

# HUNGARY

## EMN COUNTRY FACTSHEET

2017

MAIN DEVELOPMENTS IN MIGRATION AND INTERNATIONAL PROTECTION, INCLUDING LATEST STATISTICS



### LEGAL MIGRATION AND MOBILITY

#### PROMOTING LEGAL MIGRATION CHANNELS

In 2017, Hungary transposed the EU Directive on Students and Researchers (EU) 2016/801).<sup>1</sup> The new law came into force on 1 January 2018.

### ECONOMIC MIGRATION

No relevant changes were reported in 2017.

### FAMILY REUNIFICATION

No relevant changes were reported in 2017.

### MANAGING MIGRATION AND MOBILITY

In 2017, as a result of amendments to the immigration legislation, some changes were introduced to the Schengen acquis, such as new rules for visa applications at diplomatic representations. The process to appeal a visa annulment or a revocation decision was also modified.



### INTERNATIONAL PROTECTION

#### INCLUDING ASYLUM

**In March 2017 Hungary passed** the Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas. As a result, several changes were introduced in the asylum procedure:

- When providing accommodation special attention should be paid to LGBT individuals;

### KEY POINTS



In March 2017, Hungary passed the Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas. As a result, several changes were introduced in the asylum procedure.



On 27 July 2017, Hungary notified the European Commission about its intention to apply the exception contained in Article 2(2) (a) of the Return Directive



On 21 June 2017, the first Victim Support Centre for victims of trafficking in human beings was opened in Budapest.

- A new termination ground was added. In a situation of mass immigration, the competent authority may terminate the procedure if the asylum applicant leaves the transit zones;
- If a subsequent application is submitted following a final termination or rejection decision, the applicant will not be entitled to any benefits.

In January 2017, the Office of Immigration and Nationality changed its name to **Immigration and Asylum Office**. The new office no longer has competences over nationality cases.

A new legal framework **applicable to a situation of crisis caused by mass immigration** was

training, voluntary service, pupil-exchange schemes or educational projects and au pairing (recast).

<sup>1</sup> Directive (EU) 2016/801 of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies,

implemented by Hungary in 2017. As of 28 March 2017, except for specific cases regulated by law, asylum applications can only be made and lodged before the competent authorities in the **transit zones**.

In terms of **border procedures**, since 28 March 2017, the competent authorities do not conduct border procedures in the territory of Hungary. The time to appeal an inadmissibility decision or a decision made in an accelerated procedure has been reduced from seven days to three days from the communication of the decision.

As per the **accommodation** of applicants for international protection, the Reception Centre Bicske closed on 1 January 2017. However, from 28 March, transit zones Tompa (250) and Röszke (450) are operating with upgraded capacity. Both transit zones are equipped with four separate accommodation areas for families, single men, single women and unaccompanied minors.

Under **funding from the EU Asylum, Migration and Integration Fund (AMIF)**, a psychologist and several translators have been deployed in some of the transit zones.

The need for **detention** of applicants for international protection significantly decreased during 2017. Consequently, the detention centres at Kiskunhalas and Békéscsaba stopped operating during that year. The only detention facility currently active is the one at Nyírbátor with a maximum reception capacity of 105 persons.

In the framework of **Dublin procedures**, on 1 January 2017, a new IT system for registering incoming take charge/take back/information requests was put in place.

During 2017, several **trainings** for staff involved in the asylum procedure were organised (i.e. asylum interviews, issuing decisions).



## UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

Act XX 2017 Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas, distinguishes between those **unaccompanied minors** who have **legal capacity** and those who do not. Unaccompanied minors between 14 and 18 years old are considered to have legal capacity and therefore, the special rules contained in the regulations for situations of mass immigration apply to them. According to the new law, those children will not be covered by Child Protection rules until they are granted international protection.

In a situation of mass immigration, unaccompanied minors over the age of 14 will be placed in the transit zones and will only be allowed to enter the country if they have been granted refugee or protected status. However, if no mass crisis is announced, irrespective of their age, all unaccompanied minors will be placed in the child protection system.

All unaccompanied minors are provided with **legal representation**. In cases of mass immigration, unaccompanied minors over the age of 14 will be assigned a temporary guardian while those under the age of 14 will be assigned a child protection guardian. Outside a situation of mass immigration, both age groups will be assigned a child protection guardian under the same conditions.



## INTEGRATION

During 2017, the Tudomány Language School provided support for the social, cultural and labour market integration of third-country nationals by offering **Hungarian as a foreign language** and Latin scripting courses at different levels.

Several activities on **cultural differences** were also organised. A website based on a mobile application was launched to allow users to access elementary level language assistance.



## IRREGULAR MIGRATION

As per Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas, in a situation of mass migration, asylum seekers are required to remain in one of the transit zones while they await a final decision on their asylum applications. Migrants with unclear status will not be allowed to enter Hungarian territory without prior authorisation.

According to the new law, during a state of crisis caused by mass immigration, migrants found to be in an irregular situation within any part of Hungarian territory can be **escorted back to the transit zones**. They will then need to file an application at the transit zone and will not be allowed to enter Hungary until a decision has been reached. They are however allowed to go back to the country from where they crossed into Hungary.

With these changes, Hungary aims to **tackle irregular immigration**, to close down the Balkan migration route, to avoid the uncontrolled influx of third country nationals entering the territory of the EU, and to reduce security risks at the EU external borders.

The Hungarian Government also decided to **hire new police officers** to reinforce the capacity of the Police's border patrol action department.

In 2017, Hungary carried out several activities aimed at supporting and reinforcing **border surveillance operations**. For instance, a new technical border protection system was built at the second line of the border fence in the Hungarian-Serbian border section. The new border protection system included an electric system that facilitates the detection of movement at the border. New roads and services were also established to facilitate law enforcement access and monitoring of the border. A check system for cargo trains entering Hungary at Kelebia railway border crossing point was organised in order to prevent illegal entries.

In 2017, Hungary reported an increased number of visa requests from holders of **diplomatic passports** from Yemen due to the worsening security situation in the country. Hungary was considering the suspension of the bilateral (partial) visa free travel arrangement with Yemen to avoid misuse of this migration channel.

A significant **misuse of family reunification** channels through fraudulent marriages was also identified by Hungary in 2017. The main countries of origin were Egypt, Tunisia, Algeria, Pakistan, and Morocco.



## RETURN

On 27 July 2017, Hungary notified the European Commission about its intention to apply the **exception contained in Article 2(2) (a) of the [Return Directive](#)**.<sup>2</sup>

As a result, Hungary no longer applies this Directive to third-country nationals who are subject to a refusal of entry in accordance with Article 13 of the Schengen Borders Code or who are apprehended in connection with the irregular crossing by land, sea or air of the external border of Hungary.

In 2017, Hungary organised a **joint return operation** to Afghanistan acting for the first time as a leading Member State. The return operation was organised under the umbrella of the '[Joint Way Forward on migration issues between Afghanistan and the EU](#)', with coordination and financial support provided by the European Border and Coast Guard Agency (Frontex).

In 2017, the Hungarian police ordered **715 expulsions**, and executed **686 effective returns**. All of them were implemented in the framework of readmission agreements (EU or bilateral agreements).

<sup>2</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

As per the **cooperation with third countries** in the field of return, an Implementing Protocol between Hungary and Montenegro was signed on 24<sup>th</sup> February 2017. An agreement between Hungary and Ukraine was negotiated in 2017 and will be signed early 2018



## ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS

Government Decree No. 354/2012 (XII.13) on the Identification Order of Victims of Trafficking in Human Beings was amended in 2017. The amendment added **legal aid services** and **probation services** to the non-exhaustive list of authorities and organisations cooperating in the identification of presumed victims of human trafficking and entered into force as of 1<sup>st</sup> January 2018. Such probation services include the elaboration of social inquiry reports and risk assessments, as well as victim-offender mediation.

The Ministry of Justice opened the **first Victim Support Centre** in Budapest on 21 June 2017.

In 2017, several projects on trafficking in human beings were funded **under the EU Internal Security Fund**. **These include the following:**

- The National Police started the implementation of the project 'Organisation of victim protection training related to the fight against human trafficking' which aimed to organise trainings for experts in crime detection, investigation, victim protection and victim assistance;
- The Ministry of Interior launched the project 'Creation of a Web-based System Monitoring the Management Mechanism of the Victims of Trafficking and Trafficking Trends' (EKAT system);
- The National Police started the project 'Cooperation with relevant public, non-governmental actors, international communities, organisations and agencies in order to enhance the fight against human trafficking';
- The International Organization for Migration (IOM) started the project 'Swiss-Hungarian Transnational Cooperation on the Referral of Victims of Trafficking' targeting the most relevant Swiss and Hungarian counter-trafficking actors.

During 2017, the Immigration and Asylum Office also organised several **trainings** on the human trafficking victim identification process. This targeted case workers

of the asylum and immigration authority and social workers serving in the facilities of the Immigration and Asylum Office, as they are likely to encounter third-country nationals who may have fallen victim to human trafficking.

During the summer of 2017, the **endpoint of SIENA** (Europol's protected communication channel) was established in Hungary, improving the speed and efficiency of the exchange of information on trafficking in human beings with other Member States.



## **MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY**

In 2017, Hungary established the '[\*\*Hungary Helps Programme' \(HHP\)\*\*](#) which served as a platform for promoting Hungary's support to EU development, humanitarian and law enforcement contributions, as well as its cooperation in the field of military and civil crisis management and education.

## **STATISTICAL ANNEX**

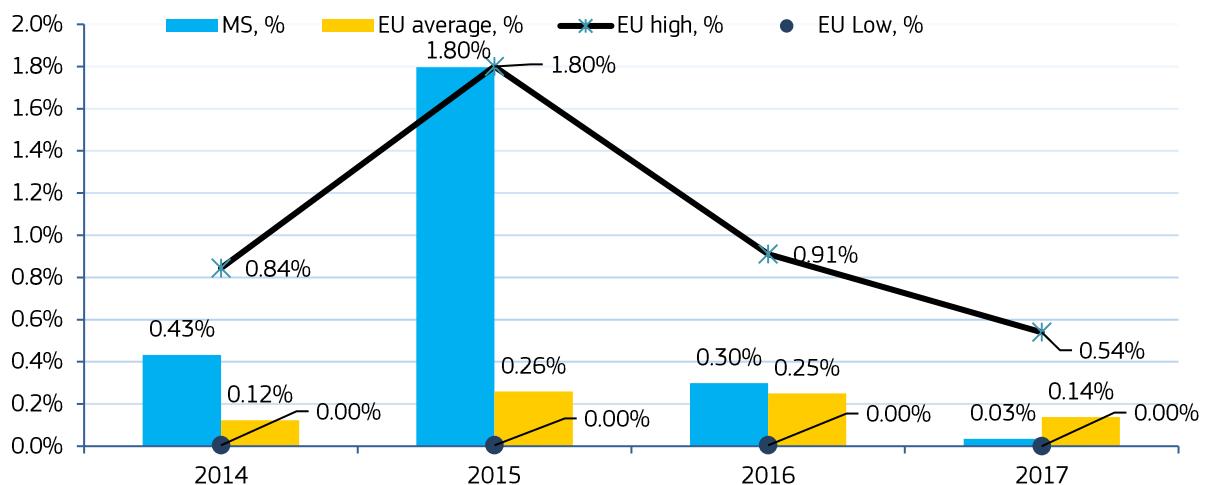
The Statistical Annex provides an overview of the latest available statistics for Hungary on aspects of migration and international protection (2014-2017), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as "N/A".

## STATISTICAL ANNEX: MIGRATION AND ASYLUM IN HUNGARY (2014-2017)



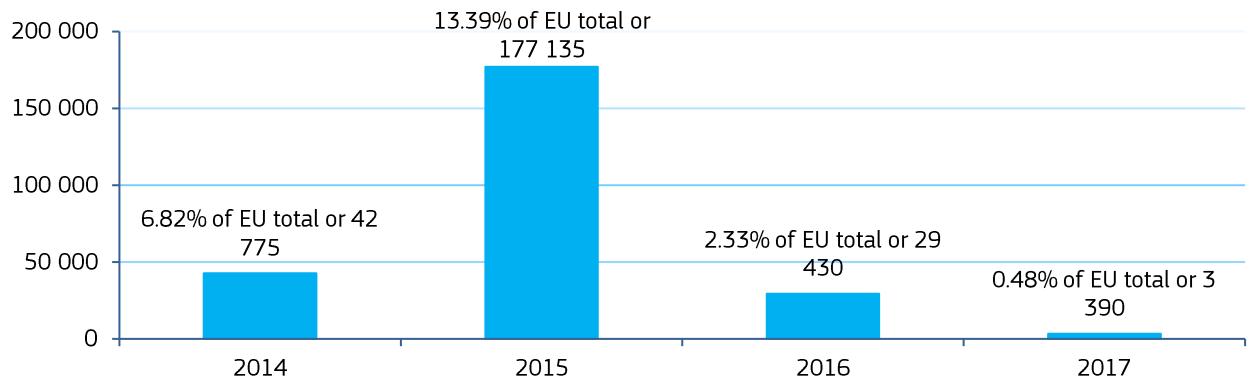
### 1. INTERNATIONAL PROTECTION AND ASYLUM

**Figure 1: Asylum applications as a share of the total population in Hungary, EU average and EU high and low (2014-2017)**



Source: Eurostat migration statistics ([migr\\_asyappctza](#)), data extracted 30.03.18

**Figure 2: Number of asylum applications and as a share of the total number of applications in the EU (2014-2017)**



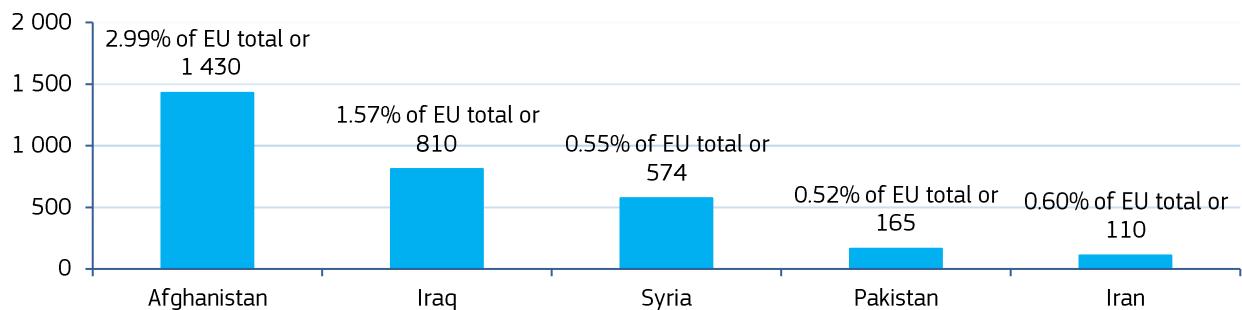
Source: Eurostat migration statistics ([migr\\_asyappctza](#)), data extracted 30.03.18

**Table 1: Asylum applications: Top five third-country nationalities (2014–2017)**

2014			2015			2016			2017		
Nationality	Nr	% of total	Nationality	Nr	% of total	Nationality	Nr	% of total	Nationality	Nr	% of total
Kosovo	21 455	50%	Syria	64 585	36%	Afghanistan	11 050	38%	Afghanistan	190	6%
Afghanistan	8 795	21%	Afghanistan	46 230	26%	Syria	4 980	17%	Syria	155	5%
Syria	6 855	16%	Kosovo	24 455	14%	Pakistan	3 875	13%	Pakistan	120	4%
Palestine	875	2%	Pakistan	15 155	9%	Iraq	3 450	12%	Algeria	85	3%
Unknown	705	2%	Iraq	9 280	5%	Iran	1 285	4%	Iran	65	2%

Source: Eurostat migration statistics ([migr\\_asyappctza](#)), data extracted 30.03.18

**Figure 3: Asylum applications: Top five third-country nationalities as a share of EU totals per given nationality (2017)**



Source: Eurostat migration statistics ([migr\\_asyappctza](#)), data extracted 30.03.18

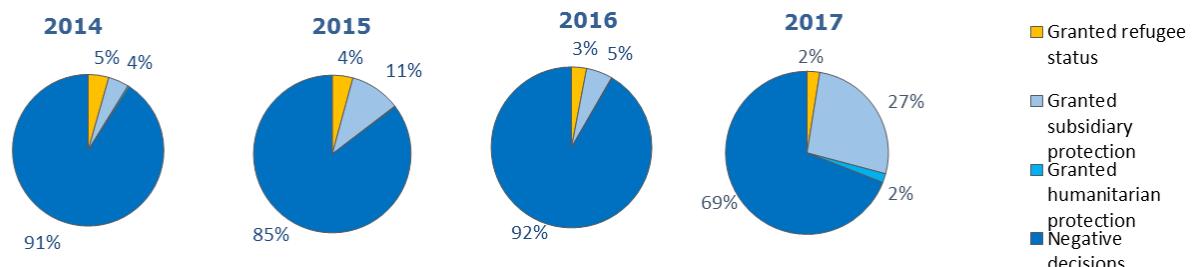
Note: the figure reads as: Hungary received 1 430 asylum applications from Afghanistan or 2.99% of all asylum applications launched by Afghans in EU in 2017.

**Table 2: Asylum applications - First instance decisions by outcome (2014-2017)**

	Total decisions	Positive decisions	Of which:			Negative decisions
			Refugee status	Subsidiary protection	Humanitarian reasons	
<b>2014</b>	5 445	510	240	250	20	4 935
<b>2015</b>	3 340	425	145	275	5	2 915
<b>2016</b>	5 105	430	155	270	5	4 675
<b>2017</b>	4 170	1 290	105	1 110	75	2 880

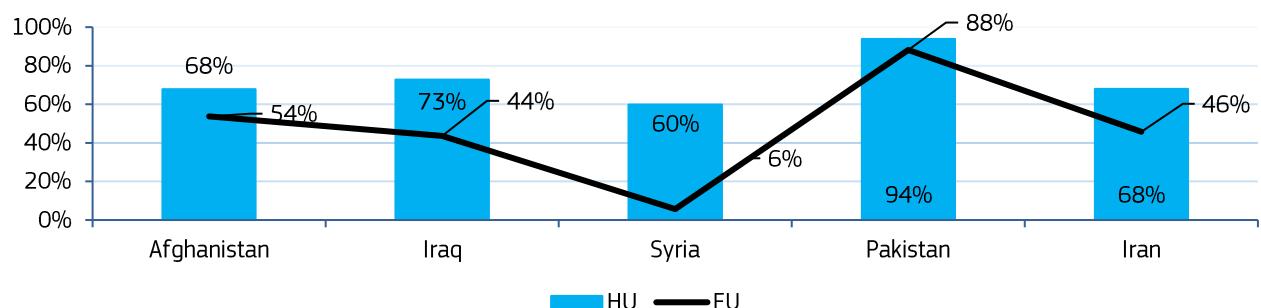
Source: Eurostat migration statistics ([migr\\_asydcfsta](#)), data extracted 30.03.18

**Figure 4: Asylum applications - First instance decisions by outcome (2014-2017)**



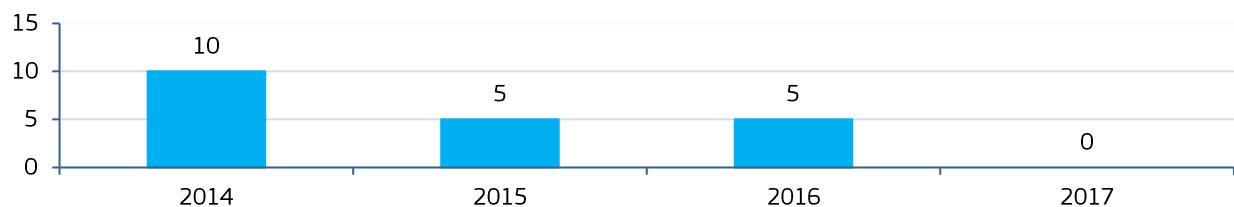
Source: Eurostat migration statistics ([migr\\_asydcfsta](#)), data extracted 30.03.18

**Figure 5: Negative decision rate for the top five nationalities of applicants at the first instance in comparison with EU for the same given nationality (2017)**



Source: Eurostat migration statistics ([migr\\_asydcfsta](#)), data extracted 30.03.18

**Figure 6: Third-country nationals resettled (2014–2017)**

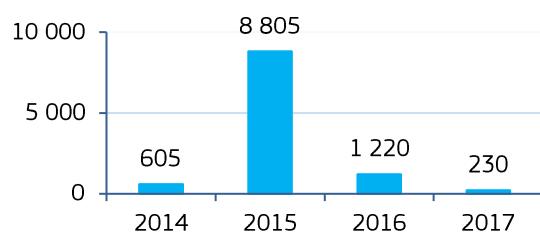


Source: Eurostat migration statistics ([migr\\_asyresa](#)), data extracted 02.05.18



## 2. UNACCOMPANIED MINORS

**Figure 7: Unaccompanied minors applying for asylum (2014–2017)**



Source: Eurostat Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) ([migr\\_asyunaa](#)), data extracted 04.04.18.

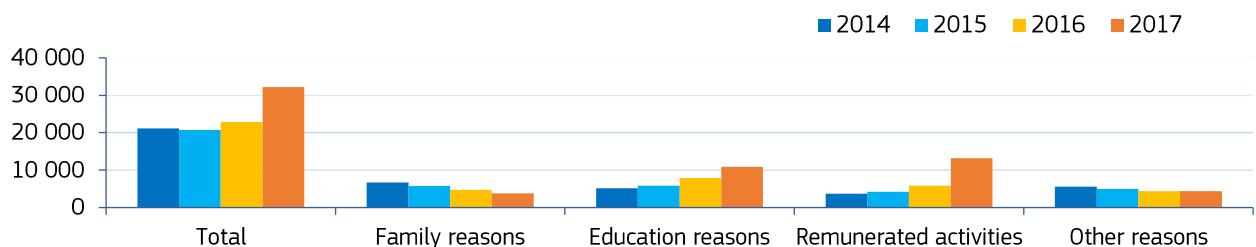
**Table 3: Unaccompanied minors (2014–2017)**

	2014	2015	2016	2017
<b>Unaccompanied minors (total)</b>	N/A	N/A		
<b>Unaccompanied minor asylum applicants</b>	605	8 805	1220	230



## 3. LEGAL MIGRATION AND MOBILITY

**Figure 8: First residence permits, by reason (2014–2017)**



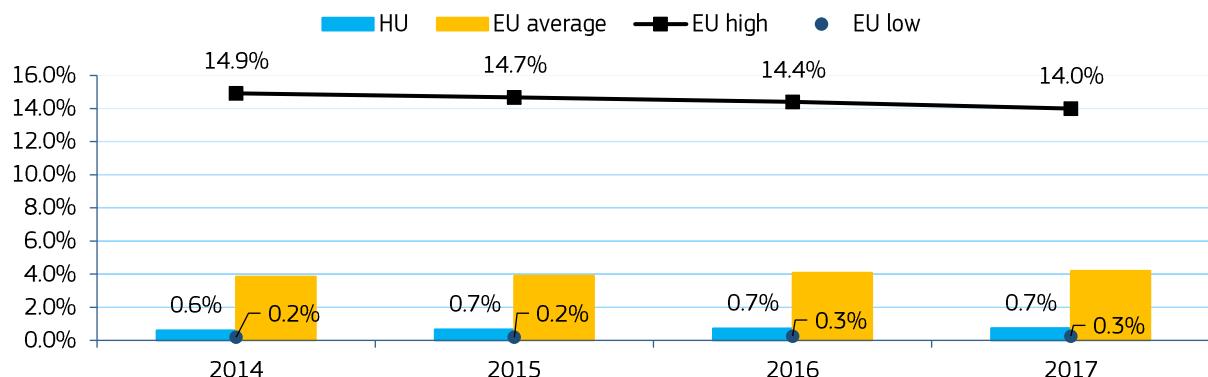
Source: Eurostat ([migr\\_resfirst](#)), data extracted 17.07.18; EMN NCPs

**Table 4: First residence permits: Top five third-country nationalities (2014–2017)**

2014		2015		2016		2017	
Nationality	Number	Nationality	Number	Nationality	Number	Nationality	Number
China (incl. Hong Kong)	6 269	China (incl. Hong Kong)	4 286	China (incl. Hong Kong)	2 889	Ukraine	7 808
United States	1 655	Ukraine	1 686	Ukraine	2 375	China (incl. Hong Kong)	2 879
Russia	1 500	United States	1 679	United States	2 245	Serbia	2 409
Ukraine	1 164	Russia	1 321	Iran	1 338	United States	2 044
Turkey	1 002	Turkey	988	Turkey	1 280	Iran	1 759

Source: Eurostat migration statistics ([migr\\_resfirst](#)), data extracted 17.07.18

**Figure 9: Resident population of third-country nationals as a share of total population in Belgium, EU average, EU high and low (2014–2017)**



Source: Eurostat migration statistics ([migr\\_pop1ctz](#)), data extracted 30.03.18



## 4. IRREGULAR MIGRATION AND RETURN

**Table 5: Number of third-country nationals refused entry at external borders (2014–2017)**

Third country nationals:	2014	2015	2016	2017
Refused entry at external borders	13 325	11 505	9 905	14 010
Found to be illegally present	56 170	424 055	41 560	25 730
Ordered to leave	5 885	11 750	10 765	8 730
Returned following an order to leave	4 345	5 975	780	2 445

Source: Eurostat migration statistics ([migr\\_eirfs](#)) ([migr\\_eipre](#)) ([migr\\_eiord](#)) ([migr\\_eirtn](#)) data extracted 02.05.18

**Table 6: Third-country nationals returned (2014–2017)**

Year	Returned as part of forced return measure	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
2014	355	n/a	353
2015	5 741	n/a	n/a
2016	612	n/a	n/a
2017	2 018	428	2 175

Source: EMN NCPs



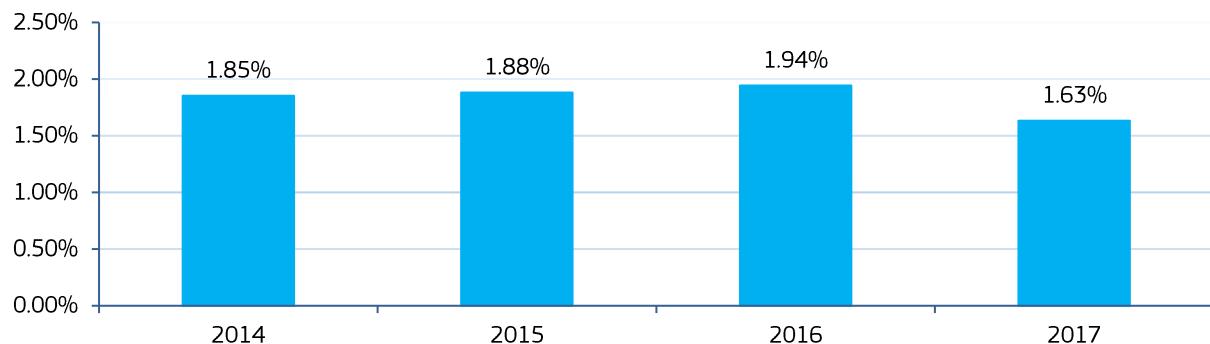
## 5. SECURING EUROPE'S EXTERNAL BORDERS

**Table 7: Number of Schengen visas applications (2014–2017)**

	2014	2015	2016	2017
Uniform visas (short-stay visas)	309 894	290 798	295 226	263 940

Source: DG Migration and Home Affairs – Complete statistics on short-stay visas issued by the Schengen States

**Figure 13: Uniform visa applications received in Hungary as a share of the total number of uniform visa applications in all Schengen states consulates (2014-2017)**



Source: DG Migration and Home Affairs – Complete statistics on short-stay visas issued by the Schengen States

**Table 8: Top five countries in which the highest number of visa applications for Hungary was lodged (2014-2017)**

2014		2015		2016		2017	
Country	Number	Country	Number	Country	Number	Country	Number
Ukraine	118 740	Ukraine	118 045	Ukraine	199 268	Russian Federation	61 690
Russia	76 911	Russian Federation	53 719	Russian Federation	110 768	Ukraine	59 591
Belarus	21 982	China	23 487	Turkey	59 976	China	28 230
China	18 424	Turkey	22 155	China	36 903	Turkey	24 944
Turkey	15 188	Belarus	14 526	India	16 258	India	16 295

Source: DG Migration and Home Affairs