



**ANNUAL POLICY REPORT 2010**  
**Developments in Hungarian Migration and Asylum Policy**  
**1 January 2010 - 31 December 2010**

**Hungary**



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## **Executive Summary**

*This should summarize the key findings of your National Report.*

The Annual Policy Report 2010 provides an overview of the developments in Hungarian migration and asylum policy from 1 January 2010 to 31 December 2010. This report was drafted by the Ministry of Interior, the Hungarian national contact point for the European Migration Network (EMN). This report is intended to provide an overview of the most important developments in the area of migration and asylum in Hungary.

On 11 April 2010 national elections took place in Hungary. As a result a new government was established and Mr. Viktor Orbán became the new Prime Minister, while Mr. Pintér Sándor became the new responsible minister for asylum and migration. Due to the national elections the administration was restructured, so now the responsible authority for HU NCP is the Ministry of Interior (hereinafter referred to as: MoI) instead of the former Ministry of Justice and Law Enforcement.

The international obligations that Hungary entered into – especially the 1951 Convention relating to the Status of Refugees, the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other UN conventions on human rights – continue to be determining factors in Hungarian policy on immigration and asylum.

As a Member State of the European Union (EU), Hungary's migration and asylum policy has to be in conformity with the legislation adopted at EU level. Hungary transposed into its national law the EU legislation in the field of migration and asylum and is currently working on the transposition of the Employers' Sanctions Directive (2009/52/EC) as well as the EU Blue Card Directive (2009/50/EC) by summer 2011 in order to fully comply with the latest developments of the relevant acquis of the Union. The Hungarian legislation on migration was completely reformed in 2007 with two new legislative acts implementing the relevant EU directives: Act I of 2007 on the Entry and Stay of Persons Enjoying the Right of Free Movement and Act II of 2007 on the Entry and Stay of Third-Country Nationals. These laws and their implementing decrees contain the rules of entry into and residence in Hungary of foreigners. The adoption of the Act LXXX of 2007 on Asylum and its implementing decrees ensured the harmonization of national legislation with the asylum acquis of the EU.

The above-mentioned laws and decrees were modified in 2010 in order to transpose the EU Return Directive (2008/115/EK) and to address shortcomings identified in practice. The amended Act II of 2007 stipulates that asylum seekers should not be held in immigration detention or detention prior to expulsion for the sole reason that they are seeking international protection. The amended laws in line with former provisions prohibit the detention of unaccompanied minors. The modified Act II of 2007 allows for the detention of accompanied third country national children together with their families as a measure of last resort (where the aim of the detention cannot be reached by other less coercive measures) but only for a



maximum of 30 days. When the authority decides to impose detention on a family it shall take into account the best interests of the child.

The implementing decrees were also modified in order to improve the conditions of immigration detention. The new rules which entered into force on 24 December 2010 stipulate that family members (including spouses) have to be accommodated together and separately from other detainees in a separate department guaranteeing the basic conditions of family life. According to the new rules the education of minor detainees has to be ensured if that is justified by the length of detention. The modified ministerial decree sets out that adequate specialist medical care shall be provided for those detainees who have been subject to torture, rape or other violent acts in their country of origin in order to sufficiently treat the trauma caused by these acts. The number of persons in immigration detention was 2516 while the number of persons in detention prior to expulsion was 1490 in 2010. The government of Hungary supports initiatives related to reinforcing guards' capacities and developing their intercultural and conflict resolution skills.

The Act on Asylum was also modified in 2010 in order to address the shortcomings identified in practice. The modification of the Act on Asylum removed the provision that was interpreted by some (including the Prosecutor General) as requiring the termination of the detention of asylum seekers upon the commencement of the procedure on the merits.

The principle of *non-refoulement* is well-established in the Hungarian legislation. For years there has been civil monitoring over the operations of the border guards in the framework of a tripartite agreement between the Hungarian Police (which is the sole responsible authority for border control in Hungary), the UNHCR's Regional Representation and the Hungarian Helsinki Committee on border monitoring. In 2009 several trainings were provided for border guards on human rights, the international rules concerning return (including the principle of non refoulement) and with the aim of sensitizing them towards asylum seekers with the financial support of the UNHCR, the European Refugee Fund or the Return Fund and the Ministry of Justice and Law Enforcement (the predecessor of the MoI). In 2010 high rank police officers were provided with training on national and international asylum law with the support of the European Refugee Fund and the Ministry of Justice and Law Enforcement.

## **1. INTRODUCTION: PURPOSE AND METHODOLOGY FOLLOWED (2-3 pages)**

*State the aims of the report, as given in these specifications, plus any specific ones established at national level. This is primarily for the benefit of those readers who will see only the National Report, especially in view of the National Reports also including a specific Annex on the Pact and the Stockholm Programme.*

### **1.1. Purpose**

The Annual Policy Report 2010 of Hungary aims to highlight and summarize the most significant developments that took place in the fields of migration and asylum. The reference period of the report goes from 1st January 2010 until 31st December 2010, unless stated otherwise because of the lack of the most recent data regarding migration.



## **1.2 Methodology**

In Hungary the Department of European Cooperation within the MoI is appointed as the national contact point for the EMN. Since this department is responsible for formulating the policy in the field of migration and asylum and EU matters in these fields, the report was compiled by the HU EMN NCP. The HU EMN NCP made use of the contributions of the Office of Immigration and Nationality which is an integrated governmental body responsible for the implementation of the legislation in the field of migration and asylum. Relevant reports and analysis of the relevant NGOs and UNHCR were also taken into account when drafting this report. Statistical data was provided by the Office of Immigration and Nationality (OIN), which is responsible for the processing of data in the field of migration and asylum.

## **2. GENERAL STRUCTURE OF POLITICAL AND LEGAL SYSTEM IN HUNGARY**(2-3 pages)

*2.1 Outline briefly the general structure of the political system and institutional context relevant for migration and asylum, with particular emphasis on any developments in 2010. What are the main Ministries/institutions? Who are the main actors involved?*

### 2.1.1. Structure of the political system

Politics of Hungary takes place in a framework of a parliamentary representative democratic republic, whereby the Prime Minister of Hungary is the head of government, and of a multi-party system. Executive power is exercised by the government. Legislative power is vested in both the government and the parliament. Since the last elections the two-third majority of the votes belong to the Fidesz – Christian Democrats Party. The opposition parties are MSZP (Hungarian Socialist Party), Jobbik (Movement for a Better Hungary) and LMP ([Politics Can Be Different](#)). The Judiciary is independent from the executive and the legislature. The Republic of Hungary is an independent, democratic and constitutional state, which has been a member of the European Union since 2004. Since the constitutional amendment of 23 October 1989, Hungary is a parliamentary republic. Legislative power is exercised by the unicameral National Assembly that consists of 386 members. Members of the National Assembly are elected for four years.

The parliamentary elections in Hungary 2010 were held on 11 April and 25 April 2010. They are the sixth free elections since the end of communist era. The 386 members of Parliament are to be elected in a combined system of party lists and electoral constituencies.

In 2010 the new government<sup>1</sup> was established and Mr. Orbán Viktor became the new Prime Minister, while Mr. Pintér Sándor became the new responsible minister for asylum and migration. Due to the national elections the administration was restructured, so the HU NCP

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<sup>1</sup> <http://www.kormany.hu/en>



now belongs to the Ministry of Interior instead of the Ministry of Justice and Law Enforcement.

### 2.1.2. Institutional Structure:

The Hungarian EMN NCP submitted the study on the „Organization of Asylum and Migration Policies”, therefore only a short summary will be provided under this section and the most important actors are mentioned. More detailed information can be found in the study. This information was also provided in previous Annual Policy Reports.

The abovementioned reports and studies can be found at <http://emn.intrasoft-intl.com>.

As regards the institutional aspect and the main actors involved, the MoI is responsible for setting the policy guidelines and also for EU matters in the areas of migration and asylum. It works in close cooperation with other relevant ministries, such as the Ministry for National Economy, the Ministry of Foreign Affairs and Ministry of National Resources. The most important executing authorities are the OIN and the National Police Headquarters, which are the subordinated organs of the MoI. Relevant international organizations, such as UNHCR and IOM also contribute to the work of the MoI with their expertise and close collaboration is maintained with them and with NGOs as well.

#### ➤ *Governmental level*

On the basis of the Hungarian Constitution, several acts, such as Act LV of 2006 and Act LVII of 2006, regulate in detail the structure of governmental and other bodies, and also the rights and obligations of the respective ministers. These acts state that in Hungary the Minister of Justice and Law Enforcement, and thus the Ministry of Justice and Law Enforcement (hereinafter referred to as MoJLE) has the main responsibility in the field of migration, integration and asylum. More closely it is the Department of Cooperation in Justice and Home Affairs and Migration – which is under the competence of the State Secretary for EU Law – that is dealing with these questions within the ministry. Due to the national elections the administration was restructured, so the HU NCP now belongs to the Ministry of Interior<sup>2</sup> instead of the Ministry of Justice and Law Enforcement. The department responsible for migration and asylum issues within the Ministry is now called Department for European Cooperation, which belongs to the Deputy State Secretary for EU and international affairs.

#### ➤ *Implementing bodies*

The Office of Immigration and Nationality<sup>3</sup> (hereinafter referred to as OIN) has an overall responsibility concerning the decision-making in admission procedures (certain types of visas, residence permits and permanent residence permits); decision-making in asylum procedures; the implementation of the Dublin Regulation; tasks related to irregular immigration; citizenship related tasks; tasks related to the Country of Origin Information System and database, the central visa, asylum and immigration register; the management of reception

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<sup>2</sup> <http://www.kormany.hu/en/ministry-of-interior>

<sup>3</sup> [http://www.bmbah.hu/a\\_bah\\_ismertetese.php](http://www.bmbah.hu/a_bah_ismertetese.php)





centers, temporary accommodations and community shelters. The OIN is a subordinated body of the Minister of Interior.

The Police Headquarters<sup>4</sup> fulfils its tasks under the supervision of the MoI. The main tasks are carried out by the Border Policing Unit which operates at central (General Directorate for Policing), regional (County Police Headquarters, Ferihegy Airport) and local level. There was no institutional change in the field of aliens policing in 2010. The OIN maintains its jurisdiction in entry and residence cases, it is the central visa authority issuing Schengen Visas, and it also participates in national and international consultations, moreover in issuing national visas. There was no institutional change in the field of coercive measures, the new legislation which came into force in 24 December 2010 did not affect the division of competences between the OIN and the Police.

The following organs were the immigration authorities in 2010 and fulfilled the following tasks:

1. *Minister in charge of immigration*

- National permanent residence may be granted under special circumstances
- Central control and monitoring tasks

2. *Central immigration authority (Office of Immigration and Nationality {OIN})*

- Review Appeals
- Supervision is exercised over the territorial bodies of OIN;
- Tutoring tasks
- Adjudication of visa requests for a validity period of longer than three months (national visa)
- Carry out visa consultation procedures;
- Adjudication of visas requests submitted at border crossings entitling for a validity period not exceeding three months ( „A,, and „C,,)

3. *Regional immigration authority ( Regional Directorates of OIN)*

- Adjudication of requests related to residence permits (Invitation letter, issuing and cancelling of registration certificates, residence cards, and permanent residence cards)
- Residence affairs (withdrawal of national residence permits, and document granting temporary residence too)
- Settlement affairs (prolongation of national, of EC and of temporary resident permits too)
- The issuing and cancelling of visas
- Revocation of the right of residence
- Residence permit consultation procedures

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<sup>4</sup> <http://www.police.hu/eu>



- Issuing passports for third-country nationals
- Implementation of final decisions

4. *Police (immigration department)*

- verification of the existence of entry conditions
- Ensure tasks related to coercive measures during border control, in case of border violations by implementing readmission agreements
- Issuance of visa sticker and communication of the decision in case of a visa request submitted at border crossing point
- Implementation of some of the immigration authority's aliens policing measures
- Occasional visa revocation as well as annulment

5. *The minister in charge of foreign policies*

- Issuing visas for a validity period not exceeding three months to persons enjoying diplomatic immunity or some other privilege under international law, and their family members, visitors of members of international organizations and members of diplomatic and consular representations in Hungary, and to persons whose entry is desirable for political reasons shall fall within the competence of the minister in charge of foreign policies as laid down in specific other legislation
- Adjudicates applications of family members of third-country nationals granted diplomatic or other personal immunity, or who are entering the country for the purposes stipulated in treaties or international agreements
- Exercises supervisory power over the consulate officers authorized to issue visas

6. *The consulate officer of Hungary authorized to issue visas*

- adjudication of visa requests for a period of validity not exceeding three months submitted at foreign consulates („A” , „C” visa requests as well as entry visa requests submitted by third country national family members of an EEA citizen or a Hungarian citizen according to Act I of 2007 )
- Applications for visas for a validity period of longer than three months (ex.: seasonal employment visas) are adjudged by the competent consulate officer
- Issuance of local border traffic permits
- Issuance of one-way travel documents to third-country nationals with immigrant or permanent resident status
- reception of applications for issuance of residence permits

➤ *Other important implementing bodies in the field of migration and asylum are:*





- The National Employment Service consists of the National Employment Centre and seven regional labour centres. The regional labour centres are responsible for granting unemployment benefits, for labour exchange and other employment services, adult training activities and for issuing work permits to third-country nationals.
- The Hungarian Central Statistical Office conducts surveys; processes, stores and disseminates data relating to migration and asylum.

➤ *International organizations*

There are two main international organizations working in the field of migration in Hungary: namely the United Nations High Commissioners for Refugees and the International Organization for Migration.

➤ *Non governmental organizations*

There are several NGOs working in Hungary aiming to provide different types of services to migrants or asylum-seekers, refugees or those in need of international protection. These NGOs vary depending on the size, the specific aims and target groups. The main and most active actors in this field are the following: Menedék – Association for Migrants, the Artemisszió Foundation, the Hungarian Helsinki Committee and the Hungarian Interchurch Aid.

### **3. GENERAL DEVELOPMENTS RELEVANT TO ASYLUM AND MIGRATION**

(5-8 pages)

**3.1** *Outline the general political developments during the reference period, e.g. elections on regional or national levels, government changes/reshuffles, appointment of new Ministers responsible for asylum, migration and/or integration.*

The parliamentary elections in Hungary 2010 were held on 11 April and 25 April 2010. There are the sixth free elections since the end of communist era. The 386 members of Parliament are to be elected in a combined system of party lists and electoral constituencies. In the second round Fidesz-Christian Democrats candidates won enough seats to achieve a two-thirds majority. As a result a new government was established and Mr. Viktor Orbán, elected Prime Minister, while Mr. Sándor Pintér became the new responsible minister for asylum and migration. Due to the national elections the administration was restructured, so the HU NCP now belongs to the Ministry of Interior instead of the Ministry of Justice and Law Enforcement.

**3.2** *Provide a general overview of the main policy and/or legislative debates that have occurred on migration and asylum issues during 2010. Again, this section is intended to provide the general context in which to place the specific developments provided later and thus should not go into too much detail. Main policy and/or legislative debates could include,*



*for example, parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers). Examples of what could be included here are the publication (and subsequent debate) of proposals to amend current asylum/migration legislation; the entry into force of new legislation in 2010 and any immediate impact this has had; actions by migrant (support) groups (e.g. hunger strikes). For those Member States who held the Presidency of the EU during 2010 (Spain, Belgium), but also immediately prior to (Sweden) and after (Hungary) as part of the EU Trio, provide an overview of the main developments and achievements.*

A main development in the field of migration occurred last year when the Government adopted the decision no. 1057/2009 (IV.24.) on the strategy of Cooperation in the Area of Freedom, Security and Justice of the European Union (hereinafter referred to as: Strategy) for a 5 year period.

After the parliamentary elections in spring 2010, the Hungarian legislation in the field of the migration, asylum and integration was modified due to the obligation of harmonising with the EU acquis, inter alia the 2008/115/EC Directive 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, the 810/2009/EC Regulation of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), the 380/2008 Regulation of the Council of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals, as well as the Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (Text with EEA relevance).

Besides the fulfilment of the obligation of legal harmonization, the adopted legislative amendments in compliance with the EU law tend to improve the coherence of the Hungarian legislation on asylum and migration, thereby increasing legal certainty, facilitating the fight against irregular migration and preventing abuses of migrational nature (such as abuses linked to the right of asylum and the right to family unity and marriages of convenience). The legislative amendments also contribute to the strengthening of public security and public order of the Republic of Hungary.

In addition to the fulfilment of the obligation of legal harmonization the aim of the modification of Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence (hereinafter: Free Movement Act), Act II of 2007 on the Entry and Stay of Third-Country Nationals (hereinafter: Aliens Act), as well as Act LXXX of 2007 on Asylum (hereinafter: Asylum Act) was to solve the problems encountered during the implementation of the legislation in practice. The modifications completed the necessary deregulatory tasks, and also clarified some questions in relation to the transposition of EU legislation. The amendments also carried out the necessary legislative changes concerning the Free Movement Act with respect to the critical comments reflected by the Head of the European Commission's Directorate-General Justice Unit C2 in relation to the transposition of 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. As a result the amended legislation is in line with Hungary's obligations on legal harmonization. Due to the complex nature of the institutions active in the field of migration the entry into force of the new legislation on migration also necessitated the modification of Act III of 1952 on Civil Proceedings, Act V of 1972 on the Public Prosecutor, Act LXVI of 1992 on the registration of the citizens' personal data and addresses and Act XXXI of 1997 on protection of Children and Guardianship Administration.

### *3.2.1. The contentious issues during the legislative amendment*

During the parliamentary debate of the new legislative amendments in the field of asylum and migration no significant debates emerged. Some opposing opinions were expressed by the opposition parties. Some of those reflected the views of several NGOs (for example the Hungarian Helsinki Committee and Menedék - Hungarian Association for Migrants) and the UNHCR.

#### *3.2.1.1. In relation to Free Movement Act the following observations have appeared as moot questions*

The Hungarian Helsinki Committee suggested ensuring the possibility of non-litigious legal remedy against a decision rejecting a request for a residence permit entitling to stay for no longer than 3 months on the territory or against a decision annulling or revoking such residence permit. The Hungarian Helsinki Committee as well as the Menedék Association objected increasing the period of detention awaiting removal up to three months as it differs from provisions concerning the period of detention laid down in the Aliens Act.

#### *3.2.1.2. In relation with Aliens Act the following observations have appeared as moot questions*

The Menedék Association objected the proposal about the recommendation on decreasing the validity period of a residence permit granted on humanitarian grounds. The Hungarian Helsinki Committee (hereinafter: HHC) proposed that persons authorized to stay (similarly to stateless persons) be granted a residence permit on humanitarian grounds valid for 3 (but at least 2) years. The UNHCR suggested the Aliens Act to be modified allowing for the stateless status determination procedure to be initiated not only by persons residing legally, but also by persons without legal residence. The HHC, UNHCR and the Menedék Association criticized the way detention rules were transposed into Hungarian legislation, as well as the increase of the duration of detention, the possibility of extension of detention provisions to minors, which according to UNHCR is in contradiction with the UN Convention on the Rights of the Child. The HHC suggested that the NGOs should be involved in the monitoring of expulsion. The NGOs found the requirement of appropriate language knowledge for third country nationals applying for a residence permit to pursue studies to be too restrictive. The opposition parties raised particular concerns in relation to the amendments on increasing the duration of detention in immigration procedures, as well as to the possibility of ordering detention vis-à-vis an unaccompanied minor.



After the parliamentary debate a compromise was reached between the political parties and contrary to the initial proposal, the provision related to the possibility of ordering detention vis-à-vis unaccompanied minors was rejected, therefore detention of unaccompanied minors is not permitted under Hungarian legislation.

During the parliamentary debate the media was principally focusing on the questions related to detention of minors, the prolongation of the duration of detention, and the placement of asylum seekers during the alien-policing detention.

### *3.2.2. Overview of the main developments and achievements*

#### *3.2.2.1. The Hungarian EU Council Presidency*

Between 1 January and 30 June 2011, Hungary is assuming the Presidency of the Council of the European Union for the first time. The Presidency is an extraordinary occasion for Hungary for several reasons. It is a generally accepted view among EU Member States that the first occasion of holding the Presidency is a kind of a baptism of fire: we can understand this complex system of decisions only if we have managed it at least once. The Presidency necessitates political, diplomatic, professional and communication skills and tasks at the same time, and the results achieved in this respect form all together a part of the evaluation of the given Member State. These six months shall make Hungary more visible inside and outside the EU, while also making the domestic public opinion more conscious of the European Union, its advantages and opportunities.

It is a task of outstanding importance in the next six months – because of the entry in force of the Lisbon Treaty – to put the new institutional system of the EU in practice. Moreover, the European Union is in a critical period, with its agenda full of topics that are of primary importance from the point of the future of the integration.

#### *3.2.2.2. Which are the main elements of the programmes of the Spanish-Belgian-Hungarian Trio Presidency?*

To ensure the continuity of the EU agenda, starting with 1 January 2010, the Lisbon Treaty has introduced the so called Trio Presidency. This means that the rotating presidencies group in groups of three, and they cooperate coherently in the long run in this context. Hungary forms a trio with Spain and Belgium, which trio has been performing and will continue to perform the tasks of the rotating presidency in the period beginning with the first half of 2010.

The basic context of cooperation within the Trio Presidency is determined by the 18 months Trio Presidency programme. The programme of the Presidency shall fit into the general agenda of the EU. Forming the programme of the Presidency means the planning of dossiers and legislative proposals – related to specific policy areas – that will form a part of the agenda during the period of the Presidency, as well as the planning of events, mainly the meetings of heads of state and government, and of meetings at ministerial levels. The discussion of certain themes is given by the schedule of previously assumed political responsibilities, while other measures are dictated by current developments.





The programme of the Trio consists of two parts: the strategic context, which summarizes the main political goals of the Trio; and the operative programme, which elaborates the elements of the strategic context in detail.

You may read in more details about the priorities of the Hungarian Presidency here: <http://www.eu2011.hu>. Besides the website of the Ministry of Foreign Affairs (<http://www.mfa.gov.hu>), you may find more detailed information on the website of our EU information service ([www.euvonal.hu](http://www.euvonal.hu)), as well as on joint website of the Spanish-Belgian-Hungarian EU Presidency ([www.eutrio.eu](http://www.eutrio.eu)). The official website of the Hungarian Presidency is accessible from 20 December 2010 at the website [www.eu2011.hu](http://www.eu2011.hu)

### **3.3 Broader developments in asylum and migration**

*Describe, if relevant, any broader policy changes which affected multiple areas, themes and topics within asylum and migration (e.g. affecting both Legal Immigration and Asylum, and / or specific elements within these headings), to be described in more details in Sections 4-9.*

Not applicable.

### **3.4 Institutional developments**

*Describe (if applicable) institutional developments that have occurred in 2010, such as any new Ministries, institutions, organisations, agencies or other actors established to deal with migration, asylum, refugee protection or integration issues in the Member States. Again, the purpose is to provide the general context in which to place the developments given below and thus should not go into too much detail. If there have been none, then it is not necessary to complete this sub-section.*

Please refer to 2.1.2.

## **4. LEGAL IMMIGRATION AND INTEGRATION (4-5 pages)**

*Referring also to page 7, for this and other Sections 4-9 inclusive, provide in the second part of the sub-sections all relevant developments in your Member State, concerning policies, legislative developments, specific debates, etc. within the national perspective. On the basis of the information provided in this second part, the third part should then specifically identify those developments at national level to implement EU policy, legislative and financial instruments, or any developments which were the result of actions at EU level. This part should also summaries the main findings presented in the Annex on the Pact and Stockholm Programme commitments.*

*The most significant laws in the field of legal migration:*

- Act CXL of 2004 on the General Rules of Administrative Proceedings and Service
- Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence
- Act II of 2007 on the Entry and Stay of Third-Country Nationals



- Government Decree 113/2007 (V. 24.) on the Implementation of Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence
- Government Decree 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals
- Act CV of 2007 on the Convention Implementing the Schengen Agreement
- Government Decree 242/2007 (IX.21.) on the Implementation of Act CV of 2007.
- Government Decree 328/2007. (XII.11.)
- Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)
- Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)-it will be applicable from 1 April 2010
- 2006/758/EC: Commission Decision of 22 September 2006 on amending the Sirene Manual
- Corrigendum to 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 ( OJ L 158, 30.4.2004 . Corrected version in OJ L 229, 29.6.2004 )
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification
- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents
- Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals
- Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

*The changes in the field of legal migration in 2010:*

In compliance with the Visa Code, new regulations on the right to remedy in case of rejection, annulment, revocation and extension of visas with the validity period of less than 3 months were introduced which will enter into force on 5 April 2011. There were measures taken in order to combat abuse of migration laws within the framework of the relevant EU standards for the third country national family members of the Hungarian citizens, as well as of EEA nationals. The national legislation provides for the examination of family relationships which were established in order to obtain the right of residence, thus sanctioning the marriages of convenience and interest in the paternal recognition having full effect. Furthermore the new





implementing governmental decree (the Government Decree 114/2007 on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals) introduces the possibility of DNA examination regarding the justification of the family relationship in cases of family reunification with a refugee or a beneficiary of subsidiary protection. According to Council Directive 2004/114/EC which was also transposed, third-country national students who want to obtain residence permit for educational purposes have to certify their language knowledge with authentic documents or in any other appropriate way.

Some new rejection criteria were defined, so no interim permanent residence permit, national permanent residence permit or EC permanent residence permit shall be issued to any third-country national whose residence in the territory of the Republic of Hungary constitutes a threat to national security, as well as who communicate false data or false information in order to obtain the license. Also in the spirit of the fight against the abuse, fulfilling the expectations of the EU, from 20 May 2011 biometric residence permits will be introduced, which contain digital fingerprint and facial image. The necessary legislative change was performed in this respect in 2010.

#### **4.1. Economic migration**

##### **4.1.1 Specific context**

Please *only* describe relevant developments or provide information on the situation as it existed *before the reference period*, if this is considered *essential* for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2009 and earlier years, if relevant) could be used for this.

The new legislation introduced further conditions related to migration for economic purposes in order to combat the abuse vis-à-vis Hungarian citizens and employees having the right to free movement, as well as to the substantiation of companies' business plans.

Statistic keys

<b>Purpose of the residence</b>	<b>2009.</b>	<b>All request %</b>	<b>2010.</b>	<b>All request %</b>	<b>Change</b>	<b>Change %</b>
<b>gainful activity</b>	14 043	43,54%	16 060	43,37%	2 017	14,36%

##### **4.1.2 Developments within the national perspective**

*This is an overview of all relevant developments in your Member State.*

*Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2010.*



*Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).*

The most significant development of the year 2010 was the modification of the Act II of 2007 on the Entry and Stay of Third-Country Nationals. The changes of this Act affected the rights of persons who engage in gainful activity in Hungary. The modified act was adopted on 22 November 2010 and came into force on 24 December 2010. After this modification those persons who engage in any gainful activity in the capacity of being the owner or director of a business association, cooperative or some other legal entity formed to engage in gainful employment are entitled to obtain the residence permit for gainful employment in case they have been employing at least three persons for a period of at least six months or in case their presence on the territory of Hungary is essential for the operation of the business association and can be made probably by a duly justified business plan.

Concerning labour market integration, the Government Decree 355/2009. (XII. 30.) on the authorization of employment of third-country nationals in the territory of Hungary without a work permit entered into force on 1 January 2010 which created coherence in the legislation and lists the activities where the employment of the third-country national is not subject to a work permit (including researchers and family members). The Act CLII of 2009 on simplified employment entered into force on 1 April 2010. As it turned out that it rendered the employment in certain specified sectors much more difficult, on 1 August 2010 the new Act LXXV of 2010 on simplified employment repealed it and prescribed simpler and more applicable rules. This latter Act also fosters the application of electronic procedures instead of paper based ones. In addition to that, the Ministerial Decree No. 16/2010 (V. 13.) on the authorization of employment of third-country nationals in the territory of Hungary repealed the Ministerial Decree No. 8/1999 (XI.10.) on the authorization of foreigners to work in the territory of Hungary on 28th May 2010.

#### **4.1.3 Developments from the EU perspective**

*Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.*

*Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the Member State's implementation of relevant EU policy, legislation and other instruments, with regard to labour migration, attracting highly qualified third-country nationals, circular and temporary migration, preventing brain drain, improving labour matching and skills recognition, etc.*

With the modification of the Act II of 2007 in 2010 Hungary corrected slightly the previous rules, which transposed Directive 2004/38/EC and made slight adjustments on the Act. The preparation of the draft legislation transposing the Blue Card Directive (2009/50/EC) is in progress.



## **4.2 Family Reunification**

### **4.2.1 Specific context**

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2009 and earlier years, if relevant) could be used for this.

The new executing Government Decree 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals explicitly excludes the third-country national family members of a beneficiary of subsidiary protection from the exceptional category. It also introduces the possibility of DNA examination regarding the justification of the family relationship in the cases of family reunification with a refugee or a beneficiary of subsidiary protection.

Statistic keys

<b>Purpose of the residence</b>	<b>2009.</b>	<b>All requires %-</b>	<b>2010.</b>	<b>All requires %-</b>	<b>Change</b>	<b>Change %</b>
<b>family reunification</b>	4 260	13,21%	4 678	12,63%	418	9,81%

### **4.2.2 Developments within the national perspective**

*This is an overview of all relevant developments in your Member State.*

*Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2010. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).*

The significant development of the year 2010 was the modification of Act II of 2007. The modified act came into force on 24 December 2010. According to this change if a third-country national wishes to enter the territory of the Republic of Hungary for the purpose of family reunification the third-country national can enter Hungary according to the rules which regulate the entry of third-country nationals and no advantages can be ensured for the third-country nationals. The implementing governmental decree of the Aliens Act was also modified, and the modification entered into force also on 24 December 2010. The former implementing governmental decree stipulated explicitly that there is only one exceptional personal category regarding family reunification: the third-country national family member of



a recognized refugee does not have to provide evidence that he/she meets the entry conditions of:

- having accommodations or a place of residence in the territory of the Republic of Hungary;
- having sufficient means of subsistence and financial resources to cover their accommodation costs for the duration of the intended stay and for the return to their country of origin or transit to a third country;
- having full healthcare insurance or sufficient financial resources for healthcare services, if the application for family reunification is submitted within a period of 6 months after the granting of refugee status. This exception was not modified but the new executing governmental decree explicitly excludes the third-country national family members of a beneficiary of subsidiary protection from this exceptional category.

#### 4.2.3 Developments from the EU perspective

Another significant development in the field of legislation was the modification of the Act I of 2007 on the Entry and Residence of Persons with the Right of Free Movement. The amendment specifically seeks to reflect on the critical remarks of the European Commission concerning the transposition of Council Directive 2004/38. This modification came into force also on 24 December 2010. One of the modified rules states that the right of the third-country national family member of an EEA-citizen for residence will be terminated if the third-country national established the family relationship in order to obtain the right of residence.

### 4.3 Other legal migration

#### 4.3.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2009 and earlier years, if relevant) could be used for this.

Statistic keys

Purpose of the residence	2009.	All requires %	2010.	All requires %	Change	Change %
<b>Gainful activity</b>	14 043	43,54%	16 060	43,37%	2 017	14,36%
<b>Studies</b>	9 814	30,43%	11 179	30,19%	1 365	13,91%
<b>Family reunification</b>	4 260	13,21%	4 678	12,63%	418	9,81%
<b>Other reasons</b>	2 451	7,60%	2 685	7,25%	234	9,55%
<b>official</b>	963	2,99%	1646	4,44%	683	70,92%
<b>other objectives of</b>	723	2,24%	784	2,12%	61	8,44%



residence						
<b>all:</b>	<b>32 254</b>	<b>100,00%</b>	<b>37 032</b>	<b>100,00%</b>	<b>4 778</b>	<b>14,81%</b>

#### **4.3.2 Developments within the national perspective**

*This is an overview of all relevant developments in your Member State.*

*Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2010. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).*

**European Pact on Immigration and Asylum** (1-2 paragraphs in the text box created for each commitment)

*The relevant commitments in the Pact for this sub-section are in particular:*

#### ***I(f) Improve information on the possibilities and conditions of legal migration***

There are several websites providing information about the conditions of entry into and stay in Hungary, such as the websites of some Hungarian embassies, and the website of the Office of Immigration and Nationality. On the latter the relevant legislation is available in English as well as detailed information on the main procedures. The standard forms which are used in the procedure can also be found on this website in English, French and German. The forum on the website allows visitors to ask detailed information regarding their individual cases and receive answer from the authority. While this function is only available in Hungarian, those who do not speak Hungarian have the possibility to ask questions via e-mail. These portals were continuously working in 2010.

Furthermore there is a new online visa-administration portal co-financed by the External Borders Fund: <http://www.visaportal.hu/>.

#### **4.3.3 Developments from the EU perspective**

Not applicable.

### **4.4 Integration**

#### **4.4.1 Specific context**

*Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2009 and earlier years, if relevant) could be used for this.*





**European Pact on Immigration and Asylum** (1-2 paragraphs in the text box created for each commitment)

*The relevant commitments in the Pact for this sub-section are in particular:*

***I(h) Promote information exchange on best practices in terms of reception and integration***

*Please describe any relevant activity, e.g. the development of a national website and/or forum on integration, development of information exchanges between institutions and other stakeholders within your Member State, etc. Also consider possible contributions to the European Integration Forum and the European website on Integration.*

During the reference year 2010 both the working group on integration and the working group on education of migrant children were operational. (These working groups were described in the Annual Policy Report 2009). The working group on integration held one meeting in 2010 and its members contacted with each other via e-mail. The web-site “migransintegracio.hu” which was set up in 2009 was operational in 2010 as well and it made the information exchange between the relevant organizations dealing with integration easier and it provided information about application possibilities for allocations, about news related to immigration and about professional developments on the field of immigration.

On the June European Integration Forum Hungary was represented by the representatives of two NGOs: Menedék Association and Artemisszió Foundation. On the December Forum Hungary was represented by a representative of the Ministry of Interior and a representative of the Permanent Representation of Hungary to the European Union, who presented Hungary’s priorities for the Hungarian Presidency of the Council of the European Union. In order to ensure continuity, representatives of the Menedék Association and Artemisszió Foundation were also present.

The Hungarian country sheet was updated several times during the year with the input of the Hungarian National Contact Point for Integration.

Moreover, preparations have already started to organise a conference in the field of integration during the Hungarian Presidency on 17-18 May 2011 in Budapest, entitled “Promoting integration through media and intercultural dialogue”. The expert-level conference will mainly focus on the exchange of best practices and policies concerning these topics.

**4.2 Stockholm Programme** (1-2 paragraphs in the text box created for each commitment)

*The relevant commitments in the Stockholm Programme for this sub-section are in particular:*

***3(b) to incorporate integration issues in a comprehensive way in all relevant policy areas***

*Please elaborate whether and how integration issues are integrated on other national policies.*

Besides the above-mentioned strategy Hungary does not have a complex migration strategy. The rights which enhance the integration of immigrants can be found in a mainstream way in different sectoral legislation. The Hungarian legislation which prescribes the conditions of





entry and stay does not require a specific level of integration for the migrant (for instance ground level knowledge of the Hungarian language and knowledge about the society). Meanwhile the legislations relevant in field of integration – the legislation on accommodation, on child care, and on social insurance and their personnel scope covers beside the Hungarian citizens most part of the migrants (primarily the immigrants who obtained immigrant status according to the former legislation, permanent residents or persons with the right of free movement and stay). Towards some target groups, for example towards recognised refugees and towards beneficiaries of subsidiary protection we can find positive discrimination in the legislation as well.

***3(e) improved consultation with and involvement of civil society***

*Please describe consultation processes with civil society and their involvement in integration policymaking and measures.*

NGOs are also members of the above mentioned working group on integration and they regularly take part in the meetings too. With their opinion they can be strategic partner in specifying of the annual priorities and actions of the European Integration Fund.

**4.4.2 Developments within the national perspective**

*This is an overview of all relevant developments in your Member State.*

*Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2010. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).*

***3(f) to enhance democratic values and social cohesion in relation to immigration and integration of immigrants and to promote intercultural dialogue and contacts***

*Please describe any measures taken in this regard. For example, indicate whether these are included in integration courses and programmes, whether specific activities, e.g. events, have been organised, etc.*

In accordance with the principle that integration is a two-way process, where the receiving society has an important role to the strategy stresses that actions increasing tolerance towards foreign citizens and their social integration must be strongly emphasized. For this purpose four projects are implemented in 2010 with the support of EIF and the Ministry of Justice and Law Enforcement, then the Ministry of Interior which aim at facilitating intercultural dialogue and three more projects intend to inform the Hungarian society about immigration and immigrants. 588 148 Euros were allocated by the Ministry of Justice and Law Enforcement for implementation of these projects. During the implementation of the projects the culture of immigrants will be presented in four country cities (in Pécs, in Szeged, in Debrecen and in Miskolc) on different cultural events. Media and art master-courses and a summer camp were organised for migrant and Hungarian youngsters and as a result of these events their production (music or dance) was presented with help of professional artists. Two travelling picture exhibitions were realized from the photos of third-country national children and a



programme series of eight nights containing cultural/art/music and gastronomic events were held. These programmes will be completed with a social media campaign too. Beside these a documental film series made up from twelve episodes was produced which elaborates on the immigration, on the country of origin of immigrants and on the troubles of immigrants which they are facing during the integration process.

This series were broadcasted on a public broadcasting channel. In the framework of another project two short social advertisements were produced which aim at emphasizing the value of multicultural society, the advantages of integration. These films have also been already broadcasted on television channels.

#### **4.4.3 Developments from the EU perspective**

*Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.*

Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the Member State's implementation of relevant EU policy, legislation and other instruments, with regard to integration measures and coordination, consultation and information exchanges on integration measures between relevant institutions, agencies and organisations, the insertion of integration in other national policies, involvement of civil society in policymaking and the promotion of democratic values and social cohesion.

#### ***I(g) Promote harmonious integration in line with the common basic principles***

The common basic principles may be found in the JHA Council Conclusions of 19 November 2004, [doc. 14615/05](#), as well as the Commission Communication [COM\(2005\) 389](#).

*Please describe (planned) measures for the integration of third-country nationals, considering, for example, measures enabling immigrants to acquire a basic knowledge of the host society's language, history, and institutions, "efforts in education" "participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level", access to employment and public and social services, policy development on integration, etc.*

The Hungarian strategy of the Cooperation in the Area of Freedom, Security and Justice of the European Union aims at strengthening the efforts facilitating the integration of legal migrants in accordance with – among others – the Common Principles adopted in 2004 and the criteria of the Common Agenda for Integration adopted in 2005. It declares that in order to facilitate the integration of foreigners, initiatives aiming at developing integration programs tailored to the needs of newly arrived migrants, as well as the adoption of actions promoting integration – in particular, counseling on fundamental rights and access to employment, as well as the handling of problems arising in the field of education and actions aimed at eliminating discrimination – must be supported. In this respect, actions increasing tolerance towards foreign citizens and their social integration must be strongly emphasized.

Beyond the strategy Hungary implements the Common Basic Principles with the help of the European Fund for Integration (EIF). As a sign of its commitment to promote the integration



of third-country nationals the Ministry of Justice and Law Enforcement continued to co-finance the projects with 25 % which means that project beneficiaries do not have to provide financial contribution when applying for the European Fund for Integration. In 2010 Hungary made use of the allocation disposable under the Annual Programme 2009. For the first priority which aims at implementing the Common Basic Principles 1 201 094 Euros were allocated. Within the framework of this priority there are nine ongoing projects. One of these ongoing projects intends to improve the education of third-country national children staying in Hungary with the development of educational materials; another project offers language training for third-country nationals. The purpose of four projects is enhancing intercultural dialogue in Hungary between Hungarians and third country nationals. Within framework of three other projects the Responsible Authority supports the integration of third-country nationals with help of other services (for instance with legal counseling, with interpretation and translation service, with social work for groups and for individuals, and within another project with consultation about labour market and employment possibilities in Hungary).

## 4.5 Citizenship and Naturalization

### 4.5.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2009 and earlier years, if relevant) could be used for this.

Statistic keys

Types	2009.	2010.	Changes	Changes %
Naturalization, re-naturalization, - and change of name	4 921 1 213	3 257 757	-1 664 -456	-34% -38%
Declaration	70	35	-35	-50%
Waiver	117	114	-3	-3%
Establishing naturalization	6 719	6 782	63	1%
from this citizenship certificate	1 090	2 286	1196	110%
Restoring citizenship	1	1	0	0%
Other citizenship case	347	433	86	25%
<b>All:</b>	<b>12 175</b>	<b>10 622</b>	<b>-1553</b>	<b>-13%</b>

### 4.5.2 Developments within the national perspective

*This is an overview of all relevant developments in your Member State.*



*Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2010. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).*

Under Article 6(3) of the Hungarian Constitution, “The Republic of Hungary bears a sense of responsibility for the fate of Hungarians living outside its borders and shall promote and foster their relations with Hungary.” Over the past 20 years, Hungarians living around the world and in the Carpathian Basin formulated the need, from time to time, for a simplified naturalization procedure similar to the practice of other countries as a significant assistance in maintaining relations with Hungary and preserving their Hungarian identity.

The significant development in the field of citizenship was the modification of the Act LV of 1993 on Hungarian Citizenship (modifying law: Act XLIV of 2010) and its executing Government Decree 125/1993 (IX.22.) which came into force on 20 Augustus 2010. The modified legislations shall apply to the procedures initiated after January of 2011. The changes respect primarily the naturalization of the Hungarian origin-simplified naturalization- and terms of Re-Naturalization, the related change of name, the rules of jurisdiction, as well as deadline of the preparation of decision. The new legal regulation corresponds with all international legal instruments and fully complies with the European Convention on Nationality adopted by the Council of Europe in 1997. The arrangement introduced by this amendment is familiar and applied increasingly frequently in various countries both in and outside the European Union. The pre-amendment version of the Hungarian Citizenship Act also granted preferential acquisition of Hungarian citizenship. As has been the case so far, the procedure shall commence upon individual request, with Hungarian authorities processing each application in the context of a well regulated procedure. This new regulation has simplified the procedure and reduced the administrative burden.

Every non-Hungarian citizen is eligible for preferential naturalization if

- He/she or any of his/her ancestors was a Hungarian citizen or if he/she serves reason to believe his/her origin is from Hungary,
- He/she proves his knowledge of the Hungarian language,
- He/she has no criminal record and is not under prosecution,
- His/her naturalization does not violate the public and national security of Hungary.

Simplified naturalization does not mean that a citizen automatically becomes an elector. Suffrage is subject to a registered residence in Hungary. The simplified procedure does not automatically provide a Hungarian passport; every citizen must apply for one in a special procedure after acquisition of citizenship. Simplified naturalization is merely a possibility. To apply for citizenship is a matter of individual discretion.

Applications for naturalization may be filed with

- Any Hungarian registrar,
- Any regional directorate of the Office of Immigration and Nationality, or
- Any consular officer at Hungary’s foreign diplomatic missions.





Applications shall be adjudged by the President of the Republic on recommendation of the Minister of Public Administration and Justice.

The Supreme Court ruled in five citizenship determination cases (No BH2010.199) based on similar facts, that persons born on the territory of Délvidék (Southern Area) detached by the Peace Treaty of Trianon (Act XXXII of 1921) lacking Hungarian citizenship are not entitled to be issued a citizenship certificate.

Moreover, as of 1 July 2007, Hungary established a completely new statelessness determination procedure (hereinafter: SDP) by virtue of Act II of 2007 on the Entry and Stay of Third-Country Nationals (Chapter VIII) and its implementing government decree No. 114/2007. (V.24.); Chapter VIII. Hungary is one of the few countries in the EU having such a comprehensive procedure established by law; with guarantees comparable to the refugee status determination procedure, fulfilling also the specific needs of this group (e.g. evidences, burden of proof, and administrative assistance). The Hungarian SDP has been warmly welcomed by UNHCR and different Member States showed their interests to study our model and experiences. For more than three and a half years, the SDP has been functioning smoothly in the practice; no misuses have been reported so far and the recognition rate is quite high (around 70-80%), even if the number of applicant is relatively small (less than 50 per year). Furthermore, Hungary puts emphasis on this issue and keeps it on the international agenda on the policy making and strategic planning level, too. The Government Strategy of Republic of Hungary for Cooperating in the Area of Freedom, Security and Justice of the EU for 2009-2014 (Government Resolution No. 1057/2009. (IV.24) stipulates that “Hungary – as a signatory to all international conventions in the field of statelessness – wishes to further represent the issue of the protection of stateless persons at an international level, among others by disseminating the practical experience gained from the exemplary Hungarian procedure for the recognition of stateless status”. To give some examples for implementing this policy goal, Hungary organized a seminar on statelessness in the framework of the Söderköping Process in June 2010, presenting its experiences and good practices to Moldova, Ukraine and Belarus; then Hungarian governmental experts held presentations on the SDP in a side event of the UN Human Rights Council in September 2010 as well as at a meeting with colleagues from the United Kingdom in December 2010. In addition to that, Hungarian governmental experts are regularly invited to the UNHCR expert consultations on different topics regarding statelessness, and we have an excellent cooperation with local NGOs and the UNHCR Regional Representation in Budapest in this field. Hungary as Presidency of the Council of the EU in the first semester of 2011 and as a champion state on statelessness will strive to assist UNHCR in its Endeavour during its commemoration process next year in order to jointly bring forward the plight of stateless people around the world.

#### **4.5.3 Developments from the EU perspective**

*Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.*

In order to better embed our migration- and nationality-related legislation into the international legal framework, Hungary has become party to all relevant international



conventions on the protection of the stateless and the reduction and prevention of statelessness. These are, on the universal level, the 1954 New York Convention on the Status of Stateless Persons (promulgated by Act II of 2002); the 1957 UN Convention on the Nationality of Married Women (promulgated by Law-Decree No. 2 of 1960); the 1961 UN Convention on the Reduction of Statelessness (promulgated by Act XV of 2009); then on the regional level, the 1997 European Convention on Nationality (promulgated by Act III of 2002), and the 2006 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession (promulgated by Act XCVIII of 2008). All this has a firm foreign policy message: it shows to the outside world Hungary's clear commitment to protecting stateless people and preventing its future cases as well as reducing their existing number. Being party to all these international instruments Hungary cannot modify unilaterally anymore its internal rules in this regard.

## **5. ILLEGAL IMMIGRATION AND RETURN (3-4 pages)**

### **5.1 Illegal Immigration**

#### **5.1.1 Specific context**

*Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2009 and earlier years, if relevant) could be used for this.*

Since the deepening of the economic crisis a significant increase was detected in the number of illegal migrants, whose destination is Western Europe, and Hungary has remained a transit country. There were no changes in policy towards illegal entry and stay in 2010. Three major inward migration routes can be distinguished according to the geographic location and characteristics of infrastructure of the country. The first among them runs along from Russia and Ukraine through Hungary via Austria, Slovakia towards Germany and other Western European countries as well. In terms of illegal migration from borders of Ukraine the main nationalities are Africans (Moroccan, Algerian, Tunisian) and Arabs (Egyptian, Pakistan). The second important migration channel runs along from Turkey through Bulgaria, Romania towards Hungary and splits in two directions in Budapest. One of them continues towards Slovenia, southern Austria, and northern Italy, while the other one towards Austria, Germany, the Netherlands, and England. From this angle the citizens of Arab countries, Iraqi Kurds, Turks, Afghans, as well as nationals from the former southern Soviet Republics arrive illegally, for example the Georgians. The third migration route is the so-called classic Balkan route, which runs across Turkey, Bulgaria/Greece towards Serbia, as well as Hungary. The pressure of the illegal migration from Serbia towards Hungary is primarily characterized by Kosovar Albanese, Serbian, Pakistani, Afghan, Tunisian and Iraqi nationals. According to the statistical data, the number of immigration detention ordered during an alien-policing procedure increased constantly from March 2010. On the average there were 133 people in detention centre in 2009, while 364 people in 2010. The reason for this sudden increase was that large number of third-country nationals with unclarified identity (Afghan, Pakistani, Palestinian, etc) came from Greece through Serbia towards the territory of the Republic of





Hungary. Considerable difficulties arose with regards to the implementation of the readmission agreement with Serbia as Serbia was not cooperative. Serbia has no readmission agreements with Macedonia (the draft was sent to the Macedonian party, but there was no response received yet), in practice this meant that irregular migrants coming from Greece and apprehended in Hungary could not be sent back to Greece through the application of the readmission agreements.

Serbia could not control the Serbian-Hungarian state border with the former intensity, because the capacities of detention facilities in Serbia were exhausted, so the irregular migrants could cross the border and enter the Hungarian territory easily, where they were apprehended. As a result of bilateral negotiations conducted with Serbia now Serbia takes back third-country nationals except for Kosovars.

The Hungarian Police initiated proceedings in order to prosecute illegal acts in connection with illegal migration against 9629 persons in 2010, which can be considered a 3% drop compared to last year. Illegal acts in connection with illegal migration were mainly committed by Ukrainian, Serbian, Afghan, Kosovar, Moldavian nationals, but also the number of Albanese, Iraqi, Moroccan, Pakistani and Palestinian nationals show a dynamic increase compared to 2009.

In 2010 the most endangered border areas were the Serbian, Ukrainian and Romanian.

Amongst the illegal acts in connection with illegal migration the illegal border-crossing towards Hungary was the most common. The number of these kinds of illegal acts show a 21% drop compared to last year. The number of persons apprehended due to smuggling of human beings alleviated with 22% compared to last year. The number of procedures initiated in cases of violation of the ban on entry and residence increased by 14% from 2009 to 2010. There was a significant increase in the number of public document forgery committed by Ukrainian nationals (77%).

The Police acted successfully vis-à-vis the overstayers in Hungary and in the Schengen area, as a result the number of offences related to alien policing increased by 37%.

### **5.1.2 Developments within the national perspective**

*This is an overview of all relevant developments in your Member State.*

*Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2010. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).*

In order to comply with the Return Directive, the legal framework regarding third country nationals was changed. The new legislation entered into force along with the modification of



implementing regulations on 24 December 2010 within the prescribed implementation period. The relevant authorities' competences remained unchanged. Basically, the two-step approach determined in the Return Directive was introduced preferring voluntary return to expulsion. According to the new legislation in line with the Return Directive the immigration authority orders the returnees to leave not only the territory of Hungary, but also the territory of the EU Member States. The national legislation contains more favourable standards regarding the timeframe and the target group of detention. Furthermore the efficient monitoring system in connection to the execution of expulsion, where it is the Prosecutor's Office's task to operate the system. In order to comply with the Return Directive, the possibility of free legal assistance and/ or representation will be offered in cases involving expulsion of third country nationals by 24 December 2011, the deadline indicated to transpose this provision.

### **5.1.3 Developments from the EU perspective**

*Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.*

*Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the Member State's implementation of relevant EU policy, legislation and other instruments, with regard to case-by-case regularisation, prevention of irregular migration, implementation of the "Employer Sanction Directive", implementation and mutual recognition of expulsion decisions, developing information on migration routes and flows, development of the network of liaison officers in countries of origin and transit.*

The Hungarian legislation in the field of illegal migration was smodified due to the obligation of harmonising with the EU acquis regarding 2008/115/EC Directive 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.

## **5.2 Return**

### **5.2.1 Specific context**

*Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2009 and earlier years, if relevant) could be used for this.*

### **5.2.2 Developments within the national perspective**

*This is an overview of all relevant developments in your Member State.*

*Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2010. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions*



from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).

The EC - Albanian bilateral executive protocol entered into force on 16 May, 2010 to perform the readmission agreement. At the same time, the former bilateral readmission agreement ceased to apply.

### 5.2.3 Developments from the EU perspective

Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.

Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the Member State's implementation of relevant EU policy, legislation and other instruments, with regard to readmission agreements, policies on assisted voluntary return and reintegration, support received from or provided to FRONTEX with regard to return, participation in joint flights, etc.

The bilateral protocols with Moldova, Albania and Serbia implementing the EU readmission agreements entered into force in 2010. At the same time, the former bilateral readmission agreements ceased to apply. The negotiations with Russia were successfully completed on the bilateral implementing protocol (the next step is the signing of the protocol), which will enter into force probably in 2011.

In 2010, Hungary joined the air mission co-financed by FRONTEX several times. Exact data are available from Office of Immigration and Nationality.

The most relevant statistical data are the following:

#### Number of removals by air by main nationalities

<b>Number of removals by air by main nationalities</b>				
<b>Nationality</b>	<b>2009.</b>	<b>2010.</b>	<b>Changes</b>	<b>Changes in %</b>
<b>Kosovar</b>	49	25	-24	-48,98%
<b>Chinese</b>	6	4	-2	-33,33%
<b>Turkish</b>	6	3	-3	-50,00%
<b>Albanian</b>	4	4	0	0,00%
<b>Afghan</b>	3	3	0	0,00%
<b>Other</b>	28	37	9	32,14%
<b>TOTAL</b>	<b>96</b>	<b>76</b>	<b>-20</b>	<b>-20,83%</b>

(Source: OIN)



Expulsion:

<b>Expulsion</b>		
<b>Expelled by</b>	<b>2009</b>	<b>2010</b>
<b>OIN</b>	960	1507
<b>Court</b>	484	381
<b>Police</b>	2177	2368
<b>TOTAL</b>	3621	4256

(Source: OIN and Police)

Number of removals by main nationalities

<b>Number of removals by main nationalities</b>				
<b>Nationality</b>	<b>2009.</b>	<b>2010.</b>	<b>Changes</b>	<b>Changes in %</b>
<b>Serbian</b>	207	107	-100	-48,31%
<b>Kosovar</b>	197	225	28	14,21%
<b>Romanian</b>	44	25	-19	-43,18%
<b>Moldovan</b>	42	25	-17	-40,48%
<b>Ukrainian</b>	27	20	-7	-25,93%
<b>Other</b>	117	161	44	37,61%
<b>TOTAL:</b>	<b>634</b>	<b>563</b>	<b>-71</b>	<b>-11,20%</b>

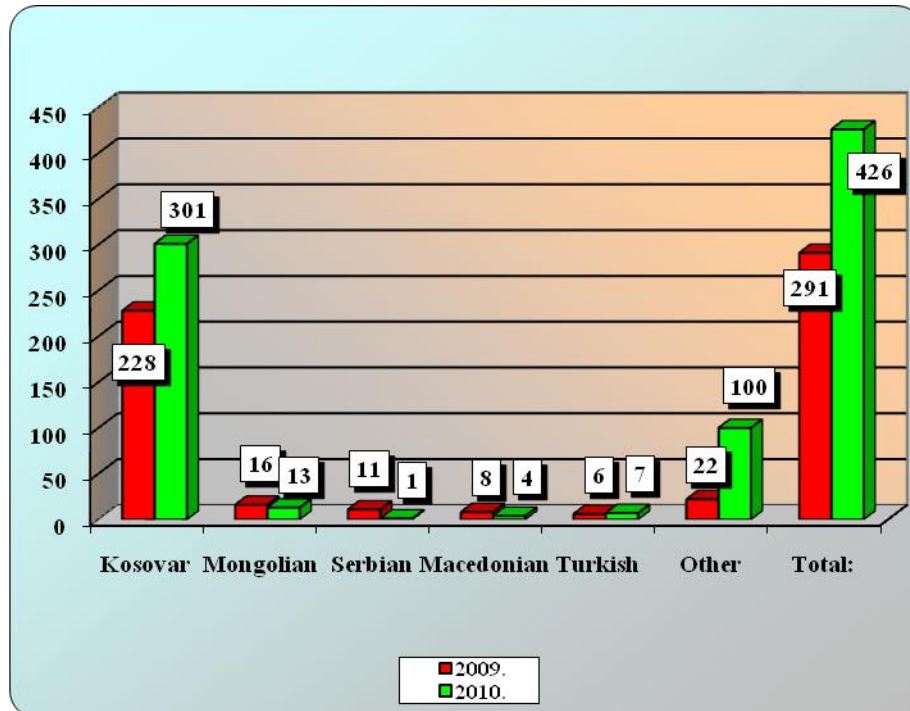
(Source: OIN)

Voluntary returns by main nationalities

<b>Voluntary returns by main nationalities</b>				
<b>Nationality</b>	<b>2009.</b>	<b>2010.</b>	<b>Changes</b>	<b>Changes in %</b>
<b>Kosovar</b>	228	301	73	32,02%
<b>Mongolian</b>	16	13	-3	-18,75%
<b>Serbian</b>	11	1	-10	-90,91%
<b>Macedonian</b>	8	4	-4	-50,00%
<b>Turkish</b>	6	7	1	16,67%



<b>Other</b>	22	100	78	354,55%
<b>Total:</b>	<b>291</b>	<b>426</b>	<b>135</b>	<b>46,39%</b>



(Source: OIN)

### 5.3 Actions against human trafficking

No specific actions were taken in this field and Hungary did not carry out any regularisation.

#### 5.3.1 Specific context

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2009 and earlier years, if relevant) could be used for this.

As for Hungary's position in the trafficking chain (source-transit-destination) no major change has taken place during the reported period. Hungary remained mainly a source and transit country for women and girls subjected to trafficking in persons for sexual exploitation and on a lesser extent a source country for men and women for trafficking for labour exploitation. The main countries of destination in terms of trafficking for sexual exploitation remained the Netherlands, Switzerland, Austria, Italy, and Spain. Regarding trafficking in human beings for labour exploitation the main destination countries are the UK, Spain and the United States. The victims' majority is adult and Hungarian nationals. Regarding the risk groups of trafficking it can be established that the low educated young adults – mostly women





– who live among poor conditions or stayed in child welfare facilities in East, North Eastern Hungary are the most vulnerable. They are easily trapped by false promises of very well paid easy jobs, similarly to the previous reporting period.

In order to create a comprehensive approach on return and readmission, it is necessary to step up cooperation with the countries of origin and transit within the framework of the Global Approach to Migration and in line with the European Pact on Immigration and Asylum, while recognising that all States are required to readmit their own nationals residing illegally on the territory of another State. Neighbouring third countries in east and southeast of Europe are of top priority for Hungary. With regard to the strategic importance of the region we must continue dialogues with these countries – primarily with the countries of the Western Balkan and Ukraine – as well as practical cooperation in the field of legal migration, illegal migration, and migration and development.

### **5.3.2 Developments within the national perspective**

*This is an overview of all relevant developments in your Member State.*

*Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2010. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).*

The state actors involved into the fight against trafficking in persons were very similar to those in the previous reporting period. As a consequence of the reorganisations taken place after the national elections in April 2010 some changes in the names of the organisations have taken place which did not affect the merit of the cooperation.

Similarly to the previous reporting period the expert representatives of the organisations and the representatives of the NGOs and international organisations involved compose the national coordination mechanism. The head of the mechanism is the National Coordinator against Trafficking in Human Beings. As a consequence of the reorganisations in the central administration after the April 2010 national elections the tasks of the national coordinator are fulfilled by the Deputy State Secretary for European Union and International Affairs of the Ministry of Interior. Similarly to the previous reporting period the members of the national coordination mechanism meet 4 times a year. Besides this there is an ongoing day-to-day cooperation between the members of the mechanism, thus the work is effective. Due to the financial crisis, limited resources could be allocated to fund fight against trafficking in human beings. However the professionals working on this field do their best among the given circumstances. The cooperation is very good among the bodies concerned.

### **5.3.3 Developments from the EU perspective**

*Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.*

*Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the Member State's*



*implementation of relevant EU policy, legislation and other instruments, with regard to cooperation with third countries to combat human trafficking, awareness raising campaigns, etc.*

Hungary actively participates in the work of the Informal Network of the National Rapporteurs and Equivalent Mechanisms launched by the European Commission and regularly shares information with other European Union Member States. Moreover Hungary regularly participates in regional European and international events where its counter-trafficking efforts are assessed.

## **6. BORDER CONTROL (1-2 pages)**

### **6.1 Control and surveillance at external borders**

#### **6.1.1 Specific context**

*Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2009 and earlier years, if relevant) could be used for this.*

#### **6.1.2 Developments within the national perspective**

*This is an overview of all relevant developments in your Member State.*

*Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2010. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).*

No specific actions were taken in this field and Hungary did not carry out any regularisation.

#### **6.1.3 Developments from the EU perspective**

*Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.*

*Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the Member State's implementation of relevant EU policy, legislation and other instruments, with regard to enhancing effective border control, deploying modern technological means, the implementation of the EU entry / exit system, the EU Registered Traveller Programme, the Schengen Information System (SIS II) and European Border Surveillance System, the integration of different kinds of border checks, etc.*

The Council and Parliament decision 2007/574/EC, which concerns the establishment of External Borders Fund (EBF) for the term 2007-2013 within the framework of a standard program „Management of Solidarity and Migration Flows”, displays itself in the development



of the Hungarian border-checking system. The Hungarian Police Forces pursued an active application activity to get access to funds needed to improve the efficiency of border-checking, to install modern technological appliances, to enable the Hungarian border-checking system to meet the Schengen criteria in 2010. Still in 2010, in the annual allocation of EBH 2008 20 applications, in the EBF 2009 annual allocation 2 applications resulted in the access to 691 927 081 HUF and 320 197 108 HUF. This money was used to provide expert conferences, informatical developments and to install a system of stabile heat cameras on the Ukraine and Serbian borders.

Hungary is in favour of the establishment of EUROSUR, a system of border-monitoring. We have started the preparations for a National Coordinating Centre as part of EUROSUR concept. The aim is to enable its operation by 2013.

The external border to Serbia and Ukraine was equipped with stabile thermo camera system in order to increase the effectiveness of the border control and border surveillance. During the year 2010 the development of the HERR (Border Registration System) and the the development of RITA (Informatics Support System to Border Control) was completed.

Within the framework of VIS Pilot Project, Hungary takes part in the establishment of the Visa Information System and Entry/Exit system. Moreover, Hungary is making attempts at introducing an automatic border-checking system at Ferihegy International Airport by 2010. A substantial part of the preparatory work for VIS Pilot Project was carried out in 2010. The border-checking points were determined, and agreements were made with the Hungarian institutions, as well with the Slovene and the Polish partner institutions.

The European Neighborhood and Partnership Instrument (ENPI) was launched with the aim of increasing the efficiency of border-checking on the Hungarian-Ukraine border.

## **6.2 Cooperation with respect to border control**

### **6.2.1 Specific context**

*Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2009 and earlier years, if relevant) could be used for this.*

No specific action was taken in this regard.

### **6.2.2 Developments within the national perspective**

*This is an overview of all relevant developments in your Member State.*

No specific actions were taken in this field and Hungary did not carry out any regularisation.

*Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2010. Legislative developments include changes in, for example, the constitutional law, case law,*



*court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).*

### **6.2.3 Developments from the EU perspective**

*Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.*

*Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the Member State's implementation of relevant EU policy, legislation and other instruments, with regard to biometric visas, implementation of the Visa Information System (VIS) and the Visa Code, cooperation between Member State consular services and the set up of joint consular services for visas, support from other Member States received or support provided by your Member State to other Member States, with regard to border control, and bilateral and multilateral cooperation with third countries to improve border control.*

As for the Hungarian support of Member States, in relation to the border-checking in Hungary in 2010, the following facts must be mentioned. Hungary participated in land, air and sea missions. In the course of land missions, Hungary sent guest officers to border parts between Greece and Turkey, Greece and Albania, Slovakia and Ukraine, Poland and Ukraine, Bulgaria and Turkey, Slovenia and Croatia, Romania and Ukraine, Romania and Serbia, Romania and Moldavia. As a host country, we were visited by guest officers as part of joint missions JO Neptune and JO Jupiter. Within the framework of JO Neptune 78 officers arrived, whereas by JO Jupiter 39 officers visited us. Tompa headquarters hosted 1, Rösztke hosted 16, Nagylak hosted 12, and Záhony hosted 3 guest officers.

Besides the general border management cooperation with our neighbouring countries, there are regular bilateral border management seminars with the relevant authorities of Serbia and Ukraine organized every half year.

The Hungarian Police posted an ILO to Serbia in 2010 to enhance the cooperation with the relevant Serbian authorities.

Hungary takes part as a donor (either financial or expertise) in different Community programmes and programmes organized by international organizations (TAIEX; IOM; EUBAM; ICMPD; DCAF; BOMCA). Moreover, Hungary takes part as senior partner in the IBM twinning program in Turkey in 2010. The European Neighbourhood and Partnership Instrument (ENPI) Hungary-Slovakia-Romania-Ukraine Cross-border Cooperation Programme 2007-2013 has been started in 2010, a component of this programme aims to enhance and develop the border control and border surveillance at the Hungarian-Ukrainian border.

As for air missions, Air Force Police Authorities delegated members to Frankfurt, Lisboa, Bukarest, Dusseldorf airports. Ferihegy headquarters was visited by Italian, Polish, Slovakian, Lithuanian, German and Romanian guest officers, altogether 8 persons.





Within the framework of joint mission JO Poseidon 2010 Sea, we sent 2 delegates to Greek-Turkish sea borders.

RABIT, the quick reaction force of FRONTEX was first deployed last October to manage migration problems on Greek-Turkish borders. This mission has been going on since then, whereby 14 Hungarian officers granted assistance to Greek border authorities (10 persons, 3 vehicles until the end of 2010).

As a tradition since 2007, the checking arrangement on the border of Hungary and Serbia called Trilateral Action was staged in 2010, too. Within its framework, the Hungarian, Austrian and Serbian police officers carried out joint missions to counter clandestine migration. The efficiency of the Hungarian border-checking system was supported by the Austrian Police, as well. They sent 2 mobile vehicles with heat cameras, experts on documents. The Serbian Police sent liaison officers. A new element made its way into this system when in September a stable heat camera was set up on Röske border-checking point. At times of enhanced monitoring, Hungarian and Serbian police officers jointly work in the heat camera control room. The Serbian liaison officers direct the Serbian patrols with the help of the heat camera to catch illegal migrants. All this has resulted in the arrest of several migration groups.

## **7. INTERNATIONAL PROTECTION, INCLUDING ASYLUM (2-3 pages)**

### **7.1 Specific context**

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2009 and earlier years, if relevant) could be used for this.

See above at point 3.2.

### **7.2 Developments within the national perspective**

*This is an overview of all relevant developments in your Member State.*

*Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2010. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).*

In 2010, the number of asylum applications amounted to 2104, which compared to 2009 (4428 applications) can be considered as a significant decrease. The underlying reason for this might be the conclusion of an EU visa exemption agreement with the Western-Balkan countries (namely Serbia, FYROM and Montenegro) in December 2009 subsequently extended to Albania and Bosnia and Herzegovina in November 2010. This has engendered a considerable (around 70-80%) drop in the number of Serb and Kosovar asylum applicants





compared to the previous year. Since the conclusion of the EU visa exemption agreement, third country nationals coming from these countries enter the territory of Hungary without visa and usually consider Hungary as a transit country and travel to other Member States to apply for asylum. However the visa-liberalisation does not apply to Kosovar nationals, according to the OIN's observations Kosovar citizens make use of the fact that Serbia considers them as its own nationals and many of them get Serb documents and travel via Hungary visa-free.

Most significant legislative developments mentioned in 3.2:

Before the modification of the Act on Asylum, the preliminary assessment procedure was limited to the examination of the applicability of the Dublin regulation and the examination of the admissibility of the application for asylum. According to the new Asylum Act there is a possibility in the preliminary assessment procedure to examine the application on the merit, with regards to the manifestly unfounded applications. An application is considered as manifestly unfounded in the following cases:

- the applicant has only raised issues that are not relevant or of minimal relevance to the examination of whether he/she qualifies as a refugee or a beneficiary of subsidiary protection;
- the applicant acting in bad faith can not establish or substantiate his/her country of origin;
- the applicant has failed to make his/her application within a reasonable period of time, having had the opportunity to do so, and couldn't establish a reasonable cause for the justification of such a delay.

Therefore the second phase of the asylum procedure was renamed, now it is called "detailed examination procedure on the merit", compared to the former "examination procedure on the merit" to express that now there is a possibility in the preliminary assessment phase to examine the application on the merit with regards to manifestly unfounded cases.

Former reasons for inadmissibility were supplemented by a new one, whereby the application can be rejected without detailed examination should the applicant arrive from a safe third country.

The definition of family has been modified. According to it the foreigner's spouse is considered to be a family member only if the family relation was already existent prior to entering to Hungary.

Regulations for the designation of the place of residence have also been amended. Private accommodation facility can be granted in the stage of the preliminary assessment procedure in case of an applicant residing in Hungary legally. As of 1st May 2011, unaccompanied minor asylum seekers are placed in child protection facilities instead of reception centers. Applicants whose alien-policing detention has ceased and their application for asylum is under



examination as well as legally resident asylum applicants (upon request) are accommodated in reception centres.

The possibility to apply for the continuation of the procedure shall no longer apply after a resolution on the discontinuation of the procedure has been rendered. Instead such resolution shall be subject to judicial review. Requests for judicial review shall be submitted to the Refugee Authority within three days upon communication of the resolution. The Court shall decide upon the request in non-litigious procedure within eight days.

Provisions related to the communication by way of a public announcement of a decision have also been modified. A decision shall be published solely on the board of the refugee authority. After the communication by way of a public announcement of a decision, the general rules on the maintainance of contact cannot be applied.

The rules concerning asylum applicants subject to alien-policing procedure whose detention has been previously ordered were also modified. If an application is referred to the so-called detailed examination procedure on the merit (former examination procedure on the merit) and the applicant is in alien policing detention, the alien police authority no longer has the obligation to terminate the applicant's detention, nor has the Refugee Authority the obligation to initiate the termination of detention. Therefore the detention persists till its terms and conditions according to alien-policing rules are met.

In this regards, it has to be noted that upon the Hungarian Helsinki Committee's request of March 2009 the Prosecutor General examination continued in 2010 regarding the application of Art. 55 paragraph (4) of the former Asylum Act, which stipulated that if an application is referred to the examination procedure on the merit upon the initiative of the Refugee Authority, the Alien Policing Authority has to terminate the detention of the applicant. The Prosecutor General concluded that the legal practice of the Refugee Authority at that time was unlawful, as it did not automatically initiate the termination of the detention once the application was referred to the examination procedure on the merit. However the Prosecutor General also observed that the legal framework at that time did not provide for the inclusion of security consideration when regulating detention of asylum seekers. The Refugee Authority – supported by the Ministry of Interior – disagreed with the conclusions of the Prosecutor General, as it claimed that the wording of the provision in question is not clear concerning the automatic obligation of the Refugee Authority to initiate the termination of the detention, and that the provision can be interpreted also in that way, that the Refugee Authority has discretion in this regard. When the provision related to the alien-policing detention of asylum seekers was amended within the framework of the New Asylum Act, the Prosecutor General's observations were taken into consideration. As a result, the provision was clarified and now there is no doubt that the Refugee Authority's practice is in line with the new Asylum Act.



In proceedings involving refugees, the Office for the Protection of the Constitution and the Counter-Terrorism Centre takes part in the examination procedure on the merit as a competent authority. The duration of the competent authority's procedure has been determined on the basis of Act 2004/140.

In case of a subsequent application, the right to stay on the territory has been modified. According to the new Act on Asylum, if a person submits a subsequent application for asylum, he/she is no longer allowed to stay on the territory, neither is he/she provided with assistance nor housing in connection to his/her asylum seeker status. This person of course will be allowed to stay on the territory according to the alien-policing legislation.

In the Hungarian legislation there is a possibility for the authorities to withdraw a decision on their own competency if they notice that the decision was taken in violation of the law. In this case the authority is obliged to bring a new, lawful decision. There is no more remedy against the withdrawal of a decision in the authority's own competency. Of course there is still a remedy against the newly taken lawful decision.

Upon presentation of the application for judicial review, the asylum seeker shall appear before the Refugee Authority in person.

As of 1 April 2011, the exclusive competence of the Municipal Court in asylum procedures will cease, from that date on the County Courts will become competent of processing the applications for judicial review. It has to be noted that UNHCR expressed its concerns in relation to the cessation of exclusive competence of the Municipal Court, fearing that the competence of County Courts in review proceedings may jeopardize fair and efficient asylum procedures. However taking into account the fact that this provision only enters into force as of 1 April 2011, it can be concluded that this allows for the County Courts sufficient time to get prepared for the new case load they have to deal with.

Another considerable achievement is that the Hungarian Refugee Authority closely cooperates with UNHCR's Regional Representation for Central Europe to properly carry out the „Further Development of Quality” project in Hungary. The cooperation agreement was signed in 2010; the project is running until September 2011. This project aims at reviewing the decisions held during asylum procedures. In order to facilitate elimination of errors, there is constant consultation with the decision-makers and the colleagues of the Asylum Department who are assigned with monitoring tasks. Furthermore, new information charts on refugee rights have been elaborated according to the new Asylum Act in cooperation with UNHCR. The new forms have been developed within the framework of quality assurance.



As for public debates on asylum issues, it has to be noted that a report was published by UNHCR in 2010 on refugee homelessness in Hungary.<sup>5</sup> The report analyzed the situation of Somali refugees in Hungary. The report noted that the absence of an established Somali refugee community in Hungary constitutes a key barrier to effective integration. The report has identified that refugees at greatest risk of becoming homeless in Hungary were those who had engaged in onward movements to other EU Member States following status recognition or after a brief stay at the Bicske Pre-Integration Centre and were subsequently forcibly or otherwise returned to Hungary. In response to the above-mentioned phenomenon, in December 2009 the Refugee Authority together with the Menedék Association for Migrants convened a meeting on the handling of this issue, where representatives of the institutions designated to the care of homeless people, the Mayor's Office, the concerned municipalities, labour centres, registration offices, and the National Health Insurance Fund were present. The purpose of the meeting was to identify possible solutions as well as the root causes of this phenomenon. In 2010 the Refugee Authority received no information on beneficiaries of international protection in such harsh living conditions. However it has to be mentioned that despite the fact that some NGOs have signalled some similar cases, these persons could not be identified by the Refugee Authority due to data protection considerations of NGOs. For handling similar cases, there is a continuous cooperation and consultation between UNHCR, relevant Hungarian NGOs and the Refugee Authority.

It is also has to be noted that the Refugee Authority launched a pilot project on labour integration of beneficiaries of international protection in September 2009, which was implemented in 2010. The project aims at providing personal carrier orientation counselling and vocational training to beneficiaries of international protection in two regions. Furthermore in the framework of the project employers who engage beneficiaries of international protection are provided with financial benefits regarding payments and social security contributions. This pilot project will be assessed with a view to enlarge its scope countrywide.

### **7.3 Developments from the EU perspective**

*Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.*

*Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the Member State's implementation of relevant EU policy, legislation and other instruments, with regard to support with the processing of applications and reallocation between Member States (in case of disproportionate measures) of beneficiaries of international protection, resettlement and training of border guards on international protection.*

## **8. UNACCOMPANIED MINORS (AND OTHER VULNERABLE GROUPS) (1-2 page)**

<sup>5</sup> <http://www.unhcr.org/refworld/docid/4bb4b9ac2.html>



### **8.1 Specific context**

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2009 and earlier years, if relevant) could be used for this.

### **8.2 Developments within the national perspective**

*This is an overview of all relevant developments in your Member State.*

*Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2010. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).*

As a result of the amended legislation mentioned in 3.2, some laws regulating unaccompanied minors were modified in 3 areas: place of accommodation, examination of the principle of non-refoulement and appointment of a guardian. According to the new provisions entering into force on 1 May 2011 unaccompanied minors shall be placed in a child protection facility instead of a reception centre. Concerning the principle of non-refoulement the modification further clarified the notion of appropriate care in relation to unaccompanied minors. Regarding the appointment of a guardian to unaccompanied minors the modification transposes the provision of the Procedures Directive allowing for the omission of the appointment of a guardian in case the asylum seeker is close to reach the age of eighteen under the asylum procedure.

### **8.3 Developments from the EU perspective**

*Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.*

*Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the Member State's implementation of relevant EU policy, legislation and other instruments, with regard to, for example, the Action Plan on Unaccompanied Minors and the resultant JHA Council conclusions.*

Not applicable.

## **9. GLOBAL APPROACH TO MIGRATION (2-3 pages)**

### **9.1 Specific context**

Please only describe relevant developments or provide information on the situation as it existed before the reference period, if this is considered essential for the reader's understanding of the subsequent sub-sections. Your previous Annual Policy Reports (2009 and earlier years, if relevant) could be used for this.





Within the framework of the Moldova Mobility Partnership, Hungary is participating in a project entitled “*Strengthening the Republic of Moldova capacity to manage labour and return migration*” (2009-2011).

In this context, the principal feature of the project is to inform potential migrants about ways of legal migration to the EU and legal employment in the Member States as well as about the risks of illegal migration and provide assistance for returning migrants.

## **9.2 Developments within the national perspective**

This is an overview of all relevant developments in your Member State.

*Please provide (where there have been developments) details of all significant policy and legislative developments, as well as any specific debates that have taken place in 2010. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees, etc. Debates include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers).*

Not applicable.

## **9.3 Developments from the EU perspective**

*Where relevant, relate these national developments to the context of the EU, including Pact plus Stockholm, referring also to your Annex.*

*Using also your contributions in the Annex concerning the Pact and the Stockholm Programme, please describe those developments which are the result of the Member State’s implementation of relevant EU policy, legislation and other instruments, with regard to EU-level or bilateral agreements and/or other forms of cooperation with countries of origin and of transit combining issues related to legal and illegal migration, as well as development, the integration of national migration and development policies, actions in the area of remittances and of diasporas.*

In order to combat the phenomenon of illegal migration, we aim at concluding bilateral and EU readmission agreements, and deepening the cooperation with the countries of origin and transit in the framework of the Global Approach of Migration. Hungary has concluded 25 bilateral readmission agreements. We are about to start the negotiations with Kosovo on this topic in 2011.

The bilateral protocols with Moldova, Albania and Serbia implementing the EU readmission agreements entered into force in 2010. We have successfully completed the negotiations with Russia on the bilateral implementing protocol (the next step is the signing of the protocol), which will enter into force probably in 2011.

Concerning the transfer of migrants’ remittances, Hungary had the obligation to transpose the Directive on Payment Services (2007/64/EC) and we decided to implement this Directive with its optional possibility to regulate so-called “one-leg” transactions, in which at least one



of the payment service providers is located outside the EEA as well, so remittances can be sent with more transparency and with adequate consumer protection.

Moreover, Hungary participates in different regional consultative processes, such as the Budapest Process, Söderköping Process and also in the Building Migration Partnerships initiative.

## **10. IMPLEMENTATION OF EU LEGISLATION (4-6 pages)**

### **10.1 Transposition of EU legislation 2010**

*Summarise the **progress made during 2010 only in the transposition of EU legislation** in the field of migration and asylum into national law and administrative practices during the reference period.*

*The format to use can, for example, be:*

#### **[Directive 2008/115/EC of the European Parliament and of the Council \(common standards and procedures in Member States for returning illegally staying third-country nationals\)](#)**

- *Transposition required by: 24 December 2010 (In respect of article 13(4): 24 December 2011)*
- *Status: Transposed through Act xxx/Bill under preparation/Delayed*

*Relevant text on progress/developments made in this respect.*

*Annex C provides the complete list of the relevant EU legislation for the asylum/immigration acquis (changes from 2009 are highlighted in Grey). However, if no progress or developments have occurred for particular legislation in 2010 or there is no impact on national legislation then it is **not necessary** to comment on it. Instead, **only when there have been changes or developments** in 2010 in respect to the transposition or implementation of particular legislation which has an impact on national legislation, should details be provided. At the very least, a list of EU legislation that has been transposed into national legislation and/or came into force during 2010, with the corresponding national law(s), should be given.*

In order to comply with the Return Directive, the legal framework regarding third country nationals was changed. The new legislation entered into force along with the modification of implementing regulations on 24 December 2010 within the prescribed implementation period. The relevant authorities' competences remained unchanged. Basically, the two-step approach determined in the Return Directive was introduced preferring voluntary return to expulsion. The national legislation contains more favourable standards regarding the timeframe and the target group of detention. Furthermore the efficient monitoring system in connection to the execution of expulsion, where it is the Prosecutor's Office's task to operate the system.



In order to comply with the Return Directive, the possibility of free legal assistance and/ or representation will be offered in cases involving expulsion of third country nationals by 24 December 2011, the deadline indicated to transpose this provision.

To meet the EU requirements of biometric residence permits, the necessary legislative amendments were carried out in 2010 in order to be able to issue biometric residence permits containing a digital portrait and a fingerprint by 20 May 2011. Furthermore taking of fingerprints has been already started in 2010.

In compliance with the Visa Code, new regulations on the right to remedy in case of rejection, annulment, revocation and extension of visas with the validity period of less than 3 months were introduced which will enter into force on 5 April 2011.

Besides, we have performed the legislative tasks in reaction to criticism on the implementation of Council Directive 2004/38/EC concerning the rights of EU citizens and their family members to free movement and residence within and on the territory of the Member States expressed by the director of Section C2 of the European Commission Director-General for Justice. With these modifications Hungary aligned its legislation in order to comply with the relevant EU acquis.

## **10.2 Experiences, debates in the (non-) implementation of EU legislation**

*Detail any **experiences, debates**, both at political level and within wider society (e.g. issues raised by migrant (support) associations, academia) in **the implementation or non-implementation** (in which case outline the reasons for this) of the most significant **EU legislation** in asylum and immigration, both for directives previously (before 2010) transposed into national legislation, as well as those transposed during 2010. Any impact or changes or experience with the entry into force of EU re-admission agreements, including with respect to bilateral agreements which existed before, can also be included.*

*Include also any inter-Member State experiences (good or bad) in the implementation of EU legislation (e.g. differences in treatment of nationals compared to other EU and/or third country nationals, such as the so-called Belgian route for family reunification, consequences at national level in exercising of right to free movement). The purpose is to identify any consequences as a result of any different approaches that may be taken by another Member State for which a (positive or negative) impact in your Member State has been observed.*

*In particular, this section should identify aspects/topics which might merit further consideration by policymakers.*

Not applicable.

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## ANNEX TO NATIONAL ANNUAL POLICY REPORT 2010 ON COMMITMENTS IN THE EUROPEAN PACT AND STOCKHOLM PROGRAMME

### LEGAL IMMIGRATION AND INTEGRATION

#### 1. Economic migration

##### 1.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

##### *I(a) Implement policies for labour migration*

Please describe the (planned) introduction of a new labour migration policy or changes to the existing one. Elaborate any new aspects (e.g. introduction of quota, lists of professions, agreement with specific third countries, use of private recruitment services, etc). Specify whether these address any specific groups of migrants and describe any groups which are not addressed under the subsequent commitments in this sub-section. Also consider the effect of the economic crisis on labour migration (e.g. revision of quota, reduction of professions listed, etc).

#### **Cooperation in the Area of Freedom, Security and Justice of the European Union**

A main development in the field of migration occurred last year when the Government adopted the decision no. 1057/2009 (IV.24.) on the strategy of the Cooperation in the Area of Freedom, Security and Justice of the European Union (hereinafter referred to as: Strategy) for a 5 year period. It emphasizes that Hungary must seek to promote the entry and stay of legal immigrants in line with the needs of the economy and science, the links between legal migration and demographical trends have to be taken into account, particularly in case of migrants staying on a long-term basis in Hungary.

The strategy also promotes the idea of drawing up national “migration profiles”. It states that the profiles could provide an integrated overview on the current migration situation of each Member State, with particular emphasis on the situation of national labour markets and the (real and potential) qualification of migrants.

With the modification of the Government Decree No. 355/2007 (XII.23.) Hungary opened its labour market to each worker coming from countries of the European Economic Area (hereinafter referred to as: EEA) irrespective of their skills or the principle of reciprocity. This means that from 1<sup>st</sup> of January 2009, Hungary applies the community law in the field of free movement of workforce of persons having the right to free movement and residence.

Due to this amendment, all the persons concerned can work in the territory of Hungary without work permit, however the employer has the obligation to notify the labour centre on the employment of such person.



Then, the labour centre verifies the fulfillment of this notification and keeps a record on it. It should be underlined that the legal relationship between the employee and employer come into existence without the notification on the employment and its verification.

### **Changes of the Legislation of Migration in 2010**

The most significant development of the year 2010 was the modification of the Act II of 2007 on the Entry and Stay of Third –Country Nationals. The changes of this Act affected the rights of persons who engage in gainful activity in Hungary. The modified act was adopted on 22<sup>nd</sup> November 2010 and came into force on 24<sup>th</sup> December 2010. After this modification those persons who engage in any gainful activity in the capacity of being the owner or director of a business association, cooperative or some other legal entity formed to engage in gainful employment are entitled to obtain the residence permit for gainful employment in case they have been employing at least three persons for a period of at least six months or or in case their presence on the territory of Hungary is essential for the operation of the business association and can be made probably by a duly justified business plan.

Concerning labour market integration, the Government Decree 355/2009. (XII. 30.) on the authorization of employment of third-country nationals in the territory of Hungary without a work permit entered into force on 1<sup>st</sup> January 2010 which created coherence in the legislation and lists the activities where the employment of the third-country national is not subject to a work permit (including researchers and family members). The Act CLII of 2009 on simplified employment entered into force on 1st April 2010. As it turned out that it rendered the employment in certain specified sectors much more difficult, on 1<sup>st</sup> August 2010 the new Act LXXV of 2010 on simplified employment repealed it and prescribed simpler and more applicable rules. This latter Act also fosters the application of electronic procedures instead of paper based ones. In addition to that, the Ministerial Decree No. 16/2010 (V. 13.) on the authorization of employment of third-country nationals in the territory of Hungary repealed the Ministerial Decree No. 8/1999 (XI.10.) on the authorization of foreigners to work in the territory of Hungary on 28th May 2010.

The preparation of the draft legislation transposing the Blue Card Directive (2009/50/EC) is in progress.

### **Work permits quota**

Under the former government the minister responsible for labour and social affairs after the government's change the responsible State Secretary of the Ministry of National Resources – with the agreement of other competent ministers – is entitled to set the highest number of work permits to be issued to third-country nationals. This quota may not exceed the requested workers reported during the previous year. It should be noted that this quota far exceeds the number of foreigners working legally in Hungary in the given years. Due to the economic slowdown as the number of vacant jobs decreased, the quota of 2010 became lower than it was in 2009 (the quota decreased from 60 000 in 2009 to 50 000 in 2010).





According to the number of permits issued by the Employment Centres, the total number of foreign workers in Hungary was 62 363 in 2009 while it was 64 903\*<sup>6</sup> in 2010 which shows a slight increase of 4%. In the first half of 2010, 11931 work permits were issued which shows a 27 % decrease in comparison to the number of work permits issued during the first half of 2009 (16 247).

Concerning the total number of work permits, registrations, green card certificates issued and notifications made in the first half of 2010, 33 % of the foreign employees (3919 persons) were Romanian nationals which shows 53% decrease in comparison to the first half of 2009 (8319 persons). The presence of Romanians in the labour market of Hungary is significant and the economic crisis did not affect their number.

In the first half of 2010, 13,% of the foreign employees (7 314 persons) were Ukrainian nationals which shows an increase of 2 % in comparison to the first half of 2009 (7258 persons). In the first half of 2009, 16 % of the foreign employees (10 089 persons) were Slovakian nationals which shows an increase of 2 % (10 260 on 30. 06. 2010).

The total number of work permits, registrations, green card certificates issued and notifications made in the first half of 2010 decreased with 57% in the construction sector (1298) and decreased with 34 % in the processing industry (2073), whilst there was just slight difference in the sector of agriculture (2201).

***I(b) increase the attractiveness of the EU for highly qualified workers and further facilitate the reception of students and researchers:***

Please describe any (planned) measures to facilitate access of highly qualified workers, students and researchers. Refer to the implementation of the Blue Card Directive. Describe any incentive mechanisms for highly qualified workers, students and researchers on top of the transposition and implementation of EU legislation. Also consider the effect of the economic crisis.

**The legislation**

The Hungarian legislation was completely reformed when on 18<sup>th</sup> December 2006, the Parliament of Hungary adopted **two new legislative acts in the field of migration** which implemented the relevant EU directives. Act I of 2007 on the Entry and Stay of Persons Enjoying the Right of Free Movement (hereinafter referred to as Free Movement Act) and Act II of 2007 on the Entry and Stay of Third-Country Nationals (hereinafter referred to as new Aliens Act) replaced the previous Aliens Act.

The **Free Movement Act** and its implementing Government Decree implement the Council Directive 2004/38/EC and regulate the entry and residence of persons enjoying the right to free movement and residence and the entry and residence of their family members. With certain differences Hungary extended the scope of these favourable rules on the third-country

<sup>6</sup> Data provided by the Public Employment Service, on 30. 06. 2010, <http://en.afsz.hu/>.



national family members of Hungarian citizens, as well. The Free Movement Act entered into force on 1<sup>st</sup> July 2007.

The new **Aliens Act** and its implementing Government Decree regulate the entry and residence of third-country nationals (except the family members of persons enjoying the right to free movement) and also entered into force on 1<sup>st</sup> July 2007. With our full Schengen membership on 21<sup>st</sup> of December 2007, the New Act on Aliens was modified and the system of long-term visas and residence permits were significantly changed. Previously those third-country nationals who wished to stay in Hungary, had to apply for a so-called residence visa at the Hungarian consulate in their country of origin. These visas were valid for up to a year. After 21<sup>st</sup> of December 2007, third-country nationals can only apply for a residence permit at the consulate. If the permit is granted, third-country nationals can travel to Hungary in the possession of a special visa (visa entitling its holder to acquire a residence permit), and obtain their residence permit in the territory of Hungary. Those, who can travel to Hungary without a visa can apply for a residence permit in Hungary, at the OIN.

For the time being three categories of third-country nationals wishing to stay for more than three months are covered by the *acquis*: family members (Council Directive 2003/86/EC on the right to family reunification), **students**, volunteers (Council Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service), and **researchers** (Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research). The introduction of researchers as new, privileged category into the national legislation was novelty for Hungary. The main challenge with regard to this category was to lay down the conditions and the procedure under which a research organization can be approved by the competent authority. Such research organizations have the right to conclude hosting agreements with researchers from third countries, facilitating their admission to the country. Provisions on family reunification and studies were already included in our national law, only slight adjustments had to be done in order to fully transpose the directives.

### **Changes in the legislation**

With the modification of the Act II of 2007 in 2010 Hungary corrected slightly the previous rules, which transposed Directive 2004/38/EC and made slight adjustments on the Act. The changes modified the concept of family member in the Act as well.

These changes also affect rights of third-country national students. After the adoption of the act students need to show that they have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the Republic of Hungary during their entire period of residence in the territory of Hungary.

According to Council Directive 2004/114/EC which directive was also transposed, third-country national students who want to obtain residence permit for educational purposes have to verify their language knowledge with authentic documents or any other provable way.



**The Hungarian strategy of the Cooperation in the Area of Freedom, Security and Justice of the European Union** states that in the field of legal migration **the circular migration of highly-skilled migrants needs to be encouraged to the benefits of the Member States and third countries and to the benefits of the migrants themselves.** The strategy also states that in line with the Commission Communication “Researchers in the European Research Area: One profession, multiple careers”<sup>7</sup> and the Commission Recommendation on the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers<sup>8</sup>, **it is important to promote the adoption of legislation that makes the international mobility and employment of persons working in scientific positions possible without barriers.**

Hungary has undertaken preparatory work in 2010 for transposition of the EU Blue Card Directive. The transposition of the directive is expected to be done by in June 2011. Hungary also tries to provide attractive labour migration opportunities for highly qualified third-country nationals. The Hungarian strategy also intends to simplify and relax the conditions of entry of highly-qualified third-country nationals.

In case of **gainful employment** work permits are issued by the employment agencies. The residence permit and the work permit are not incorporated into a single document for the time being. Two authorities, namely the immigration office<sup>9</sup> and the employment agency are involved in the process. Nevertheless, the rules of this procedure will have to be changed in due time, if the relevant EC directive on the single permit enters into force. At the moment not only the authorities involved are different, but also the applicants, since it is the third-country national who has to submit an application for a residence permit, while in case of the work permit, it is the employer who asks for the issuance. **In 2009, 9164 residence permits whilst during the first 11 months of 2010, 12796<sup>10</sup> residence permits were granted for the purpose of gainful employment.**

**In case of studies** the third-country national needs to submit a certificate from the relevant educational institution or a document to verify his/her student status. **In the academic year 2007/2008**, the number of foreign students participating in higher education in Hungary was 15 459 from which 6 955 students were third-country nationals and 8 504 students were EU nationals<sup>11</sup>. In the academic year 2008/2009 the number of foreign students participating in higher education in Hungary was 16 916 from which 7 606 students were third-country nationals and 9 310 students were EU nationals. **In the academic year 2009/2010** the number of third-country nationals in the higher education was 18154 from which the number of third-country nationals was 9244 and 8910 students participating in the higher education came from the EU. **In 2009, 90019 residence permits whilst during the first 11 months of 2009, 9547 residence permits were granted for study purposes.**

<sup>7</sup> COM/2003/0436 final.

<sup>8</sup> 2005/251/EC.

<sup>9</sup> OIN.

<sup>10</sup> Data provided by OIN.

<sup>11</sup> Data provided by the Ministry of National Resources, available in Felsőoktatási statisztikai kiadvány 2009 at [http://db.okm.gov.hu/statisztika/fs09\\_fm/](http://db.okm.gov.hu/statisztika/fs09_fm/) (20. 12. 2010.)



**In case of scientific research**, the residence permit can be issued to third-country nationals who have concluded a hosting agreement with an accredited research organization<sup>12</sup>. Specific legislation applies in order to regulate the accreditation procedure of research organizations and the rules regarding the hosting agreement. This legislation is in compliance with the relevant EU acquis, namely with Council Directive 2005/71/EC. The office having the competence to approve research organizations is called the National Office for Research and Technology which is a government office under ministerial supervision. **In 2009, 49 residence permits whilst during the first 11 months of 2010, 53 residence permits were granted on the basis of scientific research<sup>13</sup>.**

***1(c) Do not aggravate the brain drain***

Please describe any (planned) measures to favour circular or temporary migration, as well as other measures taken to avoid brain drain, for example awareness raising actions, development of data and indicators on this phenomena, prevention, list of countries and professions subject to brain drain.

No specific actions were taken in this field.

**1.2 Stockholm Programme** (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

***1(b) Improving skills recognition and labour matching***

Describe any (planned) measures to improve the skills recognition of third-country nationals and labour matching between your Member State and third countries (including online employment, etc). Linked to this, describe whether and how your Member State analyses its labour market needs / shortages. Also consider the effect of the economic crisis.

In Hungary the Public Employment Service is responsible for undertaking analysis of the labour market. It publishes main figures which characterise the labour market on a half year basis on its website.

The current data for the last half year are available on the home page of the Public Employment Service<sup>14</sup>. On this site the data of foreign employees can be found who obtained permits, registrations, and green card certificates in the last six months.

Due to the economic crisis the number of work permits issued for the reason of remunerative activities decreased with 27% significantly in the reported period 2010 in comparison to the previous year.

Especially processing industry and car industry were affected by the economic crisis because its industrial areas are mostly situated near to the Hungarian border in the western and north-western part of Hungary and they employ foreign employers in a higher number. Some of

<sup>12</sup> Detailed rules are laid down in Government Decree 181/2007. (VII. 6.) on the accreditation of research organizations hosting third-country national researchers and on the hosting agreement

<sup>13</sup> Data provided by OIN and contains data of first issued and renewed permits.

<sup>14</sup> <http://en.afsz.hu/>



these industrial actors left the country because of the economic crisis and they dismissed their foreign employees in a higher number.

### 1.3 Key statistics<sup>15</sup>

<i>First residence permits, by reason</i>				
	Total	Education reasons	Remunerated activities reasons	Other reasons
First permits <sup>16</sup>	11792	4084	3983	3725

<i>All valid residence permits, by duration</i>				
	Total	3-5 months	6-11 months	12 months and over
All permits	78662	926 <sup>17</sup>	6675 <sup>18</sup>	71061 <sup>19</sup>

<i>Unemployment rates of Member State citizens versus third-country nationals residing in the Member State</i>		
	Member State citizens	Third-country nationals
Unemployment rate (%)	2366 <sup>20</sup>	934 <sup>21</sup>

## 2 Family Reunification

### 2.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

#### *I(d) To regulate family migration more effectively*

Please describe any new policies / legislation in this regard or changes to existing policies and legislation regulating family migration. Consider also your Member State's reception capacity and the extent to which the family member's capacity to integrate is being taken into account in the admission procedure, e.g. their knowledge of the country's language, level of education, professional background, other.

The significant development of the year 2010 was the modification of Act II of 2007. The modified act came into force on 24<sup>th</sup> December 2010. According to this change if a third-country national wishes to enter the territory of the Republic of Hungary for the purpose of family reunification the third-country national can enter Hungary according to the rules which regulate the entry of third-country nationals and no advantages can be ensured for the third-country nationals. The implementing governmental decree of the Aliens Act was also modified, and the modification entered into force also on 24<sup>th</sup> December 2010. The former

<sup>15</sup> Data on 30. 11. 2010 and contains all type of permits valid at the end of the period except immigration permit and residence permit where the data on 30. 06. 2010 are provided.

<sup>16</sup> Data contains just figures of residence permits issued for the first time.

<sup>17</sup> For 1 – 6 months

<sup>18</sup> For 6 – 12 months

<sup>19</sup> Including of Immigration Permit and Permanent Residence Permit

<sup>20</sup> Number of unemployed persons from a Member State (Total number of unemployed persons was 556 00 person in November 2010)

<sup>21</sup> Number of unemployed persons who are third-country nationals





implementing governmental decree stipulated explicitly that there is only one exceptional personal category regarding family reunification: **the third-country national family member of a recognized refugee** does not have to provide evidence that he/she meets the entry conditions of

- having accommodations or a place of residence in the territory of the Republic of Hungary;
  - having sufficient means of subsistence and financial resources to cover their accommodation costs for the duration of the intended stay and for the return to their country of origin or transit to a third country;
  - having full healthcare insurance or sufficient financial resources for healthcare services,
- if the application for family reunification is submitted within a period of 6 months after the granting of refugee status. This exception was not modified but the new executing governmental decree explicitly excludes the **third-country national family members of a beneficiary of subsidiary protection from this exceptional category.**

Furthermore the new implementing governmental decree introduces the possibility of DNA examination regarding the certification of the family relationship in the cases of family reunification with a refugee or a beneficiary of subsidiary protection.

The existing relationship between the family-members shall be checked by the responsible consular authority.

Another significant development in the field of legislation was the modification of the Act I of 2007 on the Entry and Residence of Persons with the Right of Free Movement. The amendment specifically seeks to reflect on the critical remarks of the European Commission concerning the transposition of Council Directive 2004/38. This modification came into force also on 24<sup>th</sup> December 2010. One of the modified rules states that the right of the third-country national family member of an EEA-citizen for residence will be terminated if the third-country national established the family relationship in order to obtain the right of residence.

Concerning statistical data, in 2009, 6 083 residence permit for the purpose of family reunification were issued or renewed, while during the first eleven months of 2010, 5 371<sup>22</sup> residence permits for the purpose of family reunification were granted or renewed to third country nationals.

## **2.2 Stockholm Programme** (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

### **2(b) The Directive on family reunification, the importance of integration measures**

Please describe any concrete (planned) measures to further promote the integration of third-country nationals coming for the purpose of family reunification.

<sup>22</sup> Figures of first permits and renewals it contains data of residence permits and residence cards issued for third-country national family member of an EEA-citizen.



There is no specific programme for the integration of third-country national family members but they can benefit from programmes and measures which aim at supporting the integration of third-country nationals.

The integration of third-country nationals residing in Hungary for the reason of family reunification is promoted by the Hungarian legislation as well because they can engage in gainful activities and in some cases, determined in the legislation, they can be employed without any authorization or any kind of work permit.

## 2.3 Key statistics

<i>First residence permits for family reasons</i>	
Number of first permits	1502 <sup>23</sup>

## 3 Other legal migration

### 3.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

***I(e) to strengthen mutual information on migration by improving existing instruments where necessary;***

Please describe any (planned) sharing and exchanging of information on migration with other Member States, through existing networks and other instruments. Note that the European Migration Portal is to be discussed under the commitment below.

During the reference period 2010, Hungary further strengthened its national network of the European Migration Network which was established in 2008. After October 2008, altogether four national network meetings and one thematic meeting on statistical data collection relating to migration and asylum were held. All relevant governmental (e.g.: Ministry of National Resources, Office of Immigration and Nationality), intergovernmental (e.g.: International Organization for Migration, Terres des Hommes), international (e.g.: United Nations High Commissioner for Refugees), and several non-governmental organizations (e.g.: Hungarian Interchurch Aid, Hungarian Helsinki Committee) academic experts (e.g.: Hungarian Scientific Research Institute, Central Statistical Office) and judges represent themselves in the network. The network has now more than 40 members.

Above this the Hungarian EMN NCP's new website will become operational by the beginning of 2011 in order to facilitate the exchange of information with the national partners and to enhance the EMN's role in responding quickly to upcoming information needs that are relevant to policymaking.

This website of HU EMN NCP will be constructed as a bilingual site and all the relevant Hungarian NCP outputs will be uploaded regularly to the site.

<sup>23</sup> Number of first permits (first issued), data provided by OIN.



***I(f) Improve information on the possibilities and conditions of legal migration***

Please describe any (planned) measures to improve the provision of information on the possibilities and conditions of legal migration. These could include, for example, information campaigns, websites, specific centres, etc. Also refer to the European Migration Portal. Consider the effects of the economic crisis.

There are several websites providing information about the conditions of entry into and stay in Hungary, such as the websites of some Hungarian embassies, and the website of the Office of Immigration and Nationality. On the latter the relevant legislation is available in English as well as detailed information on the main procedures. The standard forms which are used in the procedure can also be found on this website in English, French and German. The forum on the website allows visitors to ask detailed information regarding their individual cases and receive answer from the authority. While this function is only available in Hungarian, those who do not speak Hungarian have the possibility to ask questions via e-mail. These portals were continuously working in 2010.

Furthermore there is a new online visa-administration portal co-financed by the External Borders Fund: <http://www.visaportal.hu/>.

**3.2 Stockholm Programme** (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme are similar to the Pact objective above, hence no further information required.

**4 Integration**

**4.1 European Pact on Immigration and Asylum** (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

***I(g) Promote harmonious integration in line with the common basic principles***

The common basic principles may be found in the JHA Council Conclusions of 19 November 2004, [doc. 14615/05](#),<sup>24</sup> as well as the Commission Communication [COM\(2005\) 389](#).<sup>25</sup>

Please describe (planned) measures for the integration of third-country nationals, considering, for example, measures enabling immigrants to acquire a basic knowledge of the host society's language, history, and institutions, "efforts in education" "participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level", access to employment and public and social services, policy development on integration, etc.

<sup>24</sup> Available from [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/82745.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/82745.pdf).

<sup>25</sup> Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0389:EN:NOT>.



The Hungarian strategy of the Cooperation in the Area of Freedom, Security and Justice of the European Union aims at strengthening the efforts facilitating the integration of legal migrants in accordance with – among others – the Common Principles adopted in 2004 and the criteria of the Common Agenda for Integration adopted in 2005. It declares that in order to facilitate the integration of foreigners, initiatives aiming at developing integration programs tailored to the needs of newly arrived migrants, as well as the adoption of actions promoting integration – in particular, counselling on fundamental rights and access to employment, as well as the handling of problems arising in the field of education and actions aimed at eliminating discrimination – must be supported. In this respect, actions increasing tolerance towards foreign citizens and their social integration must be strongly emphasized.

Beyond the strategy Hungary implements the Common Basic Principles with the help of the European Fund for Integration (EIF). As a sign of its commitment to promote the integration of third-country nationals the Ministry of Justice and Law Enforcement continued to co-finance the projects with 25 % which means that project beneficiaries do not have to provide financial contribution when applying for the European Fund for Integration. In 2010 Hungary made use of the allocation disposable under the Annual Programme 2009. For the first priority which aims at implementing the Common Basic Principles 1 201 094 Euros were allocated. Within the framework of this priority there are nine ongoing projects. One of these ongoing projects intends to improve the education of third-country national children staying in Hungary with the development of educational materials, another project offers language training for third-country nationals. The purpose of four projects is enhancing intercultural dialogue in Hungary between Hungarians and third country nationals.

Within framework of three other projects the Responsible Authority supports the integration of third-country nationals with help of other services (for instance with legal counselling, with interpretation and translation service, with social work for groups and for individuals, and within an other project with consultation about labour market and employment possibilities in Hungary).

***I(h) Promote information exchange on best practices in terms of reception and integration***

Please describe any relevant activity, e.g. the development of a national website and/or forum on integration, development of information exchanges between institutions and other stakeholders within your Member State, etc. Also consider possible contributions to the European Integration Forum and the European website on Integration.

During the reference year 2010 both the working group on integration and the working group on education of migrant children were operational. (These working groups were described in the Annual Policy Report 2009). The working group on integration held one meeting in 2010 and its members contacted with each other via e-mail. The web-site “migransintegracio.hu” which was set up in 2009 was operational in 2010 as well and it made the information exchange between the relevant organizations dealing with integration easier and it provided information about application possibilities for allocations, about news related to immigration and about professional developments on the field of immigration.

On the June European Integration Forum Hungary was represented by the representatives of two NGOs: Menedék Association and Artemisszió Foundation. On the December Forum



Hungary was represented by a representative of the Ministry of Interior and a representative of the Permanent Representation of Hungary to the European Union, who presented Hungary's priorities for the Hungarian Presidency of the Council of the European Union. In order to ensure continuity, representatives of the Menedék Association and Artemisszió Foundation were also present.

The Hungarian country sheet was updated several times during the year with the input of the Hungarian National Contact Point for Integration.

Moreover, preparations have already started to organise a conference in the field of integration during the Hungarian Presidency on 17-18 May 2011 in Budapest, entitled "Promoting integration through media and intercultural dialogue". The expert-level conference will mainly focus on the exchange of best practices and policies concerning these topics.

#### **4.2 Stockholm Programme** (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

##### ***3(b) to incorporate integration issues in a comprehensive way in all relevant policy areas***

Please elaborate whether and how integration issues are integrated on other national policies.

Besides the above-mentioned strategy Hungary does not have a complex migration strategy. The rights which enhance the integration of immigrants can be found in a mainstream way in different sectoral legislation.

The Hungarian legislation which prescribes the conditions of entry and stay does not require a specific level of integration for the migrant (for instance ground level knowledge of the Hungarian language and knowledge about the society). Meanwhile the legislations relevant in field of integration – the legislation on accommodation, on child care, and on social insurance and their personnel scope covers beside the Hungarian citizens most part of the migrants (primarily the immigrants who obtained immigrant status according to the former legislation, permanent residents or persons with the right of free movement and stay). Towards some target groups, for example towards recognised refugees and towards beneficiaries of subsidiary protection we can find positive discrimination in the legislation as well.

##### ***3(e) improved consultation with and involvement of civil society***

Please describe consultation processes with civil society and their involvement in integration policymaking and measures.

NGOs are also members of the above mentioned working group on integration and they regularly take part in the meetings too. With their opinion they can be strategic partner in specifying of the annual priorities and actions of the European Integration Fund.

##### ***3(f) to enhance democratic values and social cohesion in relation to immigration and integration of immigrants and to promote intercultural dialogue and contacts***

Please describe any measures taken in this regard. For example, indicate whether these are included in integration courses and programmes, whether specific activities, e.g. events, have been organised, etc.





In accordance with the principle that integration is a two-way process, where the receiving society has an important role too the strategy stresses that actions increasing tolerance towards foreign citizens and their social integration must be strongly emphasized.

For this purpose four projects are implemented in 2010 with the support of EIF and the Ministry of Justice and Law Enforcement, then the Ministry of Interior which aim at facilitating intercultural dialogue and three more projects intend to inform the Hungarian society about immigration and immigrants. 588 148 Euros were allocated by the Ministry of Justice and Law Enforcement for implementation of these projects.

During the implementation of the projects the culture of immigrants will be presented in four country cities (in Pécs, in Szeged, in Debrecen and in Miskolc) on different cultural events.

Media and art master-courses and a summer camp were organised for migrant and Hungarian youngsters and as a result of these events their production (music or dance) was presented with help of professional artists.

Two travelling picture exhibitions were realized from the photos of third-country national children and a programme series of eight nights containing cultural/art/music and gastronomic events were held. These programmes will be completed with a social media campaign too.

Beside these a documental film series made up from twelve episodes was produced which elaborates on the immigration, on the country of origin of immigrants and on the troubles of immigrants which they are facing during the integration process. This series were broadcasted on a public broadcasting channel. In the framework of another project two short social advertisements were produced which aim at emphasizing the value of multicultural society, the advantages of integration. These films have also been already broadcasted on television channels.

### 4.3 Key statistics

<i>Long-term third-country national residents</i>	
Number of long-term third-country national residents	35114 <sup>26</sup>

<i>Acquisition of citizenship</i>	
Number of third-country national nationals (Citizens of countries other than of EU-27, EFTA and Candidate countries) taking up citizenship	2012

## ILLEGAL IMMIGRATION AND RETURN

### 5 Illegal Immigration

#### 5.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

<sup>26</sup> Number of immigration permits, permanent residence permit according to Act XXXIX of 2001 and number of EC permanent residence permits according to Act II. of 2007



***II(a) only case-by-case regularisation***

Please indicate whether any regularisation took place and how in your Member State legal status was given to illegally staying third-country nationals. Also provide information on trends with respect to the number of persons regularised.

Hungary did not undertake any form of Regularisation in 2010. Such regularization was in 2004 under the Act XXXIX of 2004.

***II(c) ensure that risks of irregular migration are prevented***

Please describe your Member State's policy concerning preventing irregular migration. Note that information on other relevant measures, such as border control are to be provided in the later sections of this report (see Sections 9 and 10).

Combating illegal migration activities is a part of the effective migration policy. Due to its geographical situation, Hungary is significantly affected by the Eastern-South Eastern migratory flows and the form of illegal migration is to a great extent transit migration towards Western Europe.

A fundamental element of the effective fight against illegal migration is the cooperation among Member States, the Commission, agencies and the countries of origin and transit. In order to combat the phenomena of illegal migration, we aim at concluding bilateral and EU readmission agreements, and deepening the cooperation with the countries of origin and transit in the framework of the Global Approach of Migration. Hungary has concluded 25 bilateral readmission agreements.

The bilateral protocols with Moldova, Albania and Serbia implementing the EU readmission agreements entered into force in 2010. We have successfully completed the negotiations with Russia on the bilateral implementing protocol (the next step is the signing of the protocol), which will enter into force probably in 2011.

Hungary's accession to the European Union opened 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 (OIN), has more sources to strengthen their efforts in the field of voluntary return. 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).

***II(d) to develop cooperation between Member States, using, on a voluntary basis and where necessary, common arrangements to ensure the expulsion of illegal immigrants***

Please describe cooperation with other Member States, with regard to the expulsion of persons found to be staying illegally on the territory, including biometric identification of illegal entrants, joint expulsion measures (e.g. flights), etc.



The biometrical data of illegal immigrants against whom an order to leave ordered is registered and those data will be deleted after the person left the territory of the country.

With a view to avoiding any overlap in proceedings and for establishing the identity of third-country nationals, the authority ordering the obligation to leave the territory of the Republic of Hungary, ordering expulsion under immigration laws, compulsory confinement, exclusion, detention under immigration laws or carrying out the expulsion ordered by the court shall take the fingerprint and photograph of the third-country national affected.

With the financial support of the European Return Fund, IOM in cooperation with the OIN, organized one voluntary return programme in the course of 2010. In addition, OIN made study trips to Amsterdam, Copenhagen, Nurnberg and Austria. The other project of the OIN aims at improving quality of the return by air.

From 2009 Hungary took part in joint return flight operations. In 2010 we implemented 5 joint operations in the coordination of FRONTEX (to Nigeria, in co-operation with Austria, France and Ireland). The OIN signed a memorandum with FRONTEX on 7 October 2010 and aims at facilitating the financing of the participation in operational activities.

***II(g) take rigorous actions and penalties against those who exploit illegal immigrants***

Please describe the transposition and operational execution (e.g. prosecution of employers hiring persons illegally staying in your Member State) of the “Employer Sanctions Directive,” as well as other relevant actions and developments.

Hungary is working on the transposition of the Employers’ Sanctions Directive (2009/50/EC) by June 2011 in order to fully comply with the latest developments of the acquis of the Union in this field.

***II(h) an Expulsion Decision taken by one Member State (MS) should be applicable throughout the EU and entered into the SIS obliging other MSs to prevent the person concerned from entering or residing***

Please describe any relevant developments with regard to expulsion decisions and the principle of mutual recognition of these decisions.

No specific actions were taken in this field.

**5.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)**

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

***4(j) more effective action against illegal immigration and trafficking in human beings and smuggling of persons by developing information on migration routes as well as aggregate***



***and comprehensive information which improves our understanding of and response to migratory flows***

Please describe information collection activities undertaken in your Member State to identify migration routes, patterns and other relevant factors relevant to illegal immigration.

No specific actions were taken in this field.

***4(k) increased targeted training and equipment support***

Please describe any training measures and equipment support to combat irregular immigration which are not linked to border control (which is discussed in section 9 below).

No specific actions were taken in this field.

***4(l) a coordinated approach by Member States by developing the network of liaison officers in countries of origin and transit.***

Please describe recent or planned developments with regard to your Member State's liaison officers in countries of origin and transit.

Hungary attaches great importance to immigration liaison officers (ILO) as they contribute to the prevention and combating of illegal immigration, the return of illegal immigrants and the management of legal migration. Hungary has delegated 3 experts in Turkey, in Egypt and in Nigeria. Besides the "general" border management cooperation with our neighbouring countries Serbia and Ukraine, there are regular bilateral border management seminars organized every half year. The Hungarian Police posted an ILO to Serbia in 2010 to enhance the cooperation with the relevant Serbian authorities.

In accordance with Council Decision 377/2004/EC Hungary is a Member State of the ILO Network. ILO Officers are delegated in Abuja (Nigeria), in Istanbul (Turkey), in Cairo (Egypt).

Within framework of the ILO I and II project and as part of the forthcoming ILO III project ILO officers will be placed into Hanoi (Vietnam) into Ankara (Turkey) and into Cairo (Egypt).

The ILO Officer from Abuja will be set to Hanoi because in Abuja the Hungarian Embassy was closed this year and replacement of the ILO from Istanbul to Ankara can be explained as a logistical decision which raises the effectiveness of work of the Liaison Officer.

Those countries were selected as headquarter of the Liaison Officers where the figures of refused visa applications and numbers of asylum seekers are high.

We must add that by the choice of the post for the Officers the point of view of our project partners played also an important role (Czech Republic and Finland).



### 5.3 Key statistics

<i>Third-country nationals apprehended and regularised</i>		
	Apprehended	Regularised
Third-country nationals	1278 <sup>27</sup>	0

## 6 Return Migration

### 6.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

#### *II(b) To conclude readmission agreements at EU or bilateral level*

Please list the number of bilateral agreements negotiated and achieved during the reference period, specifying their purpose and with which third country. Also list the EU readmission agreements in which your Member State took part during the reference period. You could use the following table:

Type of readmission agreement	Third countries involved	Main purpose of the agreement
(EU or bilateral) - Government Decree 52/2010 (11. III.) on the agreement between the Republic of Hungary and between the Council of Ministers of Albania on the implementation of the Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation, signed in Luxemburg on 14. April 2005	Republic of Albania	

<sup>27</sup> Data provided by the Office of Immigration and Nationality





<ul style="list-style-type: none"> <li>- Protocol between the Republic of Hungary and between the Republic of Serbia on the implementation of the Agreement between the European Community and the Serb Republic on the readmission of persons residing without authorisation, signed in Brussels on 18. September 2007</li> </ul>	<p>Republic of Serbia</p>	
<ul style="list-style-type: none"> <li>- Protocol between the Government of the Republic of Hungary and the Government of the Republic of Moldova on the implementation of the Agreement between the European Community and the Republic of Moldova on the readmission of persons residing without authorisation, signed in Brussels on 10 October 2007</li> </ul>	<p>Republic of Moldova</p>	

Please only provide information on readmission agreements. Information on other agreements with third countries will need to be added in other sections of the report (e.g. Sections 8 and 13).



***II(f) To devise incentive systems to assist voluntary return and to keep each other informed***  
Please describe (planned) measures to promote voluntary return, assistance provided in voluntary return, provision of information to other Member States on person returned.

HU EMN NCP has prepared a report on Assisted Voluntary Return. This report can be found on the <http://emn.sarenet.es> website.

The Division of Coercive Measures and Repatriation for Directorate of Aliens Policing of the Office of Immigration and Nationality, as the competent authority to organize illegal migrants' return to the country of origin, in Hungary work in cooperation with the International Organization for Migration (IOM) in all cases in which the alien applied for voluntary return assistance by IOM.

The possibility is assured for these illegal migrants to apply for voluntary return assistance by IOM from Hungary, in case the costs of return are beyond the person's purse.

Considering the health-status of the returnee, in case it appears to be necessary to assure medical support, the IOM assures health-staff during the journey back to the country of origin or into the country that is liable to accept the returnee.

As a financial support, each applicant will receive 100 € in cash grant from IOM, for the additional travel expenses.

Beside these supports, IOM offers a reintegration programme as well, to support education or a business proposal.

## **6.2 Stockholm Programme** (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

### ***4(c) ensuring that the objective of the EU's efforts on readmission should add value and increase the efficiency of return policies, including existing bilateral agreements and practices***

Please describe how the bilateral and EU readmission agreements are contributing to the implementation of your Member State's return policy.

Hungary has 25 bilateral readmission agreements. Out of these agreements 8 have been concluded with third countries (not including non-EU Member State EEA countries): Albania, Bosnia and Herzegovina, FYROM, Moldova, Montenegro (as a result of state succession), Serbia and Ukraine.

### ***4(e) assistance by the Commission and Frontex and Member States on a voluntary basis, to Member States which face specific and disproportionate pressures, in order to ensure the effectiveness of their return policies towards certain third states***

Please describe whether your Member State has benefited from / has provided any return support in case of specific and disproportionate pressures in your / in another Member State. Note that joint return flights are to be discussed under the following commitment.



No specific actions were taken in this field.

**4(f) increased practical cooperation between Member States, for instance by regular chartering of joint return flights**

Please describe practical cooperation with other Member States in the area of return, such as the organisation of joint return flights, the preparation of travel documents, etc.

Please see section 5.1 II (d)

**1. Table**

<b>Number of expulsions ordered by the Aliens Policing Authority, 2009. I-XI. 2010</b>		
<b>Nationality</b>	<b>2009.</b>	<b>I-XI. 2010</b>
<b>Kosovar</b>	249	354
<b>Vietnamese</b>	196	46
<b>Serbian</b>	153	81
<b>Palestinian</b>	4	116
<b>Afghan</b>	14	219
<b>Other</b>	344	607
<b>Total:</b>	<b>960</b>	<b>1423</b>

**2. Table**

<b>Number of expulsions ordered by Court</b>		
<b>Nationality</b>	<b>2009.</b>	<b>I-XI. 2010</b>
<b>Ukraine</b>	142	76
<b>Serbian</b>	90	69
<b>Roman</b>	58	45
<b>Kosovar</b>	39	43
<b>Moldavian</b>	30	7
<b>Other</b>	125	102
<b>Total:</b>	<b>484</b>	<b>342</b>



### 3. Table

Voluntary returns by main nationalities		
Nationality	2009.	I.-XI. 2010
Kosovar	228	293
Mongolian	16	1
Serbian	11	0
Macedonian	8	4
Turkish	6	7
Albanian	1	24
Other	21	76
<b>Total:</b>	<b>291</b>	<b>405</b>

### 6.3 Key statistics

<i>Third-country nationals ordered to leave and returned</i>				
	Ordered to leave	Returned following an order to leave	Returned as part of forced return measures	Returned through an Assisted Return Programme (voluntary departure)
Third-country nationals	2262 <sup>28</sup> 1423 <sup>29</sup> 342 <sup>30</sup>	1284 <sup>31</sup> 516 <sup>32</sup>	587 <sup>33</sup>	405 <sup>34</sup>

## 7 Actions against human trafficking

### 7.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

#### *II(e) cooperation with the countries of origin and of transit, in particular to combat human trafficking and to provide better information to communities under threat*

Please describe any (planned) actions at national level to fight human trafficking and incorporation of third countries within them, awareness raising actions in third countries

<sup>28</sup> Data provided by the National Police Headquarters.

<sup>29</sup> Ordered by the aliens policing authorities.

<sup>30</sup> Ordered by Court

<sup>31</sup> Data provided by the National Police Headquarters.

<sup>32</sup> Number of forced removal ordered by the aliens policing authorities

<sup>33</sup> Data provided by OIN on 30.11.2010.

<sup>34</sup> Data of 30.11.2010.



addressing communities at risk, etc. Please only refer to cooperation with regard to combating human trafficking. Information on other types of cooperation will need to be provided in other sections of the report (e.g. Sections 10 and 13).

Hungary has a national strategy against human trafficking which was adopted by the **Government Resolution No 1018/2008 (III. 26.) on the 2008-2012 National Strategy against trafficking in human beings**.

The national strategy against trafficking in human beings is the base of combating trafficking in human beings, it lays down its main principles, identifies those participating and involved in prevention, prosecution and victim support.

In order to respond to the problem of trafficking in human beings in a complex manner, it is necessary to involve in the strategy every stakeholder from the government, and judicial sector as well as from non-governmental side. In the procedure of creation of the strategy the followings did or do participate:

- Departments concerned of the former Ministry of Interior,
- National Police Headquarters,
- National Bureau of Investigation,
- The former National Headquarters of the Border Guards,
- Office of Immigration and Nationality,
- Protective Service of Law Enforcement Agencies,
- Police College,
- National Institute of Criminology,
- National Council of Justice,
- Prosecution Service,
- The former Ministry of Social Affairs and Labour (Ministry of National Resources),
- Ministry of Foreign Affairs,
- Non-governmental organizations concerned,

The national strategy has been estimated by:

- IOM International Organization for Migration.

These organizations held a meeting quarterly. Beside this the members of the meetings on the strategy against human trafficking exchange information regularly via e-mail. The national coordinator of the fight against human trafficking is the Deputy State Secretary for European and International Affairs of the Ministry of Interior.

Hungary is primarily a transit-country of human trafficking for the reason of forced prostitution from Ukraine, Moldova, Bulgaria, and Romania towards the Western-European countries and towards USA.

We must add that Hungary is a country of origin of human trafficking for sexual exploitation into Austria, Germany and other Western-European countries. Above that Hungary is a target country in relation to Ukraine, Moldova, Romania and Russia.





Concerning the analysis of statistical data it has to be emphasized that the figures contain just data of the National Police and ERÜBS.

It is hard to analyse data of the victims because for the time being there is no data collection about victims in relation to THB criminality – except procuring.

According to statistical data it can be proved that the victims of human trafficking are mostly under the age of 18 or young adults mainly women.

Taking part in the projects of the EU Commission is especially a successful part of the actions against human trafficking. Since 2007 Hungary has been taken part in the implementation of two projects. In 2010 Hungary could take part in a project as well, the National Agency against Human Trafficking of the Police of Romania made a project proposal on the fight against human trafficking for the purposes of working exploitation.

Our bilateral contacts with Switzerland, Italy and Romania have to be outlined. With these countries Hungary was able to develop operative cooperation on level of the national policies and the Ministry of Interior has a strategically cooperation with these countries.

The Presidency Programme of Hungary deals with the information of other Member States on new forms of human trafficking (like forced begging, forcing for criminal activities) as a priority in order to adopt it in form of a Council Conclusion. The research will be implemented in a survey and its conclusions will be evaluated on a conference in early spring 2011.

According to **Act CXXXV of 2005 on Crime Victim Support and State Compensation** if the assisting authority finds that a third-country national, turning to it for help, is victimized by trafficking in human beings, he/she is given a month's time to think it over whether he/she intends to cooperate with the authorities investigating the related criminal act and he/she is entitled to get a certificate of temporary stay for the one-month time to think and a residence permit for the period of cooperation with the authorities.

Under the **Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals** in the absence of the requirements for a residence permit any third-country national, or other affiliated third-country nationals on his/her account shall be granted a residence permit on humanitarian grounds for substantial national security or law enforcement reasons – by initiative of the national security or law enforcement agency –, who has cooperated with the authorities in a crime investigation and has provided significant assistance to gather evidence.

Under the Government Decree 114/2007 on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals third-country nationals who are victims of trafficking in human beings may be placed in a reception centre reserved for victims of trafficking in human beings or in other places of accommodation maintained under contract.



According to the Government Decree 114/2007 on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals third-country nationals who are victims of trafficking in human beings shall be entitled to receive provisions under the scope of personal care, including financial provisions and financial assistance.

Provisions under the scope of personal care are: room and board in a community hostel or the like; medical services; meals provided in an educational institution.

Financial provisions: one-off moving allowance and school aid.

Financial assistance: rental support; financial support for leaving the country permanently; covering the costs of a pre-employment medical examination and aptitude test, and the costs of translation of documents in proof of vocational training.

The competent regional directorate of the OIN may authorize third-country nationals who are victims of trafficking in human beings tenancy in a community hostel beyond the eighteen-month period under special and equitable circumstances, and if justified by virtue of their financial standing and income.

### **7.2 Stockholm Programme** (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm are similar to the Pact commitments, hence no further description is required.

### **7.3 Key statistics**

<i>Third-country nationals receiving a residence permit as victims of human trafficking</i>	
Third-country nationals	N/A

<i>Traffickers arrested and convicted</i>		
	Arrested / otherwise involved in a criminal proceeding	Convicted
Traffickers	N/A	N/A

## **BORDER CONTROL**

### **8 Control and surveillance at external borders**

#### **8.1 European Pact on Immigration and Asylum** (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

##### **III(a) more effective control of the external land, sea and air borders:**

Please describe any relevant (planned) developments to ensure more effective control, such as reinforcing border control staff, providing training, increasing overall resources. Note that technological means are to be described under the Pact commitment below.



Hungary is fully committed to improve the common integrated border management system. The Hungarian National Police made great efforts to enhance the border control and border surveillance at the external borders of the Schengen area.

According to the National Strategy of the Hungarian National Police on Integrated Border Management that is based on the Stockholm Programme, Hungary supports the creation of the European Border Surveillance System (EUROSUR). Implementing the Strategy, the Hungarian National Police strengthened its border control and border surveillance capability and implemented technical developments at the external borders of Hungary through use of the External Borders Fund 2007-2013 allocations.

In the framework of the annual programmes 2007-2010 of the External Borders Fund the Hungarian National Police implemented 52 border management related projects in 2010. The preparatory work for establishing the National Coordination Centre has already begun in 2010.

With financial support of the External Borders Fund the staff of the police serving at the external borders took part in methodological, document knowledge training and foreign language trainings.

At the external border to Serbia and Ukraine increased border check measures were realized for a one week period and police power were deployed from internal part of the land to the external borders also financed by the External Borders Fund.

***III(e) deploy modern technological means for border control:***

Please describe any new technological equipment purchased and used during the reference period, including IT systems, surveillance equipment, automated border controls and fast track lanes, etc. If possible, also make reference to any developments relevant to the EU entry / exit system, the EU Registered Traveller Programme, the Schengen Information System (SIS II) and European Border Surveillance System.

The external border to Serbia and Ukraine was equipped with stabile thermo camera system in order to increase the effectiveness of the border control.

During the year 2010 the development of the HERR (Border Registration System) was completed and the same year the development of RITA (Informatics Support System to Border Control) was completed.

In accordance with the development of VIS computers and printers were purchased.

The preparatory work of establishing the NCC (National Coordinating Centre) within the framework of EUROSUR has begun in 2010.

Borders have inherently an international dimension. In addition to the further development of the EU policy on integrated border management Hungary also attaches great importance on the co-operation with third countries. Besides the “general” border management cooperation with our neighbouring countries Serbia and Ukraine, there are regular bilateral border management seminars organized every half year. The Hungarian Police posted an ILO to Serbia in 2010 to enhance the cooperation with the relevant Serbian authorities.

Hungary takes part as a donor (either financial or expertise) in different Community programmes and programmes organized by international organizations (TAIEX; IOM;



EUBAM; ICMPD; DCAF; BOMCA). Moreover, Hungary takes part as senior partner in the IBM twinning program in Turkey in 2010. The European Neighbourhood and Partnership Instrument (ENPI) Hungary-Slovakia-Romania-Ukraine Cross-border Cooperation Programme 2007-2013 has been started in 2010, a component of this programme aims to enhance and develop the border control and border surveillance at the Hungarian-Ukrainian border.

### **8.2 Stockholm Programme** (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

*7(i) invites the Member States and the Commission to explore how the different types of checks carried out at the external border can be better coordinated, integrated and rationalised with a view to the twin objective of facilitating access and improving security.*

Please describe any relevant (planned) actions taken to better coordinate different types of border checks (e.g. automated and non-automated, fast-track and non fast-track) at the external borders.

Hungary welcomes that the European Commission will introduce its proposal to set up an Entry/Exit System in 2011 according to the work programme of the Commission for 2011. Within the framework of the Hungarian VIS Pilot Project (supported by the External Borders Fund), the Hungarian Police took part in the development of the VIS and Entry/Exit System in Hungary. The Hungarian National Police also examines possibilities of developing an E-gate control system at Ferihegy International Airport in 2012.

### **8.3 Key statistics**

<i>Third-country nationals refused entry</i>				
	Total refused	Refused at the land border	Refused at the sea border	Refused at the air border
Third-country nationals refused entry	10987	10727	0	260

<i>Visas issued</i>			
	Total Visas	Schengen Visas	National Visas <sup>35</sup>
Visas	177 311	176 722	589

## **9 Cooperation with respect to border control**

### **9.1 European Pact on Immigration and Asylum** (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

<sup>35</sup> LTV Visas.



***III(b) generalise the issue of biometric visas, improve cooperation between MSs' consulates and set up joint consular services for visas:***

Please describe (planned) developments in relation to biometric visas, for example the share of visas issued which are biometric, regions covered, pilot measures and testing, etc, also referring to the Visa Information System (VIS).

With regard to cooperation between Member State consular services and the set up of joint consular services for visas, please describe any relevant progress in this area, for example listing the visa representation agreements signed and the Member States involved (please specify whether you Member State represents these Member States or vice versa).

The necessary amendments to the Hungarian national legislation have been completed in May 2010 with a view to the introduction of the VIS. The issuance of biometric visas will start in accordance with the go-live date of the VIS.

During the reference year 2010 Hungary implemented a project on development of the Central National Visa System. The NS VIS was amended to the new challenges. During the implementation of the project Hungary's goal was the adaptation of VIS Interface Control Document v1.72.

Hungary purchased the fingerprints-stations which are essential for the Office of Immigration and Nationality in order to use the biometric VIS functions.

Another significant goal of the year 2010 was the switching over from VISION System to VIS Mail. In order of the smooth switching over the Office of Immigration and Nationality performed complex informatics test beside the VISMAIL test CT and OST tests as well.

***III(d) solidarity with MS subjected to disproportionate influxes of immigrants***

Please describe whether your Member State has benefited from / has provided any support with regard to border control in case of specific and disproportionate pressures in your / in another Member State. Also provide information on your Member State's relevant participation in FRONTEX, by type of activity (e.g. joint operations). Note that information on other forms of support with respect to disproportionate influxes are to be provided in other sections (e.g. section 7).

Participation in the activities of FRONTEX has become a daily routine in 2010. Hungary took part in 9 joint operations on land and air borders with 50 officers. In November 2010 Hungary sent 12 border guard officers to Greece under the deployment of the RABIT. This support demonstrates the solidarity of Hungary towards other Member States which confronted with big challenges.

***III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control***

Please list any new or planned agreements, and other forms of bilateral and multilateral cooperation with third countries, specifying which countries, specifically in order to





strengthen the control of external borders and to combat illegal immigration. This could include the provision of border equipment, training of border guards, etc. Please note that wider / more comprehensive agreements are to be described under section 13 addressing the Global Approach to Migration.

The negotiations will be completed in January 2011 on the Agreement between the Government of the Republic of Hungary and the Government of the Republic of Serbia on the control of common railway and water border traffic and on the set up of a common contact point. The negotiations started with the Ukrainian Party in 2010 on the Agreement between the Government of the Republic of Hungary and the Government of Ukraine on the control of common railway and water border traffic and on the set up of a common contact point. The Hungarian Ministry of Interior also considers entering into negotiations with the Kosovar Ministry of Interior on a bilateral readmission agreement.

### **9.2 Stockholm Programme** (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

#### **6(a) The European Council encourages the Commission and Member States to take advantage of the entry into force of the Visa Code and the gradual roll-out of the VIS**

Please describe the progress of implementation of the Visa Code and VIS, if not already provided under Pact Commitment III(b) above.

In the frames of the yearly programmes 2007-2010 the Hungarian National Police ran 52 border management related projects in 2010. Within the framework of the VIS Pilot Project, the Hungarian Police took part in the development of the VIS and the Entry/Exit System.

The necessary amendments to the Hungarian national legislation were completed in May 2010 with a view to the introduction of the VIS. The issuance of biometric visas will start in accordance with the go-live date of the VIS.

## **ASYLUM**

### **10 International Protection**

#### **10.1 European Pact on Immigration and Asylum** (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Pact for this sub-section are in particular:

#### **IV(c) solidarity with MS which are faced with specific and disproportionate pressures on their national asylum systems:**

Please provide information on support provided to Member States experiencing specific and disproportionate pressures on their national asylum systems, with regard to the processing of requests for international protection. This could include seconding staff and sending resources or equipment.



The Hungarian asylum authority offered help for the Greek authorities in line with the Greek National Action Plan for Migration Management. The offer was covering general help in capacity-building for RSD procedures and reception issues.

Please describe any action undertaken with regard to the reallocation from Member States experiencing specific and disproportionate pressures of beneficiaries of international protection to other Member States. This relates to intra-EU movements, for example, as part of EU projects.

As regards the implementation of the Stockholm Programme, in particular its point 6.2.2. (Sharing of responsibilities and solidarity between Member States), Hungary has committed itself to support Malta by taking part in the EUREMA relocation project, in line with the objectives set out in point 4. e) of the Council Conclusions on the follow up to the Pact. Furthermore, Hungary has participated in the migration mission conducted to Cyprus, Malta and Greece, organised by the Belgian Presidency on 28-30 October 2010, focusing on the situation of Member States under particular pressure. With the aim of contributing to the effective implementation of the Greek Action plan on Migration Management, Hungary offers its asylum expertise by sending asylum experts to Greece. The relocation from Malta is in an initial phase because of the reluctance of possible candidates to come to Hungary.

***IV(d) strengthen cooperation with the Office of the United Nations High Commissioner for Refugees to ensure better protection for people outside the territory of European Union Member States who request protection, in particular by moving, on a voluntary basis, towards the resettlement within the European Union***

Please describe resettlement activities to your Member State of people placed under the protection of the Office of the UNHCR in third countries, specifying from which countries.

There are no ongoing and there were not any resettlement activities in Hungary in the past. The main result of 2010 in Hungary regarding resettlement is that in October 2010 a ministerial commitment was taken for launching a Hungarian national resettlement programme in the coming years. The preparations of the elaboration of the national resettlement programme will start in January 2011.

***IV(e) MS are invited to provide the personnel responsible for external border controls with training in the rights and obligations pertaining to international protection***

Please describe the *provision or planning of provision of such training (and in which way, number and percentage of border control staff trained)...*

Since years there is a tripartite agreement between the Hungarian Police (which is the sole responsible authority for border control in Hungary), the UNHCR's Regional Representation



and the Hungarian Helsinki Committee for border monitoring. Please see detailed description in the Hungarian Annual Policy Report 2009 (under point 3.2.1. IV e)).

## 10.2 Key statistics

<i>Asylum applications and decisions</i>							
	Applications	First instance decisions on asylum applications (until November 2010)					
	Total applications under consideration	Total positive	Rejected	Geneva Convention	Subsidiary protection	Temporary protection	Humanitarian status
Asylum applications	2002	233	609	69	108	0	56

<i>Third-country nationals reallocated and resettled to your Member States</i>			
	Total	Reallocated	Resettled
Third-country nationals	0	0	0

<i>Training of border guards on asylum</i>			
	Total number of border guards	Border guards who received training	
Border guards	0	0	

## UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

### 11 Unaccompanied Minors (and other vulnerable groups)

#### 11.1 European Pact on Immigration and Asylum

No specific commitments are included.

#### 11.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

**5(a) develop an action plan, to be adopted by the Council, on unaccompanied minors which underpins and supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return**

Please describe any developments in relation to unaccompanied minors at national and international levels.

In Hungary the majority of unaccompanied minors coming from third countries usually submit an asylum claim. As regards the statistics, we can notice that however Hungary is not considered to host a great number of unaccompanied minor in an EU perspective, their number amounted to 146<sup>36</sup> in 2010 compared to the previous year (50).

<sup>36</sup> In the first eleven months of 2010.



Current national legislation concerning unaccompanied minors is in line with the relevant part of the EU acquis. Nevertheless, Hungary has experienced difficulties in practice concerning the age assessment and the tracing of family members as well as the readiness of child protection facilities to host unaccompanied minors. It has to be noted though that according to the newly modified Asylum Act (modifying law: Act CXXXV of 2010) which partly came into force on 24 December 2010, Hungary has modified the hosting of unaccompanied minors by conferring a major role to child protection facilities.<sup>37</sup> Therefore we support the initiative laid down in the Stockholm Programme aiming at encouraging the exchange of information and best practice among member states in this field. With the aim of awareness raising, a project focusing on intercultural competencies, migration, smuggling of unaccompanied minors was conducted to professionals working in the field of child protection in 2008, supported by the European Integration Fund and the then Hungarian Ministry of Interior.

According to Act II of 2007. on Admission and Right of Residence of Third-country nationals unaccompanied minors are: third country nationals below the age of eighteen, who arrive on the territory of the Republic of Hungary unaccompanied by an adult responsible by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they entered the territory of the Republic of Hungary.

Under Act LXXX of 2007 on Asylum if the person seeking recognition is an unaccompanied minor, the refugee authority shall, without delay, provide for the appointment of a guardian serving to represent the minor.

In case of an unaccompanied minor, the completion of the asylum procedure shall have priority.

In case of an unaccompanied minor, the prohibition of refoulement also prevails if the unification of the family or any state or other institutional care is not possible either in his/her country of origin or in another state receiving him/her. According to Article 56 (2) of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals, unaccompanied minors shall not be detained. According to Article 33 (4) of the modified Government Decree implementing Act LXXX of 2007 on Asylum, from 1<sup>st</sup> May 2011 on unaccompanied minors shall be in a shelter of the Hungarian child-protection system instead of a separated facility of a reception centre operated by the asylum authority, where they are currently hosted.

### 11.3 Key statistics

<i>Unaccompanied minors</i>	
Number of unaccompanied minors	
Number of asylum applicants considered to be unaccompanied minors	146

## GLOBAL APPROACH TO MIGRATION

<sup>37</sup> See in details below on page 34.



## **12 External cooperation / global approach to migration**

### **12.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)**

The relevant commitments in the Pact for this sub-section are in particular:

#### ***V(a) conclude EU-level or bilateral agreements with the countries of origin and of transit containing clause on legal and illegal migration as well as development***

Please provide information on any (planned) EU level or bilateral agreements (e.g. Mobility Partnerships), which are in addition to those mentioned under Sections 1.1, Pact commitment I(a) Implement policies for labour migration; 7.1, Pact commitment II(b) To conclude readmission agreements; and 11, Pact commitment III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control. These could include wider, more comprehensive agreements covering various elements related to legal and illegal migration, as well as return. List them, including the third countries with which they have been concluded and their content. In case of bilateral agreements, also indicate whether the Commission was informed.

An example table is presented below.

<b>Type of agreement</b>	<b>Third countries involved</b>	<b>Main purpose of the agreement</b>
(EU or bilateral)		

In order to combat the phenomena of illegal migration, we aim at concluding bilateral and EU readmission agreements, and deepening the cooperation with the countries of origin and transit in the framework of the Global Approach of Migration. Hungary has concluded 25 bilateral readmission agreements. We are about to start the negotiations with Kosovo on this topic in 2011.

The bilateral protocols with Moldova, Albania and Serbia implementing the EU readmission agreements entered into force in 2010. We have successfully completed the negotiations with Russia on the bilateral implementing protocol (the next step is the signing of the protocol), which will enter into force probably in 2011.

#### ***V(b) offer the nationals of partner countries to the East and South of Europe opportunities for the legal immigration***

Please indicate whether, in relation to the labour migration policy and related developments set out in Section 1.1, whether any of these favour labour and circular migration and specify which third countries from the East and South of Europe.

There has been an instrument set up for trans-border cooperation, which is in favour of ethnic Hungarian communities living in the adjacent countries. In the summer 2010, **an amendment of the Nationality Act** (Act LV of 1993) being effective from 1 January 2011 was adopted, which facilitates the acquisition of Hungarian citizenship for ethnic Hungarians living outside the Republic of Hungary.





Within the framework of the Moldova Mobility Partnership, Hungary is participating in a project entitled “Strengthening the Republic of Moldova capacity to manage labour and return migration (2009-2011)”. In this context, the principal feature of the project is to inform potential migrants about ways of legal migration to the EU and legal employment in the Member States as well as about the risks of illegal migration and provide assistance for returning migrants.

***V(c) cooperation with the countries of origin and of transit in order to deter or prevent illegal immigration***

Please describe any cooperation, in addition to the cooperation outlined in Pact commitment V(a) above, Sections 8, Pact commitment II(e) cooperation with the countries of origin and of transit, in particular to combat human trafficking and section 11, Pact commitment III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control, which has focused on deterring or preventing illegal immigration. This may include concrete cooperation activities, capacity building and agreements.

Within the framework of the **Mobility Partnership with Moldova**, Hungary took part in the activity organised by Sweden as leading member state, one of the objective of which was the Information of potential migrants about ways of legal migration to the European Union and legal employment in the Member States, as well as about the risks of illegal migration, and assistance for returning migrants. The Hungarian-related part of the activity took place between 24 and 29 May 2010 and was focussing on the administrative and procedural relations of work permits and residence permits. 16 Moldovan experts took part in the training held in Budapest. Presentations were held in the subject how national quotas are fixed in case of entries aiming at work. Some experts from Ministry of Labour and Social Affairs, State Labour Service, and Ministry of Justice and Law Enforcement were involved.

Between 23 and 27 August 2010, the Office of Immigration and Nationality organized a study tour for Moldovan experts in the field of legal and illegal migration. The study tour visited premises in the capital and in the city of Győr, and covered central and regional units of the OIN.

The National Headquarters of the Police had taken and is still taking part in more projects of the Mobility Partnerships, like the workshop on the Development of training curricula and development/updating of manuals on document security in March, and the supported pilot training in July 2010, both held in Chisinau.

***V(d) More effective integration of migration and development policies***

Please describe any relevant activity, for example studies and development of such approach, solidarity development projects, etc.

Hungary has continued to be involved in the **Mobility Partnership** established with the **Republic of Moldova**, which constitutes a new political framework for comprehensive



dialogue and cooperation on migration by bring added value both to the EU and the third country on the management of migration flows.

Hungary has been actively participating in the **Building Migration Partnerships Project**, under which Hungary has taken part in the missions with Azerbaijan, Belarus, Georgia, Uzbekistan and Russia. Furthermore, Hungary made preparations in order to continue the activities of the Building Migration Partnerships project initiated by the Czech Republic in 2008. The principal aim of the continuation is to help countries of origin, transit and destination already taking part in the cooperation improve migration management and to facilitate building of migration partnerships through exchange of good practices.

Hungary participates in the **Budapest Process** which is a consultative forum of 50 countries and associated organizations involving both EU Member States and countries from the region neighbouring EU in the East and South-East aiming at exchanging information and experiences on legal and illegal migration, asylum, return, readmission, visa, trafficking in human beings, smuggling of migrants and border management issues. The Budapest Process is currently chaired by Turkey and co-chaired by Hungary, and at the Senior Officials Meeting of November 2010 was enhanced with a new geographical scope regarding the countries situated along the Silk Road.

Within the framework of **Budapest Forum**, Hungary leads the initiative aiming at the provision of assistance to the preparations of the Western Balkans to EU integration in the field of justice and home affairs.

Hungary, as the first chair of the newly-introduced rotating chairmanship in 2010, is taking part in the **Söderköping Process**, having as principal objective to facilitate cross-border cooperation between new EU Member States and the Western NIS (Belarus, Moldova and Ukraine) on asylum, migration and border management issues. In 2010, with the invitation of Armenia, Azerbaijan and Georgia to participate in the activities, measures were taken in order to incorporate the Söderköping Process into the EU initiative Eastern Partnership.

Hungary is also involved in the **Brdo Process**, which delivers annually a Joint Action Plan on Western Balkan regional cooperation in the field of illegal migration, in particular regular exchange of information, know-how and experiences as well as expert meetings.

Hungary is member of the **Regional Cooperation Platform for the Black Sea Region**, which has been established under leadership of Romania in 2007.

An **ILO** has been posted by Hungary to Serbia. The Hungarian embassy in Abuja has been closed, therefore the Hungarian ILO having acted in Nigeria will continue his work in Vietnam.

The **Hungarian Development Policy Statement** dates back to 2003. At that time migration was not in the focus of developmental aspects. In 2009 Hungary drafted the International Development Cooperation strategy for the Republic of Moldova 2009-2011, where migration



is a field covered as a matter analysed in the country's overall situation and as a sector identified for Hungary for further development activities.

Furthermore, in March 2009, a long-term (2009-2014) government strategy (**Government Resolution 1057/2009. (IV.24.)**) was adopted comprising the main priorities as regards Hungary's cooperation in the area of freedom, justice and security. The strategy identified the issue of migration and development to be a priority.

A new act on International Development Cooperation and Humanitarian Assistance is being drafted and in this draft the principles of policy coherence for development will be duly represented.

***V(e) promote co-development actions and support instrument for transferring migrants' remittances***

Please describe any relevant developments and activities in the area of remittances, including financial support to such actions, implementation of an instrument for transferring migrants' remittances, etc.

Concerning the transfer of migrants' remittances, Hungary had the obligation to transpose the Directive on Payment Services (2007/64/EC) and we decided to implement this Directive with its optional possibility to regulate so-called "one-leg" transactions, in which at least one of the payment service providers is located outside the EEA as well, so remittances can be sent with more transparency and with adequate consumer protection.

**12.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)**

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

***11(h) how diaspora groups may be further involved in EU development initiatives, and how EU Member States may support diaspora groups in their efforts to enhance development in their countries of origin***

Please provide information on a possible national policy or actions with regard to supporting diaspora groups in enhancing development in their countries of origin.

Not applicable.

