the State of Hungary;
- the entry and stay of the third-country national represents a threat to national security, public security or public policy;
- the entry and stay of the third-country national represents a threat and is potentially dangerous to public health;
- the third-country national has failed to pay any instant fine or a fine imposed in conclusion of a misdemeanor proceeding within the prescribed deadline, and it cannot be recovered or collected.

There are categories of third-country nationals (persons with a settlement permit, unaccompanied minors, victims of trafficking in human beings, etc.) who can only be expelled on exceptional

conditions.

Of the above-mentioned categories, those expelled by the court and persons with the right of free movement and residence usually do not take part in voluntary return programmes. Assisted voluntary return programs in the European Union are generally aimed at third-country nationals, this rules out persons with the right of free movement and residence. As regards foreigners expelled by the court: they are not considered irregular migrants (even though their stay in Hungary could have been against the law), but perpetrators of crimes. In this case, expulsion is not a measure to ensure they return to their country of origin, but a punishment to ensure that they will not return to Hungary. They are usually removed by force.

2.3 Statistical data on returns

The relevant statistical data⁴ on returns can be broken down to several major categories.

Table A shows the total number of expelled persons between 2004 and 2008:

Table A: Expulsions

	2004	2005	2006	2007
<i>Expelled by OIN</i>	3307	3373	2329	527
<i>Expelled by court</i>	904	1003	703	568
<i>Expelled by Police</i>	3046	3046	2894	2066
TOTAL	7257	7422	5926	3161

The decline in 2006 can be attributed to the fact, that Romania became a Member State of the European Union on 1st January 2007, and since that date its citizens enjoy the right of free movement and residence. Before that, Romanian nationals were among the ones expelled from Hungary in the greatest numbers.

⁴ The Source of statistical data in this chapter is the Hungarian Multi-Annual Programme for the European Return Fund 2008-2013, which is available for download at <http://irm.gov.hu>

On Table B we will see the number of expelled persons whose expulsion was carried out by force, ie. by means of police escort.

Table B: Number of removals by main nationalities

<i>Nationality</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
<i>Romanian</i>	353	383	432	30
<i>Moldovan</i>	79	27	22	37
<i>Serbian (Montenegrin)</i>	67	51	119	295
<i>Chinese</i>	31	6	14	4
<i>Turkish</i>	50	15	12	5
<i>Ukrainian</i>	67	162	93	23
<i>Other</i>	218	81	56	87
<i>Total:</i>	865	725	748	481

We can compare these numbers to the number of foreigners who have returned home voluntarily, included in Table C.

Table C: Voluntary returns by main nationalities

<i>Nationality</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
<i>Serbian (Montenegrin)</i>		116	146	149
<i>Turkish</i>		15	6	-
<i>Mongolian</i>		12	29	16
<i>Indian</i>		10	-	-
<i>Vietnamese</i>		8	-	6
<i>Albanian</i>		8	-	-
<i>Chinese</i>		-	8	-
<i>Iranian</i>		-	8	-
<i>Georgian</i>		-	6	6
<i>Nigerian</i>		-	-	6
<i>Moldovan</i>		-	-	5
Total:	No data	212	225	212

If we compare the numbers of voluntary returns, we see that the number of the latter was roughly 1/3 of the removals in 2005-2006 and almost 1/2 in 2007. It should be noted however, that the direct comparison of the two ways of returning can be misleading, as there are migrants who cannot be subject to forced return but who might take part in assisted voluntary return programs (e.g. rejected asylum seekers) and vice versa (e.g. those expelled by the court).

The majority of voluntary returnees (and a significant part of forced returns) that appear on the table are Serbian (Montenegrin). They were citizens of Serbia and Montenegrin at that time, but in fact, they are Kosovo Albanians, who – as it is pointed out later in this report – are the main focus of Hungarian voluntary return efforts.

Furthermore, it can be noticed that the number of voluntary returnees are fairly constant. This can be attributed to the fact that the budget of voluntary return programmes is drawn up for each year at the beginning of that year based on projections of possible beneficiaries. This, in some way, predetermines the number of migrants who can return home voluntarily.

Unfortunately, more detailed statistics on voluntary return (categories of voluntary returnees, demographic characteristics, number of rejected applications) is not available.

3. THE POLITICAL AND LEGAL FRAMEWORK

In the following part of the report a short introduction is given to the Hungarian political background regarding migration policy, and the legal framework on voluntary return and how it has been influenced by the EU *acquis* is also explained.

3.1 Migration in Hungary – the political framework

In Hungarian politics and Hungarian public thinking migration is not such a hot topic, as it usually is in the Western countries of the European Union. Hungary has a low migrant population, and a vast majority of these migrants have no major difficulties in integrating to the society, therefore their presence creates little tension in the indigenous community. This is due to the fact that most of them are people from surrounding countries (most notably Romania, the Ukraine and Serbia), and are of Hungarian ethnicity.

The fact that large groups of ethnic Hungarians live in surrounding states can draw the issues of migration into the floodlights in this respect: it is a Constitutional requirement in Hungary to bear their interests in mind. In most cases, the public opinion is also very sympathetic with them: if one reads about migration issues in the headlines of Hungarian newspapers, it is in most cases connected with some procedural difficulty they face when applying for a settlement permit or for citizenship.

The most notable, fairly recent event, which drew the attention of Hungarian politicians and the Hungarian public to the issue of migration in general was the referendum of December 2004, where the question was: should the country grant citizenship to the Hungarian minorities in surrounding states without the ordinary naturalization process. The two major political parties were on different opinions: the governing party (MSZP, Hungarian Socialist Party) was against it, while the biggest opposition party (FIDESZ-MPP) was for it. The referendum failed, because the required number of voters did not show up, nevertheless, it led to the government to lift some requirements, shorten the waiting time for citizenship for ethnic Hungarians, and basically simplify all the relevant

procedures.

Apart from this, the issues of migration are basically of little or no interest to political parties or the public, except for some NGOs (most notably the Hungarian Helsinki Committee) who try to protect the interests of asylum seekers and other migrants.

With this background it is easy to see, that the issues of voluntary return – and return in general – are not central questions in daily politics.⁵ This means that the real stakeholders – the experts from the Office of Immigration and Nationality and the Police, dealing with returns on a daily basis; the International Organization for Migration (IOM) and NGOs – are the ones who can really have an effect on the return policy of Hungary.

This fact emphasizes the importance of regular meetings between the government side (the Ministry of Justice and Law Enforcement) and the stakeholders, to be able to respond to the latest international developments in return policies and changes in the structure of migration flows aiming Hungary.

3.2 Voluntary return in the Hungarian legislation

Hungary – in preparation for the accession to the European Union – took the first serious steps towards legal harmonization with the EU *acquis* in 2001, when Parliament passed act XXXIX of 2001 on the entry and stay of foreigners. It was a declared goal during the drafting to create a new Aliens Act which is in full harmony with the EU migration *acquis*.

Although at that time the majority of common European rules on legal migration took the form of soft law (Resolutions, which are not legally binding to Member States), Hungary committed itself to reflect the best practices of the EU Member States in its new aliens legislation, which affected the provisions governing legal migration and also the sanctions imposed on illegal migrants.

⁵There was one exception, when a migrant from Nigeria lost his life during his removal by air, which case was featured in several Hungarian newspapers and magazines.

The 2001 Act also contained the provisions on the stay of EU (EEA) nationals, which entered into force with Hungary's accession to the European Union on 1st May 2004. At the time, those provisions were based on the different Directives governing the free movement of persons within the Community, all of which were replaced in 2004 by Directive 2004/38/EC. When trying to draft the modifications necessary to implement the new Directive, Hungarian legislators realized that there is a vast difference between the provisions applying to persons enjoying the Community right of free movement and of those applying to third country nationals, so undertaking of regulating them in a single act – a single Alien's Code – seemed impossible. As a consequence, the Hungarian Government realized that they can only be successful in the implementation of Directive 2004/38/EC – which regulates one of the cornerstones of the European Union, namely the right of free movement and residence of persons – by drafting a new Act, dealing only with the entry and stay of EEA nationals.

As a result, two separate Acts were passed by the Hungarian Parliament late 2006, one dealing with the entry and stay of EEA nationals and their relatives (and also the relatives of Hungarian nationals, who are deemed third-country nationals by Community law), while the other governing the entry and stay of all other foreign nationals, namely, third-country nationals. These two acts – Act I of 2007 on the entry and stay of persons with the right of free movement and residence and Act II of 2007 on the entry and stay of third-country nationals are the most important legal provisions regarding return procedures.

In Hungarian aliens legislation, the voluntary return of third-country nationals is encouraged in two ways.

First, if a third country national has been staying in Hungary legally (eg. on a visa or residence permit), and his/her visa or residence permit is withdrawn or no renewal is granted, the third-country national shall be required to leave the country voluntarily. The Office of Immigration and Nationality shall grant a period of maximum 30 days to comply with this obligation.

The other means of voluntary return provided in the legislation is the possibility of the immigration authority to “abstain” from passing a return decision. This is possible when the grounds for the return decision would be that the third-country national has crossed or attempted to cross the frontier illegally, has been staying in Hungary without the necessary visa or residence permit, or pursued employment without the required work permit and residence permit.

In this case, no enforceable return decision is passed (which according to the Hungarian legislation would automatically entail an entry ban, also converted to an entry ban in the Schengen Information System), the Office of Immigration and Nationality however sets a timeframe, within which the third-country national concerned is required to leave the country voluntarily. This shall also be a period of maximum 30 days.

There is no minimum period provided in the Hungarian legislation for voluntarily returns. The Government's original proposal prescribed that a timeframe of 7 to 30 days shall be provided for returnees, but during the Act's parliamentary debate, one Member of Parliament submitted an amendment to the proposal, which removed the minimum from the proposal. The vast majority of Members of Parliament agreed with this (a 2/3 majority is necessary in Hungary in order to pass the legislation on the entry and stay of foreigners).

The exact deadline for voluntary departure shall be determined in a way which makes it possible for the third-country national concerned to finish all the necessary preparations.

In the context of voluntary departure, the legislation does not mention assisted voluntary return programmes whatsoever, therefore leaves it up to the third-country national to organize and provide the financial means for his/her return.

The question is whether there is need for a legal framework for assisted voluntary return programmes, or not. It is really hard to answer with a definite yes or a definite no. Quite certainly, operating such programmes is still not seen as an obligation of modern states, therefore one can

argue that no legal provisions (which of course entail the obligation of the state to have an assisted voluntary return programme available to migrants) is needed. Moreover, these programmes are typically operated, or at least partly operated by the International Organization for Migration, which is an intergovernmental organization independent of each national government, and in EU States, the funding of these programmes typically involves Community sources and may also include funding from the NGO-sector. Therefore, having strict legal provisions could also work to hinder the necessary flexibility in selecting the partners, the target groups, the contents of such programmes, and could also limit the available sources for funding them.

On the other hand, providing the possibility for the migrant to return voluntarily is the most humane and dignified method for any third-country national staying illegally in the country. As we have seen, the Hungarian legislation makes this possible in most cases, however, as a guarantee, the legislation might provide an obligation for the authorities to inform the returnee on the possibility of returning by means of an assisted voluntary return programme. For example there are several provisions to make sure that the foreigner must be informed that he/she may seek free legal counselling, the help of the consular authorities, NGOs or the UNHCR. It might be useful to have such a provision regarding assisted voluntary return programmes, to make sure that each foreigner concerned is given the opportunity to make an informed decision on his/her return.

Quite similarly, the Hungarian Asylum Act⁶ makes no mention of assisted voluntary return programmes either. Voluntary return is only mentioned as a ground for withdrawal of the refugee and subsidiary protection status.

However, the implementing decree⁷ of the Asylum Act contains provisions for the “assisted” voluntary return of asylum seekers, recognized refugees and persons granted subsidiary protection. The word assisted should appear in quotation marks, because the assistance in this case is only providing money for buying air tickets and covering other costs of the return in form of a non-refundable grant. This is subject to an application, with which the certificate of the foreign

⁶ Act LXXX of 2007 on Asylum

⁷ Government Decree No. 301/2007. (XI. 9.)

representation of the country concerned shall also be presented. The Office of Immigration and Nationality may pay the whole price of the ticket and other justified expenses or part of them. An asylum seeker can only benefit from this grant, if his/her income is lower than the minimum wage in Hungary (approximately 260 Euros), while in case of refugees and beneficiaries of subsidiary protection, their income must be lower than the average net income in Hungary (approximately 450 Euros).

3.3 European Union legislation on return

The Hungarian legal background on illegal migration and return is fully harmonized with the EU *acquis*, all relevant EU legislation is implemented in national law.

In line with Council Decision 2004/573/EC on the organisation of joint flights for removals from the territory of two or more Member States of third country nationals who are subject to individual removal orders, the ministerial decree on the implementation of removals stipulates that when organizing a removal by air, it must be checked on the ICONet, whether a joint flight is available for this purpose.

In practice however, Hungary is yet to participate in a joint flight. This can be attributed to several reasons: the number and composition of migrants (the numbers are low and the most prevailing nationalities are those of countries in the vicinity) in the region means that organizing a joint flight would not prove a feasible means of carrying out the removals.

Council Directives 2001/40/EC and 2003/110/EC are also implemented in the national legislation: these have no real practical impact on return operations of Hungary.

Although Directive 2008/115/EC of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals is not formally implemented in national legislation yet, it still plays an important role in

the Hungarian legislation on the return of third-country nationals. When Act II of 2007 on the entry and stay of third country nationals was drafted, the main goal of the government was to achieve full harmony with the EU acquis on migration. With that in mind, the Commission proposal for the Return Directive was reflected in the Hungarian legislation. There was not much to change, as the 2001 Aliens Act – in most respects – followed the same logic the commission did, the two-tier system, of which the first tier is the return decision and the second is the removal order in case the return decision is not enforceable, already existed in the national legislation. The most notable change arising from the Return Directive was the shortening of the maximum period of custody to 6 months from the original 12 months.

4. OVERVIEW OF ASSISTED VOLUNTARY RETURN

4.1 *The stakeholders of Assisted Voluntary Return in Hungary*

4.1.1 *The Office of Immigration and Nationality*

The Office of Immigration and Nationality – founded on 1st January 2000 – is a central office, the staff of which is made up of civil servants. The tasks of the office falls into three major categories:

- the Office is responsible for assessing applications for Hungarian nationality, and other duties, e.g. issuing certificates of Hungarian nationality;
- the Office is also an aliens-policing authority, meaning it deals with matters in connection with regular and irregular migration, i.e. granting visas, residence permits, settlement (permanent residence) permits, withdrawing these permits, and also orders the custody or compulsory confinement of foreigners, entry bans and makes return decisions (expulsion orders);
- the Office also acts as the refugee authority of Hungary, operates the three refugee reception centres of Hungary, grants and withdraws refugee status, subsidiary and temporary protection.

So, basically, the operations of the Office of Immigration and Nationality cover all fields of migration management, with the exception of border control, which is the competence of the Police⁸.

As regards voluntary return, the most important department of the Office of Immigration and Nationality is the Unit of Coercive Measures and Repatriation. The unit operates in the headquarter offices of the Office of Immigration and Nationality⁹, located in the capital, Budapest, and is part of the Aliens Policing Directorate. There used to be a separate unit for repatriation, and a separate unit

⁸ The Hungarian Border Guard was merged with the Police on 1st January 2008.

⁹ The Office of Immigration and Nationality consists of a HQ office and 7 regional branches.

for coercive measures, the latter of which acted as the forum of second-instance regarding return decisions, decisions on forced return and custody. After some changes in legislation, administrative appeals against these decisions are not granted any more (judicial review is still available of course), therefore – as a part of rationalizing the organizational structure of the Aliens Policing Directorate – the two units were merged.

As a result, the competence of the Unit of Coercive Measures and Repatriation covers the following

- in some cases it still acts as the authority of second instance (fines imposed on carriers bringing irregular migrants to Hungary)
- orders entry bans, both in the national system and in the Schengen Information System
- oversees the activities of the regional branches in the field of irregular migration
- oversees the operation of community shelters¹⁰
- procures travel documents for undocumented irregular migrants
- organizes forced return by air (tickets, escort, transit to airport, etc.)
- assesses the requests of other EU Member States for transit through Hungary's airports as foreseen in Directive 2001/40/EC
- and finally, carries out its duties in connection with the Hungarian Assisted Voluntary Return Programs, as described later in detail.

4.1.2 *The International Organization for Migration (IOM)*

The International Organization for Migration (IOM) is an intergovernmental organization formed in 1951, whose main duty is assisting refugees and other migrants.

IOM has great expertise in assisted voluntary return, as it is the main stakeholder of voluntary return programs worldwide: they currently operate 20 regular programs and 100 projects around the globe. IOM also has offices everywhere in the world, can get special discount prices from air

¹⁰ A community shelter is where migrants can stay if they are not in detention, but have to stay in a designated place. Generally, they can leave the shelter freely (for short periods).

carriers, which make them an ideal choice for operating an assisted voluntary return program.

Hungary has become a member of the International Organization for Migration in 1991, and in the following year, 1992, IOM has established an office in the capital, Budapest. This has also seen the start of the first ever Hungarian assisted voluntary return program soon.

In general, the duties of the IOM staff in carrying out assisted voluntary return operations in Hungary can be summarized in the following:

- update migrants and administrative staff on the existence of voluntary return programs and the particulars of the programs' operation
- arrange the transportation of the beneficiaries of the program
- organize the logistics of the travel
- provide pocket money to the beneficiaries to cover immediate costs
- arrange the procurement of the necessary travel documents
- keep up-to-date statistics of voluntary returns.

4.2 Various assisted voluntary return programmes and projects of Hungary

Assisted voluntary return programmes in Hungary have seen the change from a government-financed endeavour to a project-based operation financed mainly from European Union funding in their 15-year history in Hungary.

4.2.1 The beginnings (1993-1997)

The first assisted voluntary return program was operated by IOM Budapest and the Border Guard (the sole authority responsible for managing irregular migration at that time) between 1993 and 1997. This can be considered as a root, pilot program, forming the base of the later, more sophisticated ones. The experience gained from the daily work in this program and the regular

consultations between IOM and the governmental side has led to the creation of the so-called HARP (Hungarian Assisted Return Program).

4.2.2 Institutionalization of assisted voluntary return – memoranda of understanding (1997, 2000)

The experience gained from the operation of the country's first assisted voluntary return program led to the creation of a Memorandum of Understanding between the Hungarian Ministry of Interior and the International Organization for Migration, which laid down the tasks, responsibilities and obligations of the two parties concerned.

The first Memorandum of Understanding was signed in February 1997 by the State Secretary of the Ministry of Interior and the Chief of IOM Mission in Budapest, which was followed by a revision in October 2000 to reflect the institutional changes in migration management, namely the founding of the Office of Immigration and Nationality.

The Memorandum defines its aim, which is to establish a comprehensive program for the promotion of the voluntary return of unsuccessful asylum seekers and other irregular foreigners entering and/or staying in Hungary.

It defines the notion of voluntary return: *“a person goes back voluntarily to the country of which he is a national; if such return proves not possible or if the person is stateless, voluntary return means that the person goes back voluntarily to the country of former habitual residence or the country willing or obliged to receive him”*. The Memorandum also mentions that in some cases, reintegration assistance may also be provided, and that persons admitted for immigration to a third country may also be among its beneficiaries.

The scope of possible beneficiaries of the program is also laid down, with the option of later modification by the signatories:

- asylum seekers whose applications for refugee status has been rejected by competent authorities in line with national procedures
- asylum seekers who have renounced their pursuit for refugee status
- other foreigners who were obliged by the competent authorities to leave the territory of the country in consequence of violating the provisions of entry and stay, or against whom the conditions of ordering such obligation exists.

The Memorandum stipulates mutual obligation for the parties of providing each other the information necessary for the successful implementation of the program, and also lays down the duties of each party. The Hungarian governmental side – the Office of Immigration and Nationality and the Border Guard (today: Police) shall:

- inform potential beneficiaries on their legal status and the possibilities of taking part in the assisted voluntary return program
- inform IOM on the persons who may benefit from the program
- give IOM a comprehensive description of the legal status of these persons, without prejudice to the counseling responsibilities of IOM.

On the other hand, IOM shall:

- provide potential beneficiaries with information on program options as soon as possible
- counsel potential returnees on practical issues to be taken into account before departure, and inform them especially on prevailing conditions in the country of origin and on persons/entities the returnees can contact if they need additional advice or counselling
- arrange for valid travel documents and visas if needed
- provide assisted transportation and related services to ensure safe return
- provide cash lump sum for returnees, as the case may be, and assist in their reintegration as appropriate

- obtain the agreement of the countries of origin to readmit their nationals
- secure agreement of countries of origin to an IOM presence on their territory to ensure further assistance to the returnees and follow-up, monitoring activities.

For the purpose of regular consultation and monitoring activities, the Memorandum also sets up a consultation body by the name of Joint Consultative Commission. The commission shall meet regularly, no often then once in every three months. It comprises of the representatives of the Office of Immigration and Nationality, the Police and IOM. Its secretariat is provided by the IOM.

The Memorandum also lays down the rules on financing the assisted voluntary return program. The program is financed from the budget of the Office of Immigration and Nationality. The program budget is determined in each year based on the forecast of the Office of Immigration and Nationality on the number of migrants who are likely to avail themselves to the program (based on statistics from previous years and evaluation of migration trends) submitted to the IOM. IOM prepares the draft program and program budget based on this number, and sends it back to the Office of Immigration and Nationality, which then approves it or requests modifications. IOM creates expenditure reports twice each year (an interim one and a final one).

The exact modalities of operating the Hungarian Assisted Return Program were not laid down in the Memorandum, they are based on the best practices of the IOM in the field of assisted voluntary return (both on a national and international level), and the experiences of the Office of Immigration and Nationality gained during the implementation of the program.

The HARP program, which is based on the Memorandum and is the successor of the first voluntary return program in Hungary, has been going on since 1997.

4.2.3 Accession to the European Union – the HARIP programs (2004-)

Hungary's accession to the European Union on 1st May 2004 opened new perspectives in operating voluntary return programmes. The most important change was a new funding option: previously, these operations were funded solely from the state budget of Hungary, and with the EU-accession, new options presented themselves in the form of EU funds.

The first such programme was the Hungarian Assisted Return and Information Program (HARIP), which was implemented by IOM Budapest and funded by the national distribution of the European Refugee Fund. Given that the activities of the European Refugee Fund – as the name implies – aim at refugees and asylum-seekers, the range of beneficiaries is narrower in the HARIP program compared to HARP.

The aim of the HARIP program is to facilitate the voluntary and orderly return of refugees, rejected asylum-seekers, and persons authorized to stay in Hungary, to their country of origin. So – as mentioned above – irregular migrants who have not applied for asylum cannot participate in this program, except for those in the category of 'persons authorized to stay'. This status is granted to irregular migrants (excluding asylum-seekers and persons granted international protection by virtue of the Asylum Act) who cannot be sent back to their country of origin based on the principle of non-refoulement, and there is no other safe country willing to receive them. Their status can be seen as a subsidiary, “last-resort” form of international protection.

The HARIP program consists of two phases: the first is the information phase, which aims to raise awareness about the program and provide information to potential beneficiaries about the advantages of participation in the program. The second phase is the operational return phase in which assistance is provided to beneficiaries and the voluntary return to their home countries is arranged. The program builds on the previous assisted voluntary return programs and emphasizes the continuity and sustainability of such initiatives within Hungary.

IOM's worldwide network of offices and decades of expertise enabled them to collect country of origin information in order to provide migrants with the most relevant information about the political, economic and social circumstances in their home countries. Based on the information gathered, Country of Origin Information Brochures were produced in the most relevant languages used by the target groups in Hungary: Turkish, Albanian (Kosovo), Darii, Pashtu, Georgian, Bosnian, Moldavian, Macedonian and Vietnamese.

4.2.4 RETURN Preparatory Actions

In the framework of RETURN Preparatory Actions 2005 and 2006 – which served as the pilot phase for the Return Fund – IOM Budapest in close co-operation with the Office of Immigration and Nationality implemented a return programme.

The program called “Enhancing Mechanisms and Harmonizing Standards in the field of Voluntary Return of Irregular Migrants in EU Central European States” was the first of its kind, a regional program covering countries in Central Europe: the Czech Republic, Poland, Slovakia and Hungary.

In full partnership with the Ministries of Interior of the Czech Republic, Hungary, Poland and Slovakia and through cooperation with relevant EU institutions, the program provides the technical and financial support mechanisms to strengthen and promote assisted voluntary return programs in those countries. The approach is regional and seeks contribution to the harmonization of AVR procedures in line with EU policies and principles on Return. The programme builds on IOM's large expertise as well as identified best practices on assisted voluntary return worldwide.

4.2.5 The European Return Fund

The establishment of the European Return Fund¹¹ opened up several new possibilities for developing the assisted voluntary return programmes of Hungary. The responsible authority for allocating the available resources by deciding on the project applications – the Ministry of Justice and Law Enforcement – emphasizes the importance of the further development of voluntary return measures in its annual programs.

The European Return Fund made it possible to enhance Hungary's own HARP program by adding a re-integration component (for the first time in Hungary) and by establishing the Hungarian Assisted Return and Re-integration Programme (HARRP). There are also numerous other activities with the support of the Fund (information campaign, website, capacity building, study trips etc.).

4.3 Assisted voluntary return in practice

As it is shown in this study, the legal, institutional and financial framework for operating successful voluntary return programs in Hungary is in place. In the following, I will highlight how such a program works in practice.

The first – and very important – step is to inform the migrants on the possibility of returning home voluntarily, in a “dignified and humane” manner, without the unpleasantness and negative consequences (e.g. deportation stamp in the passport, entry ban, etc.) of going through a “regular” return procedure. For migrants, sometimes barely aware of the laws and regulations regarding migration it is not trivial that such an opportunity exists. Therefore, providing information is of paramount importance, and it is no coincidence, that in the HARIP program, the information element is particularly emphasized.

¹¹ Council Decision 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the general programme “Solidarity and Management of Migration Flows”

Information material of the voluntary return programs is made available at the community shelters and reception centers. Community shelters are operated to provide lodging to irregular migrants, thus it is very important that the information on the possibility of returning home voluntarily is made available there. Reception centers are where asylum seekers are lodged: another place, where potential voluntary returnees are found en masse. These information leaflets are available in a number of languages, and provide short explanation on the possibility and the benefits of taking part in voluntary return programs.

The groups of migrants who are not asylum seekers or identified irregular migrants are much harder to reach. The efforts in this field include placing regular advertisement in the newspapers of diasporas living in Hungary (most notably: Chinese), sending information leaflets to foreign embassies in Budapest and to markets like Budapest's Józsefváros Market, where mainly Chinese and Vietnamese migrants sell goods, often without the necessary documents (work permit, residence permit) required by Hungarian law.

IOM also operates a homepage (www.volret.hu) and a toll-free telephone information service in five languages, English, Russian, Albanian, Chinese and Hungarian. It shall be noted, that the homepage was implemented as a primary means of informing foreigners on voluntary return possibilities in Hungary, but links to this page cannot be found either on the homepage of IOM Budapest (www.iom.hu), or on the homepage of the Office of Immigration and Nationality (www.bevandorlas.hu). The page itself is fairly informative, it provides the information necessary for potential beneficiaries in a short, easy to comprehend FAQ section, with basic information on IOM and the assisted voluntary return programs. The necessary application forms can also be downloaded, although only in Microsoft Word doc format. Offering a pdf version might be worth considering. IOM's own homepage has information on voluntary return. Unfortunately it is not up-to-date (it only contains information on the 2005 Central European program), nevertheless it is useful. On the homepage of the Office of Immigration and Nationality, however, no information can be found at all. There is room for improvement in this field.

Return counselling is important to make sure that the migrant is in the situation of adopting an informed decision on his/her return. Apart from placing information leaflets, posters etc. on the assisted voluntary return program in community shelters and reception centres, a written agreement has been concluded by IOM and the Office of Immigration and Nationality, that IOM staff can present the programmes on site and offer individual return counselling addressing the specific situation of the migrant. This includes not only offering incentives for the migrant (no deportation stamp, pocket money, re-integration allowance) but also the possible risks (based on IOM's extensive country of origin database) the migrant could face.

As mentioned earlier, to participate in the program, a standard application form must be filled in by the migrant. This form can be obtained on site at the community shelters and reception centres, or downloaded from the internet in twelve languages: Albanian, Chinese, English, Hungarian, Macedonian, Mongolian, Romanian, Russian, Serbian, Slovak, Turkish and Vietnamese. The form is two pages altogether, and does not require too much effort to fill in. The questions are the ones necessary to identify the applicant (name, nationality, etc.), there are questions on the legal nature of the stay in Hungary, on available travel document and visa, home address and family members also staying in Hungary. There is a declaration on voluntariness and information that the data supplied will be handed over to the Office of Immigration and Nationality, who assess whether the applicant is eligible to take part in the assisted voluntary return program. The applicant must also declare that he/she will not stay in any transit country reached en route to the final destination. The application can be handed over to the administrative staff of the community shelter or reception centre, or sent to IOM directly.

These applications are assessed by the Office of Immigration and Nationality. The sole basis of the decision is the eligibility of the applicant, i.e. if the legal status of the applicant is in the list of possible beneficiaries, the right of participation in the assisted voluntary return program should be granted.

The assessment of the application is the responsibility of the Unit of Coercive Measures and Repatriation of the Office of Immigration and Nationality, and generally it can take as long as two weeks. There is no deadline to observe, nevertheless, it can be considered as a long time to take the decision, as the question of eligibility may seem fairly straightforward. This relatively long decision making process can be attributed to the fact that the Office of Immigration and Nationality will not allow a foreigner to take part in the assisted voluntary return program while there is still a procedure pending: for example, they will pass a final decision on the asylum application, request the third-country national to withdraw any pending application for residence permit etc. before allowing them to return home. Another factor which may hinder the decision-making is that the residence permit, asylum application, and return procedures are the responsibility of the regional branches of the Office of Immigration and Nationality, which of course makes regular consultations between these branches and the headquarters – where the decision on the eligibility of taking part in the assisted voluntary return program is taken – necessary. Considering these factors, the general two weeks time to take a decision seems acceptable. Still, one might feel that a more flexible approach would be even more favourable: returning home voluntarily is not an easy decision for migrants to make and with every day of uncertainty their doubts about the success of such an endeavour will probably diminish and the likelihood that they will eventually change their minds will increase.

When talking about difficulties, the representatives of IOM expressed their opinion, that the mindset of the authorities in the Central European countries (that of those in Hungary, or in the Czech and Slovak Republics as well as those in Poland) is quite different compared to their Western European counterparts: they want to be in complete control of the situation, while in Western countries the fact of a migrant returning home voluntarily is considered as a welcome one, and apart from requesting a list of voluntary returnees, they leave all arrangements up to the IOM staff.

Once the Office of Immigration and Nationality took the positive decision of eligibility, they send an official request to the IOM Budapest Office, who can start the logistic arrangements of the travel. Generally, this consists of the procurement of travel documents, which normally is the duty of the Office of Immigration and Nationality, but in case difficulties arise, like when the country of the

returnee in question has no embassy or consulate operating in Hungary (the cases mentioned were those of returnees from Afghanistan and Nepal), IOM can lend a helping hand to the authorities by procuring the travel documents through one of their offices outside Hungary. This is a faster and more informal way of doing this than it would be through diplomatic channels. According to the experience gained from operating the Hungarian assisted voluntary return programs, the procurement of travel documents generally poses no difficulties. In case of Kosovo nationals, the Office of Immigration and Nationality can produce the travel document necessary for return (subject to confirmation of the authorities in Kosovo).

The next important step is buying the flight tickets needed to reach the destination countries of the returnee. This is where the cost-effectiveness of operating the voluntary return program through IOM shows: IOM can bargain lower prices with air carriers as a “frequent flier” throughout the globe. Voluntary returnees travel home with normal commercial flights. There was only one exception in 1999, when due to the large number of Kosovo Albanians a charter flight was organized to Pristina. Normally, the organization of the travel by IOM should take no more than 5-10 days.

The IOM publication “Return migration: policies and practices in Europe” states that the average cost of voluntary return from Hungary in 2003 was 700 US Dollars, and the estimated cost of a forced return is four times higher. This can be attributed to the fact that during forced return typically three escorts are used, one member of the staff of the Office of Immigration and two policemen. But forced return in Hungary is often “partial”, where the returnee is only escorted to the aeroplane and travels alone after boarding. In this case the costs are comparable to costs of voluntary return provided by IOM.

With the plane tickets available, another important issue is the transit to the airport. Hungary has three international airports (Budapest Ferihegy Airport, Debrecen in the Eastern part and Sármellék in the Western part of the country), but in reality only Budapest Ferihegy Airport is available for the purposes of the assisted voluntary return programs. The most important locations where voluntary

returnees reside are the community shelters and the reception centers. These are located outside of the capital, the only community shelter in operation is in Nyírbátor (285 kilometres), while reception centers are found in Békéscsaba (214 kilometres), Bicske (58 kilometres) and Debrecen (256 kilometres). Therefore, the transit to the airport is a crucial part of the return process.

As we have seen earlier, the organization of the airport transit is not specifically identified as a duty of either actors, namely the governmental side or IOM. In previous years, the transit was provided by the Police on a “voluntary basis”. However, as the economic situation in Hungary required cuts in the budget of all governmental bodies, this has suddenly stopped. Now IOM has a vehicle and a driver for this purpose, which in some cases can also be used as a means of transporting returnees abroad. The availability of only one vehicle of course can lead to logistical difficulties, when returnees staying in different parts of the country have a departure flight on the same day.

In each case, IOM notifies the Airport Police on the departure of voluntary returnees. At the airport, IOM also provides departure assistance to the returnee: they are met by IOM personnel at the check-in counter 1.5 hours before take-off. After the returnee is checked in, he/she receives 100 Euros from the IOM personnel in the transit zone. This sum is provided so the migrant can finance the transport from the arrival airport to the final destination within the country of origin, therefore it cannot be considered as a cash incentive or reintegration assistance. After the receipt on receiving the money is signed, the travel documents are handed over to the returnee, who can board the aircraft.

IOM observes its standards concerning implementing escorts. In each case it is required that the IOM personnel can speak with the returnee in his/her language. In case the returnee is a minor or requires medical assistance, IOM provides the necessary escort, and in case it is needed, the escort of a psychologist or doctor.

The IOM personnel waits in the transit zone until take off. The Office of Immigration and Nationality is informed on the successful departure of the voluntary returnee.

In the country of origin, the returnees are received by local IOM staff at the airport, who help them with formalities and, upon request, organize the travel to the final destination. IOM Budapest is informed on the safe return of the migrant.

To sum up, the following services are provided to returnees under the assisted voluntary return programs of Hungary:

- production and dissemination of leaflets, videos, posters containing information on AVR
- travel and departure assistance
- secondary transportation of the returnees to their final destination
- health assistance
- reception at the airport
- financial reintegration assistance
- revenue-generating projects
- referral services in countries of origin
- information on countries of return

5. RE-INTEGRATION AND SUSTAINABILITY OF RETURN

The sustainability of return is of great importance. The return of a migrant takes great effort to organize: this can be in vain, if the same person is found again in the country as an irregular migrant. However, it is a very realistic scenario. The so-called push- and pull factors, which make the migrants leave their countries of origin in pursuit of better chances of achieving a better quality of life – in most cases – still prevail. Many criminals involved in human smuggling have realized this: they offer “guaranteed success” of delivering their customers to the EU countries for a fixed sum, even if it takes more tries. Therefore, it is necessary to facilitate the re-integration of the returned migrants, and it should preferably be a joint effort by the country from which they return and their country of origin.

5.1 Re-integration programmes of Hungary

In Hungary, re-integration has not been a part of the return and voluntary return process. The original Hungarian Return Program, started in 1994, was without a re-integration component. There has always been some “pocket-money” involved in voluntary return in the range of 50 US Dollars to the more recent 100 Euros, but it cannot really be considered as a real help to re-integrate. It is more of a small incentive to return and money given to cover the trip from the destination airport to the home of the return migrant.

This lack of re-integration support can be attributed to the fact that there is not much room in the Hungarian budget for funding assisted voluntary return programs. The establishment of the European Return Fund and the Return Preparatory Actions before that opened new possibilities in this field as well.

The program called Hungarian Assisted Return and Re-integration Program ('HARRP') has added the re-integration component to the Hungarian voluntary return program. The re-integration program was started in 2005. Each year, the number of possible beneficiaries is determined to make

sure that the budget of the program is not exceeded. In 2005 this number was 6 persons (as part of the regional Czech-Polish-Slovak-Hungarian program, each country was allocated 6 possible beneficiaries of re-integration support). It is 9 in the 2009 program.

The re-integration assistance is always in kind, no cash is provided, therefore achieving the goal of the assistance is hard to jeopardize. The amount of the re-integration assistance is maximum 2000 Euros per person. The grant is non-repayable.

Becoming a beneficiary of the re-integration program is subject to an application. The information channels used for the promotion of the assisted voluntary return program are used to inform the possible beneficiaries on the possibility for applying for re-integration assistance, therefore all voluntary returnees are aware of this program. The application does not need to be submitted together with the application for taking part in the assisted voluntary return program: it can be submitted any time, the final deadline is 30 days after the arrival in the country of origin. This is important, although IOM's return counsellors can update the returnee on the various aspects of the prevailing conditions in their country of origin, it is something different to personally experience the changes which occurred after leaving the country. This can enable the possible beneficiary to assess the economic reality in the country of origin, especially the market needs in his/her narrower region.

The application is a business plan detailing the planned activities in the country of origin, which would enable the beneficiary to support themselves and their family in the long run. It can take two forms: either founding a small business or developing a small business already in operation or taking part in vocational training or further education with the aim of achieving a qualification that would enable the returnee to take up employment in the country of origin.

Submitting a business plan usually requires professional qualifications and an entrepreneur spirit. Though there is no discrimination in connection with the country of origin, in practice, the re-integration assistance provided by IOM Budapest is almost exclusively aimed at irregular migrants

from Kosovo, whose ethnic background is Albanian or Roma. Unfortunately, some of these people lack the necessary skills and qualifications to draft and submit a detailed business plan, thus cannot benefit from the re-integration program. Most probably, in order to submit a feasible plan with the necessary details, the applicant will need at least secondary education. Although the 10 per cent margin of returnees who can possibly become beneficiaries of the program and receive the re-integration grant can be considered low, in fact, according to IOM, in some years they did not receive even this small number of appropriate business plans.

IOM have full ownership of the re-integration program, the Office of Immigration and Nationality has no real part to play in its implementation. The IOM representation plays an important role in assessing the applications submitted for re-integration grants. They are aware of the socio-economic situation in the country of origin, and can decide on the feasibility of the submitted business plans.

If the business plan is found appropriate, the IOM representation in the country of origin has an important role in its realization: they have to provide the necessary assistance in kind to the beneficiaries, for example, procure the necessary equipment for starting a business. They are always involved in this to avoid any misuse of the grant. For example, the procurement of the equipment is always documented with photos and invoices, which are sent back to the IOM Budapest office.

5.2 Follow-up of sustainability of voluntary return measures

Regularly assessing the success of re-integration is almost as important as having a re-integration program: it can show the weaknesses of and the threats faced by the voluntary return program, it can help in anticipating future migration trends, and it can show what adjustments are necessary in order to make the re-integration efforts of Hungary more effective.

As a new development, European Union funding from the Return Preparatory Actions made it possible for Hungarian stakeholders to start follow-up activities on voluntary return and re-integration measures. These activities also target Kosovo, as most beneficiaries of the Hungarian

Assisted Return and Re-integration Programme are from this country.

In 2007, a monitoring mission to Kosovo was organized in order to assess the results of the re-integration program. The members of the mission visited beneficiaries on site and conducted interviews on the situation of the businesses that were started or developed with equipment procured from the re-integration grants.

By assessing five filled-in questionnaires¹² which resulted from this monitoring mission in Kosovo, it is clear, that providing re-integration grants is a very effective means of helping irregular migrants start a new life back home, because it is clear, that these relatively small investments combined with the abilities and efforts from the beneficiaries' side can promise success in the country of origin even in the short term.

The five beneficiaries were running operational businesses, which were not only able to provide income to themselves, but made the employment of others possible, as well. Therefore, this relatively low investment can have a much bigger impact than keeping former irregular migrants from trying to stay in the European Union countries irregularly: it can promote the economic growth in the less-developed regions of the world, and even provide job opportunities. Unemployment is another typical push factor, which makes people try their luck in the European Union countries, therefore re-integration assistance can have further positive effects, and can keep more people in the beneficiaries' countries of origin from becoming irregular migrants in the European Union.

The types of businesses ran with the help of equipment procured from re-integration grants were agriculture; plastering and painting; ceramic, plumbing and heating installation; metal processing; and electricity installations. All were small businesses (5 employees at the most), with direct involvement of the work of the beneficiary (i.e. they are not just “running the business”, but conduct manual labour as well). The ones working in agriculture already had land and some

¹² Recieved from the Office of Immigration and Nationality.

equipment, one of the beneficiaries has expanded a long-running family business, but some examples show that the amount of the re-integration grant (2000 Euros maximum) might be enough to start a business from scratch. There was no example of a beneficiary receiving the grant for pursuing studies or training.

In September 2009 another evaluation mission was targeting Kosovo to assess the re-integration possibilities there provided by municipal councils etc. The findings of this mission was not available at the time of finishing this study.

To sum up: Hungary does not have long-going experience in re-integration measures, but the developments in the last three years are a promising start. The beneficiaries of the re-integration programme of Hungary are almost exclusively from Kosovo.

6. CONCLUSIONS

The legal framework of return management in Hungary is comparable to that of other Member States of the European Union, given that most provisions are harmonized with the EU *acquis*. The next step will be the full implementation of the Return Directive in Hungarian legislation.

Assisted voluntary return programs are run in Hungary since 1993. The Hungarian membership in the International Organization for Migration was an important step in this field. IOM has been the main promoters and stakeholders of voluntary return measures in Hungary. Combined with the positive approach from the Hungarian governmental side, this led to the establishment of successful assisted voluntary return programmes. These programmes are comparable to other IOM-managed ones in Europe.

The memoranda of understanding concluded by the Hungarian Ministry of Interior and IOM form the framework of the cooperation of the two parties. They define the concept of voluntary return, the possible beneficiaries of the programmes, and lay down the responsibilities, obligations and rights of each party. They set up a consultative body as well, providing a forum for regular meetings between the stakeholders, thus strengthening cooperation.

The programmes in operation are successful ones and make good use of available best practices. Each year around 200 migrants are returned home in a cost-effective, humane and dignified way, mainly to Kosovo. Though there is room for some improvements, the procedures are streamlined and effective.

Hungary's accession to the European Union has opened up several new possibilities for improving the assisted voluntary return measures already in place. With the availability of the European Refugee Fund, the RETURN Preparatory Actions and more recently the European Return Fund, IOM, in partnership with the Office of Immigration and Nationality, has more sources to strengthen their efforts in the field of voluntary return.



The most notable improvements, courtesy of the EU-funded projects, are enhanced outreach of the programmes by providing more detailed information on them, available to a greater number of possible beneficiaries. These projects made it possible to operate voluntary return on a regional basis, in cooperation with other EU Member States in Central-Eastern-Europe, which can provide for the better allocation of resources and the sharing of best practices between them.

The inclusion of re-integration measures are among the fairly recent developments as well. Re-integration grants provide for the sustainability of return, and may also have a tangible positive effect on the economy of the country of origin.

In the future, Hungary shall focus its efforts on continuing and further enhancing these programmes.

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BIBLIOGRAPHY

Return Migration: Policies and Practices in Europe, International Organization for Migration, 2004

Compilation of Best Practice in Return Management in Selected EU Countries and Romania, International Organization for Migration, 2005

European Return Fund, Multi-Annual Programme 2008-2013 of the Republic of Hungary, http://irm.gov.hu/eva_tobbeves_es_eves_programok/cikk/Europai_Visszateresi_Alap_tobbeves_program_2008-2013.htm

Presentations:

Overview on IOM's Assisted Voluntary Return and Reintegration Activities by Ágnes NOVOSZEL

Voluntary Assisted Return and Reintegration Programmes in Hungary by Ágnes NOVOSZEL