



POLICIES, PRACTICES AND DATA ON UNACCOMPANIED MINORS IN 2014

HUNGARY

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MINISTRY OF INTERIOR

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Executive Summary (Synthesis Report)

Executive Summary (up to three pages)

Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience. The Executive Summary/ Synthesis Report will be prepared by the EMN Service Provider (ICF International – Odysseus Network).

Top-line 'Factsheet' (National Contribution)

National contribution

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

Please also provide a summary of the main findings of Sections 1-6 below, notably:

- *What have been the key changes / improvements in your (Member) State's policy(ies) on UAMs, with a particular focus on developments since 2009?*
- *Has the phenomenon changed? Have any new challenges with regard to the situation of UAMs arisen / remained in your (Member) State?*

Introduction of the study:

The methodology was based on desk research: analysis of asylum and immigration decisions and relevant legislation, interviews and written consultations with national stakeholders¹ as well as analysis of existing studies/researches² in the field of unaccompanied minors (hereinafter as 'UAM' or 'UAMs').

Regarding the figures we can notice a **significant rise in the number (874)** of UAMs irregularly entering Hungary in 2012 compared to previous years which **phenomenon has prevailed** in the last two years. However, compared to 2012 when only 185 UAMs sought asylum out of a total of 874 UAMs entering Hungary irregularly, in 2013 the number of asylum-seeking UAMs amounted to 380 out of a total of 464 UAMs entering HU irregularly.

In response to recent years' tendencies (meaning intensifying migration flow of UAMs to Hungary) as well as the concerns raised by the Parliamentary Commissioner for Fundamental Rights of Hungary (hereinafter as 'Parliamentary Commissioner'), UNHCR and civil society organizations working in the field of asylum and migration, **policy and legislative changes have been introduced in connection with the identification, reception, guardianship and age assessment of asylum-seeking and non-asylum seeking UAMs. Naturally, room for improvement still remains as outlined.** Furthermore, it must also be pointed out that compared to 2009, several conferences, workshops, trainings have been organised as well as studies prepared and researches undertaken in the field of UAMs, which can be considered as positive development.

Policy and legislative changes, identified issues and room for improvement:

Until May 2011 unaccompanied minor asylum-seekers (hereinafter as 'UAMAS') had been accommodated on the premises of adult asylum seeker reception facility in Bicske without access to the Hungarian child protection system. Since May 2011, following the recommendations set out in a report³ of the Parliamentary Commissioner, UAMAS and UAM beneficiaries of international protection have fallen within the scope of the general child protection regime. and **a child protection facility in Fót**⁴ (hereinafter as 'Fót Children's Home')

¹ The researcher Boglárka Jánoskúti is thankful for the **Office of Immigration and Nationality, the National Police, IOM Budapest, UNHCR Regional Representation for Central Europe, the Ministry of Human Resources, UAM Homes in Fót and Hódmezővásárhely, Hungarian Helsinki Committee, Menedék Association for Migrants, Hungarian Reformed Church, Artemisszió Foundation, Parliamentary Commissioner for Fundamental Rights and the Ministry of Interior** (Support and Coordination Department and Department for European Cooperation) for their valuable contributions through structured interviews and written observations (between July-August 2014) to present study.

² See bibliography attached in annex.

³ The report of the Parliamentary Commissioner for Fundamental Rights ref. number AJB 7120/2009 on accommodation of asylum-seeking unaccompanied minors in the Home for unaccompanied minors in Bicske noted that the former CPA's personal scope did not cover the terms of "UAMs nor UAM Homes" therefore there were no legal guarantees set out to ensure that UAMAS and UAMs benefitting international protection are provided with adequate support, including care, education and integration arrangements on a permanent basis.

⁴ Károlyi István Child Home located in Fót.

has been designated to host them. In contrast to 2009, this change resulted in the qualification of UAMs, **primarily, as children** and only secondarily as migrants⁵, which may be observed as a significant step forward. Along with their inclusion under the Child Protection Act, since 2011, UAMs have to be appointed a guardian, who is legally responsible for the care, property management and legal representation of the minor. Previously, their legal representation had not been properly ensured.⁶

As of 1 January 2014, a legislative change has been undertaken in the general child protection scheme which affects UAMs as well. In terms of appointment of guardians for children without parental care the **child protection guardian** has taken over the guardianship, in order to prevent eventual conflicts of interests between the child and the head of the child protection facility previously appointed as guardian. Delays in the appointment of **case guardians** in charge of representing UAMs in the asylum procedure result in lengthy asylum procedure which hinder the efficient implementation of the legal obligation stating that asylum applications of UAMs have to be treated as a matter of priority. As a result it can occur that a confirmed asylum-seeking UAM turns 18 before a decision regarding his/her asylum claim has been rendered. In such cases he/she will be excluded from after-care arrangements according to existing legislation⁷. Although some trainings on asylum law and treatment of UAMs was delivered to case guardians by UNHCR, Menedék Migrant Association, Cordelia Foundation and Hungarian Helsinki Committee in recent years, they still **lack the necessary legal expertise** with regards to asylum and immigration law. UAMs' **access to free legal aid** in the child protection facilities accommodating UAMs is either **limited or not available** therefore needs to be improved.

Some **improvements** can be observed regarding the **reception arrangements** provided to **non-asylum seeking UAMs** as well: as of February 2013, they have been accommodated in a **child protection facility in Hódmezővásárhely**⁸ (hereinafter as 'Hódmezővásárhely Children's Home') ran by the Catholic Church within the framework of a contract concluded with the Social and Child Protection Directorate. However, the limited capacity (18 UAMs) of the facility remains an issue. Furthermore, the respect of Article 10 (2) of the Return Directive with regards to non-asylum seeking UAMs in practice⁹ remains a challenge, as **it is not clear how the authorities assess the availability of a nominated guardian or an adequate reception facility for UAMs returned to for example Serbia** under the particular readmission agreement.¹⁰

As a step forward it has to be noted that with the modification of the Third Country Nationals' Act¹¹, the obligation to identify **UAMs as persons with special needs has been clarified** with the definition of persons in need of special treatment, which enables the authorities to recognize such foreigners as such at the initial stages of the alien-policing procedure and thus to provide adequate accommodation and assistance to them. **However the efficient application of this provision by the authorities in practice remains challenging.**¹²

Regarding the availability of efficient protection statuses for non-asylum seeking UAMs, it has to be noted that although the Third Country Nationals' Act provides for a possibility of granting humanitarian residence status (valid for 1 year) for non-asylum seeking UAMs on humanitarian grounds, this provision is yet to be applied generally.

Although the **national protection mechanism for victims of trafficking in human beings (hereinafter: THB) has been established in Hungary in January 2013, the identification of third country nationals, particularly unaccompanied minors as victims of THB still remains challenging.**¹³

⁵ Also emphasised by the Parliamentary Commissioner for Fundamental Rights in its report AJB-733/2012.

⁶ They were only appointed a temporary guardian and were only assigned a permanent guardian after they got recognized as refugees.

⁷ as underlined in the report of Parliamentary Commissioner for Fundamental Rights n. AJB 733/2012.

⁸ Hódmezővásárhelyi Gyermekotthon (operated by Saint Agatha Child Protection Service).

⁹ Report AJB-2731/2012 of the Parliamentary Commissioner for Fundamental Rights.

¹⁰ According to available statistical data in 2012 the Police has readmitted 141 non-asylum seeking UAMs to Serbia.(out of a total number of 700 UAMs in 2012).

¹¹ Section 2(t) of TCN Act: person in need of special treatment: the unaccompanied minor or vulnerable person – minor, elderly, disabled, expectant mother, single parent of a minor or victims of torture, rape or other severe forms of psychological, physical or sexual violence –, whose individual evaluation determined the presence of special needs.

¹² According to the observations of UNHCR and Hungarian Helsinki Committee it is not uncommon that visibly minor –looking UAMs are put in immigration or asylum detention following a preliminary „age assessment examination” conducted by a police doctor. In these cases it is very difficult for the minor to obtain a second expert opinion on his/her age covered by the State which could result in his/her release from detention.

¹³ EMN focussed study 2013: Identification of victims of trafficking in human beings in international protection and forced return procedures

Common findings affecting asylum-seeking and non-asylum seeking UAMs as well:

Age assessment remaining a critical issue, developments have been identified since 2009. The Police (more specifically, the National Police and Criminal Forensic Research Institute) have developed a standard operating procedure as guidelines for the age assessment of non-asylum seeking children conducted in the alien-policing procedure. Another development to be noted regarding age assessments undertaken during asylum procedures: such are conducted by a forensic medical expert in the presence of a guardian and using the Greulich-Peyle methodology¹⁴. However, further challenges regarding the age assessment procedure remain, such as: non-transparency and uncertainty of the decision on the necessity of initiating an age assessment examination by the authorities (in case of doubt) due to the lack of available legal provisions or SOPs, a lack of interdisciplinary approach (since age assessment is considered in principal as a medical issue) and nationally harmonised application of age assessment procedures¹⁵, a lack of effective legal remedy against the expert opinion on age assessment, a lack of legal representation (by the appointed guardian) of UAMs at age assessment procedures initiated during the alien-policing procedure. On a positive note, it has to be emphasized that Hungarian legislation **prohibits the detention of UAMs**. However, the lack of uniform age-assessment procedures may lead to the detention of UAMs.¹⁶ In this regard as a positive step it needs to be noted that the High Court of Hungary (hereinafter as 'Curia') has established a working group on asylum and immigration detention and issued a summary report analysing judicial practice relevant to alien-policing¹⁷. The summary report recommends for the judge when adjudicating the extension of the duration of detention to take into account the fact that the detained person is visibly underage and to refrain from considering the age assessment expert opinion delivered by the Police as irrefutable. The involvement of the Curia in asylum and migration issues has contributed to the recently observed practice of some courts releasing a detained person who is visibly underage.¹⁸

The **unavailability** of a standard operating procedure for formal **Best Interest Determination** (not only in the asylum and alien-policing procedure but also in the mainstream child protection procedure) makes it difficult to identify durable solutions for UAMs in Hungary. Although **legislation provides adequate reception and integration arrangements to UAMs, practice** shows that the **Hungarian child protection system is still not prepared** for providing adequate reception and integration conditions to the increasingly growing number of UAMs due to the lack of financial resources and capacity allocated in this regards. The limited availability of **interpretation** arrangements for UAMs especially in relation to health care and legal representation remains an issue. The contribution of NGOs¹⁹ and international organisation (UNHCR, IOM) in the provision of reception and integration arrangements for UAMs is crucial, however the sustainability of these projects is uncertain and they can only cover a limited number of UAMs. Despite the number of trainings conducted to professionals working with UAMs by NGOs and international organizations, there is a clear need to introduce a regular **complex training curriculum** (including intercultural, legal, psychological aspects) for every professional working with UAMs to be provided before they start working with UAMs. Provision of psychological supervision would also be essential for the preservation of mental health and in order to prevent child care professionals from burnout and/or vicarious traumatization.

The phenomenon of the increasingly growing number of UAMs **absconding** from Hungary within approximately 10 days of arrival is mainly perceived by the national government and the immigration authorities as a circumstance substantiating that **Hungary is perceived by UAMs as a transit country and only used as an "open door" to the EU**.

This argumentation is often invoked in justification of not solving issues pertinent to UAMs. This approach is **argued by UNHCR and civil society** organisations present in the field of migration by pointing out that the

¹⁴ Previous practice in Bicske UAM home was that the local doctor conducted the „age assessment” on the grounds of „general impression, dental examination, and physical inspection of the secondary gender signs”. Currently the age assessment is conducted by a forensic doctor following the Greulich- Pyle methodology. (report AJB 2731/2012 of the Parliamentary Commissioner for Fundamental Rights) .

¹⁵ The age assessment procedure conducted in the alien-policing procedure and in the asylum procedure are not following the same methodology.

¹⁶ UNHCR, Hungarian Police and Hungarian Helsinki Committee: Access to territory and asylum procedures in Hungary in 2012, accessible at: http://helsinki.hu/wp-content/uploads/hel2013_menekulteng_final.pdf

Hungarian Helsinki Committee: Information note on asylum-seekers in detention and in Dublin procedures in Hungary, May 2014, accessible at: <http://helsinki.hu/wp-content/uploads/HHC-Hungary-info-update-May-2014.pdf>

¹⁷ Summary Report of the Working Group analysing the alien policing legal practice (adopted on 30 May 2013 and approved on 23 September 2013 by the Kuria and the Administrative and Employment Council of the Kuria available at: http://www.lb.hu/sites/default/files/joggyak/idegenrendeszeti_osszefoglalo_velemen_y_kuria.pdf.

¹⁸ Practice confirmed by UNHCR and Hungarian Helsinki Committee during recent visits to detention centres in Hungary.

¹⁹ Especially Hungarian Reformed Church, Cordelia Foundation for Torture Survivors, Menedék Association for Migrants, Hungarian Helsinki Committee

quality of reception conditions, the efficiency of protection and integration perspectives provided for non-asylum seeking and asylum seeking UAMs as well as UAMs beneficiaries of international protection, detention practices, availability of education and employment opportunities etc. are –amongst others - influencing factors for UAMs when deciding to leave Hungary. In order to analyse the reasons and motivations of intra-EU migration of UAMs, and identify the necessary changes in policy to be made, further studies and researches have to be undertaken in this field.

Section 1: Motivations and circumstances of UAMs for entering the EU

This section of the Synthesis Report will aim to provide an up to date overview of the motivations and circumstances of unaccompanied minors who enter the EU. The section, along with Sections 2-6, will also aim to provide information, to the extent possible, on the conditions that may contribute to making certain Member States more attractive to unaccompanied minors than others.

In question 1, EMN NCPs are asked to indicate which motivations and circumstances apply in their Member State and to provide further information to describe each situation that applies. In question 3, EMN NCPs are also asked to report on any prevention programmes their (Member) State is implementing together with Third Countries in order to address the root causes of migration of unaccompanied minors.

Q1. Please state what the motivations and circumstances of UAMs for entering your (Member) State are and provide further information (please cite existing evaluation reports / studies / other sources or based on information received from UAMs and/ or competent authorities). Possible motivations and circumstances of UAMs for entering the EU may include:

- *Fleeing persecution or serious harm and seeking protection (asylum)*
- *Family reunification (e.g. to join family members already in the (Member) State, to apply for asylum followed by family reunification)*
- *Join migrant/ diaspora community*
- *Economic and aspirational reasons (including education)*
- *Transit to another Member State*
- *Victims of trafficking in human beings*
- *Facilitated illegal entry / smuggled*
- *Arrival at external borders*
- *Inadequate medical facilities in the country of origin / insufficient funds by parents for medical treatment*
- *Abandonment in a Member State (e.g. because parents have been returned / cannot or do not take care of their child in the (Member) State*
- *Runaways / drifters*
- *UAMs do not know why they have entered the (Member) State*
- *UAMs are not able to explain why they have entered the (Member) State (e.g. due to their early age)*
- *UAMs are reluctant to report their motivations and circumstances for entering the (Member) State (e.g. due to trauma)*
- *Other (please specify)*

Statistics²⁰ at our disposal indicate that the majority (approximately 60-80%) of UAMs entering Hungary irregularly at the external borders of the EU arrive from zones of armed conflict (mainly from Afghanistan and to a certain extent from Somalia and Syria), therefore their principal motivation to leave their country of origin is to **flee from war** to a safe country. **Hungary** is often perceived as a **transit country** rather than a country of destination in relation to migration. According to a **study**²¹ the majority of UAMs arriving to Hungary do not consider Hungary as a country of destination and usually depart to Western European countries within 1-2 weeks

²⁰ Please check in annex table 2.1 and 2.2.

²¹ Gagyí, R. (2012): 'Kísérő nélküli kiskorúak Magyarországon. Szakmaiság és kompetencia'. Magyar Ökumenikus Segélyszervezet, available at: http://issuu.com/segelyszervezet/docs/project1_szolid_belapok_vegleges.

of their arrival. According to a child-participatory assessment by **Terre des Hommes on Children on the Move**²², a great proportion of UAMs fleeing persecution either lose their families or are sent to Europe by their parents to gain better prospects. Children who left their family in their home country usually do so because they want to work and send remittance to their family. The **inter-connectedness of the principal reasons: fleeing from persecution and economic/aspirational reasons** (including education) can be observed. The report of the **Parliamentary Commissioner**²³ pointed out that it is not uncommon that migrant children depart with a utopist view that everything is possible in Europe. Other children leave their home to reunite with their family or to join some relatives already residing in Europe. According to the experience of child protection workers of the Fót Children's Home²⁴ designated to accommodate asylum-seeking UAMs and beneficiaries of international protection, the children hosted undertake a long and often dangerous journey to get to Hungary which is – in most of the cases – organized by smugglers. Those UAMs coming from zones of armed conflict, who were compelled to leave their country, are very vulnerable and prone to be subject to physical, psychological and sexual abuse and the majority of them have lost their parents/close relatives. **Thus, the main reasons to leave their country of origin include fleeing from persecution, family reunification, extreme poverty, domestic violence, gender-based discrimination or to escape from forced military service.** Although a number of UAMs would like to be reunited with their family members residing in other EU countries, according to a study²⁵, they often **fear that family tracing might have a negative effect on their asylum claim and/or on the situation of their family members.** However, **it has to be noted that no targeted study/report has been conducted so far which would analyze the key reasons and motivations behind UAMs entering Hungary irregularly.** This is also related to the fact that the vast majority of UAMs entering Hungary disappear within approximately 2-3 weeks, therefore follow up is highly problematic.

Q2. Please provide information on any prevention actions / projects / initiatives that your (Member) State undertakes together with Third Countries with the aim to address the root causes of UAMs' migration, for example:

- Integration of UAMs' migration in key areas of development cooperation, e.g. poverty reduction, education, health, employment, human rights, democratisation and post-conflict reconstruction;
- Targeted awareness-raising activities and training in countries of origin and transit (e.g. aimed at law enforcement officers, border guards, potential victims of trafficking and their communities, children, wider public, etc.);
- Development of child protection systems.

If possible, please provide a short description of the impact of these specific actions / projects / initiatives.

The **Complex Reintegration Assistance for Assisted Voluntary Returnees to Kosovo (UNSCR 1244)** project implemented by **IOM Budapest** –financed under European Return Fund and co-financed by the Ministry of Interior – aims to expand the scope of reintegration available to Kosovar returnees by offering complex in-kind reintegration grants. By providing returnees (including UAMs) with complex reintegration grants the project contributes to the accessibility for UAMs of education and employment in the country of return and thus strengthens development cooperation. Furthermore, another project ran by IOM entitled **Improving Reintegration Assistance for Beneficiaries Returning to Kosovo (UNSCR 1244)** specifically aims at formulating recommendations on how the reintegration assistance offered to the beneficiaries of Hungarian assisted voluntary return and reintegration programmes to Kosovo (UNSCR 1244) could be improved in order to contribute to the effectiveness and the sustainability of the return process.²⁶

[Section 2: Entry and assessment procedures including border controls for asylum-seeking and non-asylum seeking UAMs](#)

This section of the Synthesis Report will aim to provide an up to date overview of the entry procedures including border controls that apply in the situation of unaccompanied minors who enter the EU, as well as the procedures that apply when an unaccompanied minor is apprehended or becomes known to the authorities. (Member) States are also requested to provide information on the procedures that apply when an unaccompanied minor claims to be a minor and once minority is either confirmed or disproved.

²² Mario project, Analysis of the situation of children on the move: assessing the capacity and the adequacy of the child protection system in Hungary to ensure the protection of children on the move, Budapest, January 2014" accessible: <http://destination-unknown.org/mario-project-to-protect-children-on-the-move-in-europe/>.

²³ Szabó, M.- Hajas B. (ed.): Pajzsuk a törvény – Rászoruló csoportok az ombudsmani jogvédelemben. AJBH. Budapest. 2013, page 392.

²⁴ <http://www.wp.kigyk.hu/gyermekotthoni-ellatas/kisero-nelkuli-menekult-kiskoruak-gyermekotthona/>

²⁵ Gagy, R. (2012): 'Kísérő nélküli kiskorúak Magyarországon. Szakmaiság és kompetencia'. Magyar Ökumenikus Segélyszervezet, available at: http://issuu.com/segelyszervezet/docs/project1_szolid_belapok_vegleges.

²⁶ For further information confer IOM Budapest website at <http://iom.hu/assisted-voluntary-return-and-reintegration-0>.

Section 2.1 Documentation required by unaccompanied minors for legal entry to the (Member) State (non-asylum seeking UAMs, but also asylum-seeking UAMs in some instances)

In question 3 below, EMN NCPs are asked to indicate / reconfirm the entry procedures and border controls plus the procedures that apply in their (Member) State and to provide further information to describe each situation that applies:

Q3. What documents are required by third-country national UAMs at the border to fulfil the entry requirements to the (Member) State?

Entry documents required by unaccompanied minors	Please provide more information about the types of documents required and the conditions that apply, with a particular focus on developments since 2009.
Visa permitting entry and stay	According to the Third-Country Nationals' Act, third-country nationals may enter Hungary and stay for up to 90 days within a period of 180 days under the conditions set out in the Schengen Borders Code : they should be in possession of a valid visa (certifying that they have a legal ground for stay) as well as a valid travel document in order to prove their personal identity.
Passport	Please confer the answer to column below.
Travel documents	Government Decree no. 328/2007. on the determination of recognised travel documents issued to third country nationals in order to enter Hungary contains a list of travel documents accepted as valid as well as invalid by the authorities.

Section 2.2 Circumstances where an unaccompanied minor may be refused at the border (non-asylum seeking UAMs)

Q4. Can a non-asylum seeking unaccompanied minor be refused entry at the border if they do not fulfil the entry requirements set out above?

Categories of unaccompanied minors that may be refused entry at the border	Please provide more information about the circumstances under which unaccompanied minors may be refused entry at the border: a) in <u>national legislation / policy</u> and b) in <u>practice</u> , with a particular focus on developments since 2009.	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
Non-asylum seeking unaccompanied minor arriving at a land / sea border or airport	Refusal of entry of UAMs is not provided for under current legislation. According to Section 45(5) of the Third-Country Nationals' Act an UAM may only be expelled if adequate protection is ensured in his/her country of origin or in a third country, by means of reuniting him/her with other members of his/her family, or by the state or other institutional care.	If the police apprehends/identifies a third country national claiming to be a minor at the border whose age is challenged by the authority, an age assessment examination is ordered. The age assessment has to take place within 24 hours upon apprehension/identification. During this period of time, the person claiming to be a minor may not be refused entry to Hungary. If the age assessment concludes the person to be over 18, he/she can be expelled from Hungary according to the provisions of the Third-Country Nationals' Act.
Asylum seeking unaccompanied minor arriving at a land / sea border or airport		
Asylum seeking unaccompanied minor arriving at an internal authority (e.g. police, child protection service, etc.)		

Section 2.3 Apprehensions of unaccompanied minors by national authorities (non-asylum seeking UAMs)

Q5. Please describe the national rules and procedures that apply where a non-asylum seeking unaccompanied minor is apprehended / identified at the border and within the territory of the (Member) State. Please note that reception and care arrangements are covered in Section 3.

Once apprehended/identified **at the border** by the national police, the non-asylum seeking UAM has to prove his/her personal identity by presenting his/her valid travel document or other document suitable for personal identification and needs to demonstrate a legal ground for stay in Hungary.²⁷ If the UAM fails to present either of these, the police initiates the alien policing procedure against the UAM and orders his/her **short term arrest for 12 hours** in order to verify his/her personal identity and/or legal ground for stay. According to statistics provided by the police²⁸, UAMs usually enter Hungary in an irregular manner.

According to the Parliamentary Commissioner's report²⁹ when police orders the UAM's short term arrest at the border, it handcuffs the UAM and places him/her in a closed police station for the purpose of preventing him/her from absconding. If the legal ground to stay or the UAM's personal identity cannot be established during his/her detention, he/she may be **kept in custody** for an additional period of **12 hours according to law**.

During these 12+12 (a total of 24) hours of arrest and custody the police may initiate an **age assessment procedure**³⁰ if it considers the UAM's age doubtful. The Parliamentary Commissioner's report³¹ and the statistics provided by the police³² show that **in practice even visibly underage UAMs have to undergo – quasi-automatically – an age assessment procedure** and are in the meantime detained for a maximum of 24 hours upon apprehension/identification, in order to be legally considered an UAM. In this case the age assessment is conducted by a police doctor within 24 hours upon apprehension, however, according to practice³³ it is conducted within few hours following their apprehension, therefore **no guardian is present** to represent the rights of the UAM. If the assessment concludes that the person is a **minor**, the police shall put the UAM under **interim placement** as he/she is considered to be without parental supervision and shall without delay initiate the **appointment of a case guardian** to the UAM, as well as initiate the **UAM's placement in a child protection facility**³⁴ (hereinafter as 'UAM Home') according to Section 72 of Gvt. Decree on the implementation of Third-Country Nationals' Act. The police shall contact the Budapest 5th district guardianship authority designated³⁵ to deal with cases (hereinafter as 'competent Guardianship Authority') concerning foreign UAMs. In the course of the **alien-policing procedure a personal interview** is conducted in the presence of the appointed case guardian in order to verify the UAM's claimed nationality by asking him/her country of origin related questions. Among other things, he/she is also expected to explain his/her journey, whether he/she was assisted by smugglers during his/her travel to Hungary and is asked whether he/she was exposed to persecution or serious harm in his/her country of origin.³⁶ According to Section 2 t) of the Third-Country Nationals' Act, UAMs are considered as **persons in need of special treatment** and their return can only be envisaged taking into account their special status.³⁷ However, the application of this provision **in practice remains challenging**.

If following the assessment it is established that the person is **over 18**, there is **no separate legal remedy** available against the medical opinion issued and he/she is **thereafter legally considered as an adult**. In this case, the immigration authority may order his/her immigration detention, should the criteria prescribed by

²⁷ Article 67 of TCN Act. and http://helsinki.hu/wp-content/uploads/hel2013_menekulthun_final.pdf .

²⁸ Please confer table 2.1 and 2.2 in annex.

²⁹ Report n. AJB-2731/2012 of the Parliamentary-Commissioner for Fundamental Rights, available at: www.ajbh.hu.

³⁰ Section 58 (1) point a) of Act 2004/CXL. on Public Administration stipulates that an expert shall be heard or an expert opinion requested if the establishment of a relevant fact or circumstance of the case requires special expertise that the authority does not have and also Section 113(3) of the TCN Gov.Decree.: „In case of a doubt, the proceeding alien policing authorities may seek assistance from physicians or psychologists in order to determine whether the expelled foreigner is in need of special treatment.”

³¹ Report n. AJB-2731/2012 of the Parliamentary-Commissioner for Fundamental Rights, available at: www.ajbh.hu.

³² showing that an age assessment determination procedure was conducted in all cases of UAMs entering Hungary irregularly in recent years. Source: Szabó, M.- Hajas B. (ed.): Pajzsuk a törvény – Rászoruló csoportok az ombudsmani jogvédelemben. AJBH. Budapest. 2013, page 394.

³³ AJB-2731/2012. report of the Parliamentary Commissioner for Fundamental Rights and also according to the anonymised asylum and immigration files (reference period: 2014) of UAMs let at the disposal of the researcher by Hungarian Helsinki Committee and UNHCR.

³⁴ child protection facilities officially designated to host non-asylum seeker UAMs since 2013: Hódmezővásárhely and Ópusztaszer UAM Homes ran by the Szeged-Csanádi Church County's St. Agatha Child Protection Service. However according to UNHCR the UAM Home in Ópusztaszer is in practice not hosting UAMs. In addition to that the following non designated child protection facilities are hosting non-asylum seeker UAMs on a random basis: Kunfehértó,

³⁵ By Section 12 of Government Decree no. 331/2006. (XII. 23.).

³⁶ Source: study of 15 anonymised UAM cases (documents included reports of personal interviews, age assessment opinions delivered by the Police doctor and any other document relevant to the alien policing and asylum procedure.

³⁷ Section 42 (8) an 65 (10) of TCN Act.

the Third-Country Nationals' Act be met, and shall decide on the return of the person to his/her country of origin or to a safe third country that has signed a readmission agreement with Hungary.
If non-asylum seeking UAMs are apprehended in the territory of Hungary by the police – the same applies as mentioned above. In case another authority identifies an UAM it must provide for his/her **interim placement** and refer the case to the competent Guardianship Authority³⁸ and inform the alien-policing authority.
NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

Section 2.4 Training of Border Guards and / or Police Authorities

Q6a. Does the (Member) State provide specific training to Border Guards and / or Police Authorities to recognise the situation of unaccompanied minors who try to enter the territory illegally / are apprehended within the territory, or who may be the victims of trafficking in human beings / smuggling?

Y/N

Q6b. If yes, please provide further information below, stating also if this has involved cooperation with EU agencies.

In 2013 – with the view of early identification of persons with special needs – police personnel participated at the training organized by **Cordelia Foundation** within the framework of the so-called "**PROTECT-ABLE**" project. The aim of the training was to broaden the officers' legal and psychosocial knowledge on specific vulnerable groups (including UAMs and torture survivors) and to ensure the proper use of the PROTECT questionnaire. Under the project entitled '**Response to Vulnerability in Asylum**' organised by **UNHCR**, a thematic event was dedicated to train police officers, judges, social workers of the Office of Immigration and Nationality (hereinafter as 'OIN'), and employees of children's homes on the issue of UAMs. It has to be noted that the Police, UNHCR and Hungarian Helsinki Committee have jointly issued an educational manual (comprising a chapter on UAMs) designated to Police personnel dealing with migrants in 2012 and related trainings were organized within the framework of the project.³⁹
Furthermore **IOM Hungary, Hungarian Helsinki Committee, Terre des Hommes and Menedék** also held various trainings specifically targeting Police personnel dealing with migrants.

Section 2.5 The organisation of the national asylum procedures for asylum-seeking unaccompanied minors

Q7. Please set out the national rules and procedures that apply where an unaccompanied minor apprehended / identified at the border and within the territory of the (Member) State lodges an application for asylum (e.g. which authority(ies) the minor is referred to, at what point an application is made, etc.).ⁱ

The so-called **airport procedure** which allows the detention of asylum-seekers at the transit zones of the airport until the preliminary assessment procedure is conducted with a maximum of 8 days, cannot be applied to UAMAS according to Section 72 para (6) of the Asylum Act, as they are considered by law as persons in need of special treatment. However, in case there is doubt concerning the age of the apprehended/identified UAM at the airport, the authority considers him/her adult and therefore he/she can be held in detention until the age assessment procedure confirms his/her minority.
UAMAS apprehended/identified **at the (land) border** are first treated in the same manner as non-asylum seeking UAMs. They are requested to prove their personal identity and present a legal ground for stay. As the majority of UAMs enter Hungary in an irregular manner without being able to prove their personal identity (due to the lack of travel documents), first an alien-policing procedure (personal interview, EURODAC fingerprinting if minor is over 14) is initiated against them on the grounds of irregular entry/stay and they are put **under short-term arrest** by the Police for **12 hours** in order to verify their personal identity/legal ground for stay. By taking the UAM **in custody** this timeframe may be extended by an **extra 12 hours** if the authority fails to verify the UAM's personal identity/legal ground for stay within 12 hours upon apprehension/identification. If the authority considers the **minor's age doubtful**, it may initiate an **age assessment procedure** which shall be conducted within 24 hours upon apprehension/identification of the

³⁸ According to Section 72 (1) of the Child Protection Act.

³⁹ Police, UNHCR and Hungarian Helsinki Committee: "Human rights guarantees and International Migration", financed under the European Return Fund, co-financed by the Ministry of Interior in 2012, available online in HU at: http://helsinki.hu/wp-content/uploads/helsinki_rendorjegyzet2012FINALweb.pdf

UAM.

If the UAM expresses **his/her intention to submit an application for international protection** (usually during the personal interview of the alien policing procedure) and the **age assessment** examination **confirms his/her minority**, the competent Alien Policing Department of the Police **registers** the asylum claim, **notifies the OIN** about the fact that the UAM has submitted an asylum claim **and suspends the alien-policing procedure** for the duration of the asylum procedure.⁴⁰ The suspension of the alien-policing procedure is a consequence of legislative changes⁴¹ and is considered a development as previously the two procedures (i.e. the asylum procedure and the alien policing procedure) could have been conducted simultaneously. At the same time, the **police** also has the duty to initiate the UAM's **interim placement** as he/she is without parental care⁴² and ask for the appointment of a **case guardian**. Subsequently the UAMAS is **transferred to** the child protection facility designated to accommodate asylum seeker and recognized UAMs in Fót (or sometimes to Hódmezővásárhely).

If the **age assessment** initiated by the police considers the person **an adult**, **no legal redress** is at the UAM's disposal to challenge the medical expert opinion. In such cases, the person who claims to be an UAM is thereafter **treated as an adult** and **may be detained** should the preconditions set out in Section 31/A of Asylum Act be fulfilled. Practice reported by the Parliamentary Commissioner, UNHCR Hungary and the Hungarian Helsinki Committee show that in case an UAM seeking asylum has already undergone a so-called "initial" age assessment initiated by the police, in the majority of cases he/she still has to undergo an **additional age assessment** (including X-ray examination) **during the asylum procedure** in order to verify his/her exact age. The rationale behind this is that the initial age assessment conducted by the police does not determine the exact age of the UAM as it is not a thorough examination. Therefore in order to determine the type of services that are best suited for the age of the UAMAS, his/her exact age needs to be determined.

The asylum application is considered as "submitted" immediately after the UAM expresses such intention and it is **registered** in writing by the alien-policing authority which has the duty to **notify** the OIN without delay that an asylum application was made.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

Q8. Please describe the specific rules and procedures that apply in respect of the (asylum) applicant's status as an (unaccompanied) minor. Please indicate, for example:

- Whether and when a legal guardian is appointed;
- Whether and when an asylum interview(s) is conducted.

Section 2 k) of the Act on Asylum stipulates that UAMs are considered to be **persons in need of special treatment**. However, identifying persons with special needs at an early stage of the asylum procedure remains a challenge.⁴³ As a positive development it has to be emphasized that from May 2011 UAMAS have been fully included under the personal scope of the Child Protection Act and enjoy the same rights as Hungarian children and are placed in child protection facilities (UAM Homes).

According to Section 35 (7) of the Act on Asylum in case of an UAMAS, the **asylum procedure** shall be conducted **as a matter of priority**. Section 35 (6) of Act on Asylum stipulates that if the person seeking recognition is an UAM, the refugee authority shall, **without delay**, provide for the **appointment of a case guardian ("ügygondnok")** serving **to represent the UAM in the asylum procedure, unless the person seeking recognition is likely to become adult before the refugee authority would take an in-merit decision in the case**. Unfortunately, the OIN could not provide information on the application of this provision as they do not collect relevant data. Up until recently – based on the recommendations of the Parliamentary Commissioner⁴⁴ – a **temporary guardian ("eseti gondnok")** was appointed by the competent Guardianship Authority to UAMAS⁴⁵, who was not only responsible for the UAMAS' **legal representation in the asylum procedure but also his/her overall care and property management**.

Due to legislative changes introduced in Section 84 (1) c) of the Child Protection Act In **January 2014**, UAMAS (and non-asylum seeking UAMs who are provided interim placement) have to thereafter be appointed

⁴⁰ Sections 48(4) and 51(2) of TCN Act.

⁴¹ As of 1 January 2013, the lodging of an asylum application and the start of an asylum procedure constitute an explicit ban on expulsion and removal from the territory, and the alien-policing procedure is suspended.

⁴² According to Section 72 (1) of the Act XXXI of 1997 on Child Protection and Custody Administration (hereinafter: 'Child Protection Act').

⁴³ UNHCR: Hungary as a country of Asylum, 2012, accessible here: <http://www.refworld.org/pdfid/4f9167db2.pdf>.

⁴⁴ Szabó, M.- Hajas B. (ed.): Pajzsuk a törvény – Rászoruló csoportok az ombudsmani jogvédelemben. AJBH. Budapest. 2013, page 397.

⁴⁵ According to Section 136 (1) of Gvt. Decree 149/1997 and Section 98 (1) of the Family Code.

a **child protection guardian** by the Guardianship Authority, who is legally responsible for the **overall care, property management and legal representation of the minor**.

The child protection guardian is employed by the Department of Child Protection Services (TEGYESZ) and can ensure the guardianship of max. 30 children. The child protection guardian can no longer be the head of the Department of Child Protection Services (TEGYESZ) itself, nor can it be the head of the child protection facility - as could be until January 2014. The legislator's aim was to prevent the possible conflicts of interests that could arise among the interests of the person in charge of the child's care, the child protection facility and the child.⁴⁶

According to Section 74 (1) of Government Decree no. 301/2007 on the implementation of the Asylum Act the UAMAS' **personal interview must be conducted in the presence of the case guardian**. Due to the often lengthy procedure of appointment of case guardians, it can occur that the interview can only take place several months after the asylum application had been filed. If the UAM's minority is challenged and an age assessment procedure is ordered, the **asylum procedure is suspended until the age assessment procedure is concluded**. The two phases of the Hungarian asylum procedure include (i) a preliminary examination assessment (30 days) including the Dublin procedure verifying whether family reunification or transfer on other grounds to another MS applies, and (ii) the in-merit assessment procedure (60 days). It has to be noted that the age assessment procedure, the Dublin procedure and the appointment of a guardian **is not taken into account in the deadlines** prescribed in the Asylum Act for conducting the asylum procedure.

According to law the **case guardian** has the duty to inform the UAMAS about the personal interview and its consequences and assist his/her preparation for it. Unfortunately, **in practice** this may prove to be problematic.⁴⁷ The refugee authority **may exempt** the person seeking recognition from a personal interview if he/she is **not fit for being heard**⁴⁸. Practice observed by UNHCR and Hungarian Helsinki Committee⁴⁹ shows that not all case guardians are qualified lawyers eligible to represent the UAM in court procedures, therefore their **efficient legal representation in the asylum procedure may not be ensured adequately**. Consultations with child protection facilities designated to accommodate UAMAS demonstrate that the **appointment of child protection guardians can take up to 60 days** from the child's arrival and that as an emerging recent practice in case of Hódmezővásárhely UAM Home⁵⁰ case guardians are not always appointed to UAMAS.

According to IOM's research on guardianship arrangements in Eastern Europe⁵¹ **systematic capacity building on guardianship for unaccompanied minors**, guardianship supervision, monitoring and evaluation **are areas to be improved in Hungary; however** NGOs active in the field of migration and asylum offer occasional trainings.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

Q9. Please describe the procedure for assessing the age of an asylum-seeking UAM who claims to be a minor. Please indicate, for example:

- *Whether and when the stated age (date of birth) and unaccompanied situation is registered;*
- *Whether, when, why and how a formal age assessment is undertaken;*
- *Whether and how the conclusions from an age assessment are registered (e.g. is the registered claimed age (date of birth) replaced by the assessed age or is this age added to the file, etc.).*

According to Section 44 (1) of the Act on Asylum **if any doubt emerges** concerning the minor status of a person seeking recognition who claims to be a minor, a medical expert examination may be initiated for the determination of his/her age. The examination may only be performed with the **consent** of the person seeking recognition or, the consent of his/her legal representative or case guardian, if the person seeking recognition is in a state which does not permit him/her to make such a declaration.

According to UNHCR and NGOs dealing with issues of migration regarding the application of **emergence of doubt**, there is no legal provision neither in the Act of Asylum nor in the Gvt. Decree on the Implementation

⁴⁶ Dr. Katonáné Dr. Pehr Erika: Változások a gyámság szabályozásában, különös tekintettel a gyámrendelésre, in (Családi Jog) downloadable here: http://ptk2013.hu/wp-content/uploads/2014/07/Katonane_Pehr_tanulmany_CsJ_201402_1_10.pdf.

⁴⁷ As usually the guardians meet the UAMs the very same day of the UAM's personal interview and the provision of interpretation is not guaranteed by law. Source: consultation with Hungarian Helsinki Committee representative and child protection professionals working with UAMs on a daily basis.

⁴⁸ According to Section 43 (2) of the Act of Asylum.

⁴⁹ Phone Interview conducted with the legal officer of the Hungarian Helsinki Committee in August 2014.

⁵⁰ Interview with child protection professional working in Hódmezővásárhely UAM Home.

⁵¹ International Organisation for Migration: Overview of guardianship systems for unaccompanied minor asylum-seekers in Central Europe SYNTHESIS REPORT, 2012; available at: http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=41_7&products_id=827

of the Act of Asylum that could provide the decision-maker with at least certain guidelines to follow when applying this provision. In response to the researcher's questions for the present study the OIN confirmed that there is **no standard operating procedure** in place to guide the decision-maker on the application of this provision and it is determined by the decision-maker on a case-by-case basis. When examining the case files at the researcher's disposal it appeared that it remains in the discretionary power of the authority in charge to determine the factors and circumstances that need to be taken into account to determine whether the person is a minor or not. The case files also indicate that even if the UAM's minority has already been confirmed at the initial age assessment procedure initiated by the police, implying that in theory there should be no doubt about his/her minority, an additional age assessment is initiated by the OIN as well. However, it has to be noted that the reason behind this is that during the age assessment procedure conducted by the police, within the time-limit of one day and without formal medical examination, the exact age of the UAM cannot be established, therefore an additional age assessment procedure is initiated by OIN quasi -automatically.

As there are **no clear rules set out on the mutual recognition of age assessment examinations** conducted by another Member State it is often the case that an UAMAS, whose minority has previously already been determined by another MS, has to undergo an additional age assessment in Hungary to be treated as a minor. It may occur that when a child declares to be an adult in Hungary and then declares to be a minor in another Member State where she went subsequently, he/she is treated as an adult, according to his/her first declaration when readmitted through the Dublin procedure to Hungary.⁵² Normally the child could access age assessment, if he/she so requests but then credibility could be an issue. The experience of UNHCR and the Hungarian Helsinki Committee show that **there is no uniform practice** in cases where an asylum-seeker claiming to be **an UAM in detention** (who has already undergone an initial age assessment procedure conducted by the police resulting in a negative medical opinion) **wants to challenge** such a decision in order to be treated as a minor. It may occur that the asylum authority – in spite of the UAMAS' request – refuses to initiate a second age assessment examination on the authority's cost arguing that an age assessment examination has already been conducted (by the police).

Regarding the **methodology applied**, the Parliamentary Commissioner in its report⁵³ AJB 497/2010 recommended that the relevant law⁵⁴ be amended to ensure that the examination is conducted in a child- and gender-sensitive manner and should include an investigation into the psychological maturity of the applicant and the relevant ethnic and cultural facts/components in accordance with General Comment No. 6 of the Committee on the Rights of the Child. According to an inquiry conducted by the Parliamentary Commissioner in 2012, examinations by social workers and psychologists are still not part of the age assessment procedure in Hungary. Examinations performed should comply more with the **requirement of a multi-disciplinary approach**. However, a **positive development** has to be noted in contrast to the previous practice in 2009. Since 1 September 2011, the age assessment procedure is conducted by **qualified forensic experts** (of the Buda Health Care Centre), whereas previously paediatricians and family doctors conducted such assessments. Also, a margin of error is envisaged for each examination carried out, which means that if the range includes the minor age, the person is considered to be a minor.⁵⁵ As UNHCR observed in a number of cases, the asylum case files do not always contain detailed information on the age assessment procedure, and a uniform practice regarding the registration of the conclusions of an age assessment should be applied.

Q10. Please provide the average (or where this is not available median) duration of an asylum procedure for a UAM.

Upon request, the OIN could not provide the researcher with an average time-duration of the asylum procedure for an UAMAS as they do not collect relevant data. However, according to the experience of the Hódmezővásárhely Children's Home, principally in charge of accommodating non-asylum seeking UAMs - however in reality also accommodating UAMAS due to capacity issues -, the average time-duration to conduct an **asylum procedure** in case of **UAMAS is 8-9 months**. Bearing in mind that according to Section 35 (7) of the Act on Asylum, the asylum claim of an UAM has to be treated as a matter of priority, this may be considered as a lengthy procedure.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for

⁵² France Terre d'Asile: The right to asylum for UAMs in the European Union, comparative study 2012, accessible at: <http://www.frsh.de/fileadmin/beiboot/BB3/BB-3-12-Anlage.pdf>

⁵³ Report AJB 7120/2009 (May 2010).

⁵⁴ Section 44 of the Asylum Act.

⁵⁵ EMN Ad-Hoc Query on Unaccompanied Minors – updated facts and statistics Requested by SE EMN NCP on 23 January 2012 available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/ad-hoc-queries/protection/367_emn_ad-hoc_query_unaccompanied_minors_-_updated_facts_and_statistics_23jan2012_wider_dissemina_en.pdf.

instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

Section 2.6 Guardianship and age assessment for non-asylum seeking UAMs

Q11. Please describe the arrangements for guardianship of non-asylum seeking UAMs. Please specify, for example: who organises guardianship for UAMs, who can become a guardian to a UAM, what the role of a guardian to a UAM is, which UAMs are entitled to a guardian, until what age and whether this depends on the status of the UAM, e.g. does the UAM get another guardian when s/he is granted international protection, etc.

Once minority is confirmed, the **police** is obliged to initiate the placement of the non-asylum seeking UAM **under interim care** as he/she is without parental care⁵⁶ and request – without delay – for the appointment of a **case guardian for the representation of the UAM's interests**.⁵⁷ The police also has the duty to organize the **placement** of the non-asylum seeking UAM by contacting the competent **Guardianship Authority**.⁵⁸ Subsequently, the UAM is usually **transferred to** the child protection facility designated to accommodate non-asylum seeker UAMs in Hódmezővásárhely. According to a recent report published by UNHCR, Hungarian Helsinki Committee and the Hungarian Police the appointed guardians should be more prepared to represent the interests of the UAM in the alien-policing procedure as they rarely take concrete steps to trace the family members of the UAM.⁵⁹

Q12. Please describe the procedure for assessing the age of a non-asylum seeking UAM who claims to be a minor. Please specify different situations (e.g. UAMs who apply for asylum, at the border, illegally staying UAMs, etc.). Please indicate, for example:

- Whether and when the stated age (date of birth) and unaccompanied situation is registered;
- Whether, when, why and how a formal age assessment is undertaken;
- Whether and how the conclusions from an age assessment are registered (e.g. is the registered claimed age (date of birth) replaced by the assessed age or is this age added to the file, etc.).

As explained above under Section 2.3. if a non-asylum seeking UAM is apprehended/identified by the police at the border or in the territory of Hungary and is unable to justify his/her personal identity (including his/her age) and/or his/her legal ground for stay in Hungary, he/she is put under short-term arrest for 12 hours by the Police which may be extended by another 12 hours of taking the alleged UAM into custody. **During this period (a total of 24 hours maximum) if the police consider the minor's age doubtful, it may initiate an age assessment procedure, which shall be conducted within 24 hours upon apprehension/identification of the UAM.** According to the practice recorded by the Parliamentary Commissioner in its report from 2012⁶⁰, usually even children visibly under age have to undergo a formal age assessment examination in order to be considered as UAM.

Practice identified by the Parliamentary Commissioner shows that the age assessment procedure initiated by the Police is usually conducted within few hours following apprehension and **no guardian is present to represent the rights of the UAM**. According to the authorities, this is due to the fact that the age assessment has to be conducted within a very short period of time -24hours – which is too short a time to appoint a guardian.⁶¹ UNHCR observed⁶² in a number of case files examined, that the police case files did not contain any detailed information on the age assessment procedure, and simply noted that the applicant was not a minor. Although as a positive development it has to be noted that the **National Police and Criminal Forensic Research Institute have elaborated a Standard Operating Procedure (SOP)** in 2013 on **how to conduct** an age-assessment in alien-policing procedure. However this SOP is of recommendatory nature and does only apply to age assessment conducted in the asylum procedures. The **conclusions of the age assessment** are in general **added to the case file**⁶³ in the form of a medical opinion. The originally claimed

⁵⁶ Section 72 (1) of the Act XXXI of 1997 on Child Protection and Custody Administration (hereinafter: 'Child Protection Act').

⁵⁷ Section 72 (2) of Gvt. Decree implementing TCN Act.

⁵⁸ Section 72 (3) of Gvt. Decree implementing TCN Act.

⁵⁹ Border-monitoring report 2013 of HHC-UNHCR-Police: reported about the case of a non-asylum seeking UAM where although the minor was questioned about the availability of his family members during a later interview, the authority did not make any concrete steps in order to trace the family members staying in Italy **neither did the guardian initiate any such actions**.

⁶⁰ Report number 2731/2012 of the Parliamentary Commissioner for Fundamental Rights.

⁶¹ Dr. Kricskovics Antal, Országos Rendőr-főkapitányság Bűnügyi Szakértői és Kutatóintézet Bűnügyi Technikai Főosztály Bűnügyi Orvosi Osztály „Kiskorú migránsok életkorbecslése - orvosi lehetőségek és idegenrendészeti elvárások 2014, downloadable in Hungarian: <http://www.pecshor.hu/periodika/XIV/kricskovicsa.pdf>.

⁶² Source: Consultation with the Hungarian Unit of UNHCR Representation of Central Europe in August 2014.

⁶³ A decision on stating whether the UAM is over age or not is rendered by the Police. (Analysis of case files left at the disposal of the researcher)

age figures in the records of the personal interview conducted in the alien-policing procedure with the non-asylum seeker UAM upon arrival.

A **Working Group set up by** the President of the Supreme of Hungary (hereinafter as 'Curia') to analyse the Hungarian judicial practice on detention (2013), found⁶⁴ that judges do not challenge the authenticity of the medical opinions even if they doubt the age specified by the medical opinion of the young detainees before them. This results in an automatic prolongation of detention as review by anthropologists never takes place. According to the Working Group, in case of doubt, the judge may challenge the authenticity of the medical opinion, as the opinion provided by medical experts is imprecise due to the lack of established medical protocols. Also, in order to consider an opinion as an official medical expert opinion, the detailed justification would need to contain the contribution of anthropologists and psychologists. The recommendations made by the Curia in asylum and migration cases may have contributed to some first-instance courts adjudicating against extensions of detention of visibly underage persons even if an initial negative medical opinion had been issued during the alien-policing procedure).

Section 2.7 Residence permits granted to unaccompanied minors (both asylum- and non-asylum seeking UAMs)

Q13a. Please provide details on the possible residence options available to unaccompanied minors not applying for asylum and to those whose claims for asylum have been rejected.

When an UAM arrives in Hungary in an irregular manner and **does not apply for asylum (or his/her asylum claim has been rejected)**, a **certificate authorising temporary stay** valid for 3 months (extendable by maximum three additional months at a time) is issued to him/her until the alien-policing authority decides on his/her case.⁶⁵ As a result of the alien-policing procedure the UAM can be granted either tolerated status or a humanitarian residence permit designated for UAMs.

Tolerated status (principle of non-refoulement)

The most frequently granted possibility of residence available for a non-asylum seeking UAM is the so-called "**tolerated status**" ("befogadott"). This protection status **may be granted both under the alien-policing procedure as well as under the asylum procedure**. Tolerated status has to be granted when an unaccompanied minor who arrives in Hungary irregularly would be subject to refoulement if returned to his/her country of origin. Furthermore, there is an additional guarantee applied in case of UAMs. According to Section 45 (5) of the Third-Country Nationals' Act, **an UAM may only be expelled if appropriate care for the minor is ensured through the means of family reunification, state or other institutional care in the country of origin or other hosting state**. (Provision transposing Article 10 (2) of Return Directive.) According to the report (AJB-2731/2012) of the Parliamentary Commissioner the competent authorities should be more thorough when verifying whether the preconditions of returning a minor to his/her country of origin or the country of readmission are fulfilled. The granting of tolerated status under the alien-policing procedure is governed under **Section 2 f) of the Third-Country Nationals' Act**. Persons granted tolerated status receive a humanitarian residence permit valid for 1 year, subject to renewal if conditions apply.

Residence permit on humanitarian grounds granted to UAMs: Section 29 (1) d) of the Third-Country Nationals' Act stipulates that in the absence of the requirements for a residence permit specified in the Act, any third-country national minor born in the territory of Hungary who subsequently has been left without a guardian, **as well as UAMs, shall be granted a residence permit on humanitarian grounds**. According to the findings of the EMN Study on non-harmonized EU practices, and the Joint Border Monitoring reports 2012 and 2013 of UNHCR Central Europe, National Police and Hungarian Helsinki Committee **the granting of such status is yet to be applied by the respective authorities**.

Stateless persons: UAMs recognised by Hungary as stateless **are granted a residence permit** on humanitarian grounds valid for **3 years** (renewable). In order to benefit from such status, an application has to be submitted to the OIN.

Humanitarian residence granted to victims of trafficking in human-beings: residence permit valid for 6 months (renewable).

⁶⁴ Summary Report of the Working Group analysing the alien policing legal practice (adopted on 30 May 2013 and approved on 23 September 2013 by the Kuria and the Administrative and Employment Council of the Kuria available at: http://www.lb.hu/sites/default/files/joggyak/idegenrendeszeti_osszefoglalo_velemen_y_kuria.pdf

⁶⁵ See TCN Act Section 30 (1) h) a certificate authorising temporary stay shall be issued to any third-country national who is subject to any immigration proceedings pending for illegal entry or residence.

Q13b. Please provide details of the residence permit granted to unaccompanied minors whose claims for asylum are successful (e.g. refugee status, residence permit issued on other grounds than international protection, etc.).

UAMAS can be granted 3 different forms of protection as a result of the assessment of their asylum claim: **Beneficiaries of international protection** may acquire either **refugee status or subsidiary protection status**. The residence of **recognised refugee UAMs** is not limited in time, and they are issued a Hungarian identity card valid for 10 years. **Subsidiary protection status** is granted for 5 years and may be renewed after a maximum of five years following recognition⁶⁶. Beneficiaries of subsidiary protection also receive a Hungarian identity card valid for five years. The third protection status is the **tolerated status (befogadott)** granted for 1 year (renewable if conditions are met) as explained in Q12.

Q13c. Please provide details of the (temporary) residence permit granted to unaccompanied minors who do not fulfil the entry requirements of the (Member) State but are not refused entry at the border / or who are apprehended in the territory of the (Member) State (e.g. tolerated stay, etc.).

Categories of unaccompanied minors	Please describe the residence permits granted to unaccompanied minors
Non-asylum seeking unaccompanied minor arriving at a land / sea border or airport	certificate authorizing temporary stay for the duration of the alien-policing procedure
Non-asylum seeking unaccompanied minor apprehended in the territory of the (Member) State	
Asylum seeking unaccompanied minor arriving at a land / sea border or airport	humanitarian residence permit valid for 6 months (renewable)
Asylum seeking unaccompanied minor apprehended or identified in the territory of the (Member) State	
Asylum seeking unaccompanied minor arriving at an internal authority (e.g. police, child protection service, etc.)	
Non asylum seeking unaccompanied minor seeking stateless status	certificate authorizing temporary stay for the duration of the procedure to determine statelessness, unless he/she obtains another form of residence
Non asylum seeking unaccompanied minor victim of trafficking	victims of trafficking in human-beings are entitled to a certificate of temporary residence during the so-called "reflection period" (1 month)

[Section 3: Reception arrangements, including integration measures for UAMs](#)

This section of the Synthesis Report will provide a factual, comparative overview of the reception arrangements in place for asylum-seeking and non-asylum seeking unaccompanied minors that exist in the EU, including integration measures such as access to healthcare, education and employment.

Please note: If there are different reception arrangements / integration measures for confirmed UAMs and UAMs who claim to be minors but are not confirmed, please elaborate on this difference in your answers to the questions in this section and provide a summary of the different arrangements / measures in Section 3.9 (e.g. more comprehensive measures available to confirmed UAMs (than UAMs who claim to be minors but are not confirmed), etc.).

[Section 3.1: Reception and care arrangements for unaccompanied minors](#)

⁶⁶ Section 14 of the Act on Asylum.

Q14. Please provide an overview of the national legal framework of your (Member) State with regard to the reception and care arrangements available to UAMs from first arrival until a durable solution is found.

Please distinguish between the provisions in place for:

- UAMs who are seeking asylum or have been granted international protection;
- UAMs who are not seeking asylum, including those who entered irregularly and/ or are in a trafficked situation;
- UAMs who are not yet confirmed as minors.

As explained above in previous sections **(in case of doubt) until the minority of the UAM is confirmed, he/she is treated as an adult**, thus may be accommodated either in an adult reception facility for asylum seekers or put in immigration/asylum detention if the conditions are met.

Once minority is confirmed the following applies. Since the inclusion of UAMs under the Child Protection Act, UAMAS and (to a certain extent) non-asylum seeking UAMs are included under the general child protection system and benefit from **"home care arrangements"**. Section 45 (1) of Child Protection Act requires that a child taken into care has to be provided with adequate food, clothing, mental-hygienic care and healthcare, education and housing arrangements adequate for his/her age, medical state and other needs, which should also be suitable for the development of his/her physical, mental, emotional state. UAMs seeking international protection are usually placed in Fót Children's Home in a separate building for UAMAS and UAMS granted international protection. Non-asylum seeking UAMs are placed in Hódmezővásárhely Children's Home designated by law to accommodate non-asylum seeking UAMs, although practice shows that UAMAS may also be accommodated there occasionally.

Identification of victims of trafficking in human beings (THB) remains challenging, as the national identification mechanism has only been introduced in 2013. The EMN focus study published in 2013 there is no data on the number of UAMs victims of THB in Hungary. The Parliamentary Commissioner⁶⁷ also found that the police does not inform the Victim Support Agency about the UAM entering Hungary irregularly who can be considered as potential victim of THB or smuggling.

Once the age of majority is reached, **UAMs granted international protection** are eligible for **after-care arrangements under the same conditions as Hungarian children** taken into child protection care which – in their case – can be considered as a durable solution. However, if an UAMAS turns 18 before he/she has been recognized as beneficiary of international protection, he/she is not eligible for after-care arrangements.

Q15. Which national authorities and organisations (including Non-Governmental Organisations where relevant) are responsible for the reception and care of UAMs from first arrival until a durable solution is found, indicating also the arrangements for funding (e.g. reception centres, healthcare, schooling, etc.)?

Please distinguish between national authorities and organisations deciding and administering the reception and care of:

- UAMs who are seeking asylum or have been granted international protection;
- UAMs who are not seeking asylum, including those who entered irregularly and/ or are in a trafficked situation.

Once minority is affirmed, **UAMAS and UAMs beneficiaries of international protection fall under the personal scope of the Child Protection Act** (Section 4 (1) c)) and are entitled to the same reception and care arrangements as Hungarian children. However **non-asylum seeking UAMs are not fully included** under the personal scope of the Child Protection Act (Section 4 (3)) since only specific provisions apply in relation to them.⁶⁸ Reception and care arrangements have to be provided to UAMs by the **Hungarian state**. The national authority responsible for the reception and care of UAMs is the Ministry of Human Resources (Child Protection and Social Directorate) which supervises all child protection facilities. Financial provisions are prescribed by the national budget. The **UAM Home in Hódmezővásárhely** is officially designated to **accommodate non-asylum seeking UAMs** and is operated by the Catholic Church based on an agreement concluded between the Hungarian state and the Church. Unfortunately, the capacity (max. 18 children) is limited therefore other child protection facilities in Kunfehértó, Szeged, Makó, Ópusztaszer, Szentes accommodate UAMs occasionally when available. The **Fót Children's Home designated to accommodate UAMAS and UAMs who are beneficiaries of international protection** has been granted additional funds under the European Refugee Fund (ERF) that can complement the reception conditions provided by the Hungarian state. It has to be noted that NGOs working in the field of

⁶⁷ In its report AJB-2731/2012.

⁶⁸ "The provisions of this Act should be applied in relation to the protection of non-Hungarian children residing in Hungary if the omission of interim placement, ordering of educational supervision or the appointment of a guardian would result in irreversible harm or the endangering of the child."

migration and asylum (Reformed Mission Centre's Refugee Mission – educational support, support in transition to adulthood; Cordelia Foundation for Torture Survivors – psychological assistance; Menedék Association for Migrants – assistance in finding employment, housing; Hungarian Helsinki Committee: provision of free legal aid to UAMs; IOM: assistance in family reunification and voluntary return, UNHCR: assistance in family reunification and facilitation of the UAM's best interests) play a significant role in the provision of reception and integration arrangements for UAMs. Most of these projects are partially financed under the ERF.

Q16a. What is considered a durable solution for the child in your (Member) State (could also be derived from practices in place, guidelines used by reception / care facilities, etc.)?

Both the Act on Asylum and the Children's Protection Act refer to the obligation of taking into account the best interests of the child during the procedures as a basic principle, yet a formal, individualized Best Interests Determination (BID) procedure in Hungary also for Hungarian children, needs to be established in order to determine "durable solutions". According to a study commissioned by IOM⁶⁹ authorities responsible for protecting the child's best interests have a discretionary power to decide upon the best interests of the child. In anticipation of the new UNHCR-UNICEF BID Guidance to be released in 2015, UNHCR has carried out consultations – in close cooperation with the Government and non-governmental organizations – to establish a BID process in Hungary. Hopefully the guidance will contribute to the establishment of a formal BID process in Hungary applicable to UAMs as well.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

Q16b. How quickly do the competent authorities take decisions on durable solutions for UAMs based on the best interests of the child? Please specify the starting point for the time taken by (Member) States to identify durable solutions (e.g. date of apprehension / application, etc.).

Please confer response to Q16a.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

Section 3.2: Accommodation and other material reception provisions

Q17. Please describe in the tables below the reception and care arrangements granted to UAMs in your (Member) State (in accordance with Directive 2003/9/EC⁷⁰) from first arrival until a durable solution is found. Where relevant, please distinguish between UAMs who are seeking asylum or have been granted international protection and UAMs who are not seeking asylum, including those who entered irregularly and/ or are in a trafficked situation.

	Please state (Y/N) whether the accommodation types and other material reception provisions listed are available to UAMs (in cash or in kind) in each of the categories below, and provide a brief description of the facilities available in each case:		
Accommodation type and access to other care and material reception provisions	UAMs seeking asylum or have been granted international protection	UAMs not seeking asylum, including those who entered irregularly and / or child victims of trafficking	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
Accommodation with adults	N	N	Y until age assessment examination is concluded.
Accommodation with a foster family	N	N	N
Accommodation / reception facilities specifically for minors	N	N	N

⁶⁹ IOM: Overview of guardianship systems for unaccompanied minor asylum-seekers in Central Europe SYNTHESIS REPORT, 2012, available at: http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=41_7&products_id=827.

⁷⁰ Please note that Ireland does not participate in this Directive.

Accommodation / reception facilities with special provisions for minors	N	N	N
Specialised accommodation facilities available for UAM victims of trafficking	N	N	N
Specialised accommodation facilities available to UAMS to meet specific identified needs	Y Separate building in the Children's Centre in Fót for UAM asylum seekers and beneficiaries of international protection with a capacity to host 32 unaccompanied and separated children and 50 young adults in transition.	Y Children's Home in Hódmezővásárhely (capacity: 18 UAMs, in practice also UAMAS are accommodated) designated to accommodate non-asylum seeking UAMs.	N
Other types of accommodation (please state, e.g. in adult accommodation facilities if over 16 years of age)	N	N	N
Food (please indicate how this is arranged in practice, e.g. meal vouchers to buy or prepare own meals, prepared meals, etc.)	Meals provided 5 times a day (a hot meal once a day is obligatory), special dietary needs according to medical prescriptions have to be taken into account. Both in Fót and in Hódmezővásárhely UAM Home, UAMs are allowed to cook for themselves, they are provided with the ingredients they ask for.		Meals provided 3 times a day at reception centres and detention facilities.
Clothing (please indicate how this is arranged in practice, e.g. provision of a budget to buy clothes, provision of second-hand clothes, etc.)	6 sets of underwear, 3 sets of nightwear and 2 sets of daywear and shoes suitable for the season, as well as 1 set of sportswear per UAM has to be provided. In practice UAMs are accompanied by a social worker to the shop where they can buy clothes. In addition to that both UAM Homes receive donations.		Provided occasionally upon available donations.
Allowance / pocket money (please provide details on what possibilities there are to earn pocket money in reception facilities, what amount and how this is paid, etc.)	Pocket money: 16 € per month for UAMs aged 14+, paid in cash, no possibility to earn money in the UAM Homes, although possibility of gardening and pottery activities financed under a project of the European Refugee Fund.		Monthly pocket money provided only for asylum seekers once they get admitted to the in merit examination procedure.
Other types of material reception provisions (please state)	In Fót UAMs Home: access to a prayer room as well as free access to internet, those UAMs who attend school are provided with monthly travel passes to and within Budapest. (20 km. distance from Fót)	N/A.	Varies according to the type of accommodation.

Q18. Please explain if UAMs have the freedom to make their own choices with regard to the provisions available to them (e.g. do UAMs have the possibility to prepare their own meals, buy their own clothes, etc.) with the ultimate goal of preparing them for the transition to adulthood (please see also section 5).

According to the UNHCR's AGD report from 2013 and the consultations conducted with child care professionals in Fót and Hódmezővásárhely as well as the written responses provided by the Ministry of Human Resources, UAMs are facilitated to become independent in the following ways: they can choose the ingredients necessary to prepare their food which will be bought by the UAM Home; they are involved in the selection of clothes, as well as hygienic products and they also receive trainings on how to manage their money as well as a household. The Head of the UAM Home in Fót in a recent interview⁷¹ explained that they sometimes receive donations of animals from local community. In this case the UAMs are allowed to make use of such animals by themselves.
NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine

⁷¹ <http://m.168ora.hu/globusz/karolyi-istvan-gyermekkozpont-fot-menekultek-raoufi-fatana-124207.html>

the age of the minor.

Q19. Which organisations (governmental and non-governmental) are responsible for the provision of accommodation / other material reception conditions of UAMs (if different from above)?

As explained above the provision of accommodation and other material provisions is the obligation of the Hungarian state (Ministry of Human Resources), complemented by the projects run by NGOs dealing with migration issues and –sometimes- with donations provided by individuals.

Q20. Please provide more information on the staff (e.g. care/ social workers, etc.) responsible for the reception and care of UAMs, for example:

- What are the main tasks of the staff;
- Is there a specific training for the staff (if yes, please describe);
- In general, what is the staff to UAMs ration (the number of UAM per staff member).

Child protection professionals working with UAMs in Fót and Hódmezővásárhely include: child and youth protection supervisors, child protection assistants, social pedagogues, romologists, teachers of Romology and education, psychologists, teachers by profession.⁷² A positive development is that the UAM Home in Fót is run by a former refugee woman of Afghan nationality therefore communication with Afghan UAMs (majority of UAMs in Hungary) is easier. Both UAM Homes' staff have received migration and asylum related trainings (mainly sensitivity trainings) after they started working at UAM Homes provided by relevant migrant organisations such as Menedék Association for Migrants, Hungarian Reformed Church Refugee Mission, Hungarian Helsinki Committee, Cordelia Foundation, Terre des Hommes and UNHCR. **Still there is a need for an institutionalized compulsory training curriculum.** In Hódmezővásárhely 7 child protection professionals are responsible for the care of max. 18 UAMs, whereas in Fót this number is much higher due to the higher number of UAMs accommodated there.

Q21. What is the overall assessment of the standard of accommodation / material reception conditions provided to UAMs in your (Member) State (as cited in existing evaluation reports / studies / other sources or based on publicly available information received from competent authorities)? Please provide references to these sources of information.

Do you foresee an evolution of the national legislation and / or the practice in light of the recast Reception Conditions Directive (2013/33/EU)⁷³?

Since 2011 (asylum and non-asylum seeking) UAMs are accommodated in child protection facilities designated to accommodate minors in compliance with Article 24 (2) c) of the recast Reception Conditions Directive which can be regarded as a significant development compared to the previous reception conditions (accommodation with adults in a reception facility). However as outlined above under the age assessment section, in case of doubt, UAMs are treated as adults, accommodated in adult reception facility or detention centre until their minority is confirmed. In its 2012 report on the Children's Home in Fót (case number AJB-733/2012) the **Parliamentary Commissioner** found no violations concerning the provision of housing and other material provisions for UAMs accommodated in Fót. **UNHCR Report on age, gender and diversity of 2013** assesses the general accommodation and reception conditions in Fót as adequate in the meantime some room for improvement remains.

Section 3.3: Access to legal advice

Q22: Please describe access by UAMs to legal advice in your (Member) State.

Legal advice	UAMs seeking asylum or have been granted international protection	UAMs not seeking asylum, including those who entered irregularly and / or child victims of trafficking	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
Legal advice and other	According to Section 5 (2)	According to Section 4 (1)	The entitlement to legal

⁷² Report of the Parliamentary Commissioner for Fundamental Rights number AJB-733/2012

⁷³ Please note that Ireland does not participate in this Directive.

forms of legal support	point d) of the Act LXXX of 2003 on provision of legal aid, asylum seekers as well as recognized refugees and persons granted subsidiary protection can – upon introducing such claim – be provided with free legal aid by the State if their monthly revenue does not exceed a certain threshold.	point f) of Act LXXX of 2003 on provision of legal aid third country nationals who have been issued a return decision can – upon introducing such claim – be provided with free legal aid by the State if their monthly revenue does not exceed a certain threshold.	counselling is identical in case of adult irregular migrants/asylum seekers.
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Q23: Which organisations (governmental and non-governmental) are responsible for the provision of legal support to UAMs (if different from above)?

State-run free legal aid is provided by the Office of Justice, financed under the European Refugee Fund, co-financed by the Ministry of Interior. The Hungarian Helsinki Committee provides free legal aid on a regular basis (once a month) to UAMs seeking asylum and beneficiaries of international protection in Fót and occasionally to UAMs accommodated in Hódmezővásárhely UAM Facility.

Q24: What is the overall assessment of the provision of legal support to UAMs in your (Member) State (e.g. cited in existing evaluation reports / studies / other sources or based on publicly available information received from competent authorities)? Please provide references to these sources of information.

Although the possibility to seek free legal aid is prescribed by the State subject to conditions stipulated under the Act LXXX of 2003 on provision of legal aid, in practice UAMs are usually not aware of such possibility. Another obstacle for them to effectively access free legal aid is the **lack of regular presence of the state-provided lawyers in the UAM Homes**⁷⁴ (unlike in reception facilities and detention centres). Accessible free legal aid service (even if limited) available is provided to UAMs by Hungarian Helsinki Committee.⁷⁵ Case guardians appointed to UAMAS to assist them during the asylum procedure are not necessarily well-trained in asylum law therefore their effective contribution to represent the Best Interest of the child during the asylum interviews remain limited.⁷⁶

Section 3.4: Healthcare

Q25: Please describe access by UAMs to healthcare in your (Member) State.

	Please state (Y/N) whether the healthcare types listed are available to UAMs in each of the categories below, and provide a brief description of the healthcare available in each case:		
Healthcare	UAMs seeking asylum or have been granted international protection	UAMs not seeking asylum, including those who entered irregularly and / or child victims of trafficking	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
Emergency treatment	Yes, emergency treatment has to be provided to all UAMs regardless of their immigration status. It includes any and all treatment that is necessary to prevent the patient's severe or irreversible health deterioration or imminent danger to his/her life according to the Hungarian Health Care Act and the Ministerial Decree 52/2006. ⁷⁷		
Basic medical care	Yes, for UAMs accommodated in Fót UAM Home, as access to	Depending on the place of accommodation.	It depends on the immigration status of the

⁷⁴ Source: responses provided by the UAM Homes located in Fót and Hódmezővásárhely as well as statistical data provided by the Ministry of Interior in charge of monitoring the implementation of the Assistance and provision of free legal aid to asylum seekers" project financed under the European Fund for Migration, Integration and Asylum.

⁷⁵ Source: responses provided by the UAM Homes located in Fót and Hódmezővásárhely and Hungarian Helsinki Committee lawyer.

⁷⁶ France Terre D'Asile Comparative study on the Right to asylum for unaccompanied minors in the European Union 2012

⁷⁷ Dr. Gellérné dr. Lukács Éva: A harmadik országbeli állampolgárok szociális jogai, 2009, Tullius Kiadó Európai Integrációs Alap, available: http://www.shp.hu/hpc/userfiles/szocialisjogok/eia_kezikonyv_vegleges.pdf

Essential / specialised healthcare if required	a paediatrician and also specialized health care is provided within the premises of the Childrens' Home in Fót.		UAM, who is considered an adult until minority is confirmed by the age assessment.
Psychological support / counselling	Yes, (partly) Cordelia Foundation (specialized psycho-social treatment of torture and trauma survivors) every 2 weeks in Fót UAM Home.	Yes, psychologist working part-time at Hódmezővásárhely UAM Home since Summer 2014 ⁷⁸	
Do UAMs have equal access to healthcare as child citizens in the (Member) State?	Only UAMs recognized refugees/beneficiaries of subsidiary protection are entitled to the same health care arrangements as Hungarian children.	No.	No, the immigration status of the UAM prevails and he/she is treated as an adult asylum seeker/irregular migrant until his/her minority is confirmed.
Are UAMs assessed to ensure their healthcare needs are met (e.g. through a health assessment)?	Y basic medical screening at an early stage of the procedure is conducted.		
Do UAM have access to health insurance? If yes, under what conditions?	Only UAMs recognized as refugees/beneficiaries of subsidiary protection are beneficiaries of social insurance during their enrolment to school similarly to Hungarian children.	No	No
How is reception organised for UAMs with psychiatric problems or addictions?	According to Child Protection Act they should be referred to designated, specialized child protection facilities. However in practice no such cases have been reported.	N/A.	N/A

Q26: Which organisations (governmental and non-governmental) are responsible for the healthcare of UAMs (if different from above)?

Healthcare arrangements – as part of the reception arrangements in general to be provided for UAMs have to be ensured by the **Hungarian state**. However in practice we can see that in relation to psychological care there is a lack of interpretation arrangements as well as a lack of expertise with traumatized refugees in the State sector. Instead **Cordelia Foundation for the Rehabilitation of Torture Survivors**⁷⁹ is offering psychological therapy (including provision of native interpreters) for UAMs living in Fót UAM Home every second week.

Q27: What is the overall assessment of the standard of healthcare provided to UAMs in your (Member) State (e.g. as cited in existing evaluation reports / studies / other sources or based on publically available information received from competent authorities, please give references)? Please provide references to these sources of information.

Do you foresee an evolution of the national legislation and / or the practice in light of the recast Reception Conditions Directive (2013/33/EU)?

According to the participatory study conducted by **Fundamental Rights Agency**⁸⁰ based on interviews with adult professionals working with UAMs and UAMs themselves, children complained that medical screening and health assessment upon arrival was not sufficient or was not carried out at all. In Hungary, many of the children complained about superficial examinations, while some pointed out that they did not receive dental treatment other than tooth extractions, and others mentioned that prescribed medicines were not given to them. Adult respondents, however, claimed that the available healthcare services are on the whole adequate and satisfactory. The **Parliamentary Commissioner** observed that the lack of interpretation arrangements⁸¹ and cultural differences hinder UAMAS' efficient access to quality health care services as communication remains limited.⁸²

⁷⁸ Interview conducted with child protection professional working in Hódmezővásárhely UAMs Home in August 2014.

⁷⁹ <http://www.cordelia.hu/index.php/en/>

⁸⁰ European Union Agency for Fundamental Rights: Separated asylum seeking children in European Union Member States, comparative Report, December 2010, available here: <http://fra.europa.eu/en/publication/2012/separated-asylum-seeking-children-european-union-member-states>

⁸¹ see also: Gagyí, R. (2012): 'Kísérő nélküli kiskorúak Magyarországon. Szakmaiság és kompetencia'. Magyar Ökumenikus Segélyszervezet, available at: http://issuu.com/segelyszervezet/docs/project1_szolid_belapok_vegleges

⁸² Szabó, M.- Hajas B. (ed.): Pajzsuk a törvény – Rászoruló csoportok az ombudsmani jogvédelemben. AJBH. Budapest. 2013, page 394.

Another issue is the unavailability in practice of state-provided psychological assistance to UAMs suffering from PTSD and the lack of supervision of the staff of UAM Homes.⁸³

Section 3.5: Education

Q28: Please describe access by UAMs to education in your (Member) State.

	Please provide information on the issues raised below on access to education by UAMs:		
Education	UAMs seeking asylum or have been granted international protection	UAMs not seeking asylum, including those who entered irregularly and / or child victims of trafficking	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
Is access to education (appropriate to the age and needs of the UAM) provided for in legislation in your (Member) State?	Yes, they can be enrolled once their humanitarian residence card is issued.	Yes, but in practice their enrolment hardly takes place as they disappear within few days.	No. As explained at Q25. UAMs are considered as adults until the age assessment procedure is concluded.
How quickly can a UAM access education in the (Member) State?	No official data available but according to an estimate it can vary from few days up to several weeks according to the experience of NGOs working in the field of UAM education. However, it can be said that the UAM's age, the place of accommodation, the UAM's motivation are key determining factors.	Approximately within 10 days from arrival in the UAMs' Home in Hódmezővásárhely ⁸⁴	
How does the (Member) State ensure that the education provided to UAMs are adapted to their age, level of education in the country of origin and the degree of the language barrier (e.g. individual assessments etc.)?	It depends on the school willing to accept the UAM, the child's motivations, whether he/she wants to stay and learn in Hungary.		
What support measures are available to help the UAM with the transition to education in the (Member) State (e.g. language training, mentoring, vocational training, other support mechanisms – please state?)	UAMAS accommodated in Fót UAM Home are provided with a school pre-integration programme (education of Hungarian language, assessment of skills/competences) financed under ERF. UAMs enrolled in Than Károly School (Budapest) are provided with an intercultural curriculum suited to their needs as well as an intense language training (20 hours weekly) and vocational trainings are available for them. UAMAS are thought in classes of 15 students together with Hungarian	N/A	

⁸³ Please note that the staff working in Hungarian child protection facilities are not provided with supervision either.

⁸⁴ Information provided by child protection professional of Hódmezővásárhely UAM Home in August 2014.

	students.	
Do UAMs have the same right to education as other children in the (Member) State?	Yes according to Section 92 (1) a), (3) and (4) of the Act on Public Education (PE Act) they can benefit from free primary education and kindergarten.	No according to Section 92 (7) of the Public Education Act read in conjunction with Article 28 (1) a) of the UN Convention of the Rights of the Child (signed and ratified by Hungary) they are only entitled to free access to primary education.
Do UAMs receive education in specialised educational establishments? If yes, does the (Member) State have plans to integrate these UAMs in the general education system?	Minors in Fót attend the Than Károly Secondary School or the Bródy Imre Secondary School in Budapest.	N/A
How does the education provided to UAMs support their social integration in the (Member) State?	In Than Károly School they are enrolled in mixed classes together with Hungarian students which supports their integration process.	N/A
How does the (Member) State prepare UAMs for accessing their labour market (e.g. provision of training, vocational guidance, etc.)?	Integration services aiming at supporting self-sufficiency, provision of individualized integration plan as well as job orientation training and provision of employment opportunities at the UAM Home (gardening, carpentry) for a limited number of recognized UAMs through the "Itt-Hon" project implemented under ERF.) In addition the Reformed Church Centre's Refugee Mission and Menedék Association for migrants offer employment support to a limited number of recognized UAMs.	N/A

Q29: Which organisations (governmental and non-governmental) are responsible for the education of UAMs (if different from above)?

Provision of education is an obligation to be provided by the **Hungarian state** according to the Act on National Public Education. The principal schools where UAMs accommodated in Fót are enrolled are the following: Than Károly Grammar School, Specialized Secondary School and Vocational School (Budapest); Esély Kövessi Erzsébet Vocational School (Budapest); Bródy Imre Secondary School Budapest (20 km from Fót). UAMs accommodated in Hódmezővásárhely UAMs Home are enrolled in József Attila Elementary and Vocational School in Szeged (27 km from Hódmezővásárhely), as the schools in Hódmezővásárhely were not open to receive migrant children.⁸⁵ As regards the non-governmental sector, the Refugee Mission of Reformed Mission Centre offers educational programmes designated to recognized UAMs (please check answer to Q30).

Q30: What is the overall assessment of the standard of educational support provided to UAMs in your (Member) State (as cited in existing evaluation reports / studies / other sources or based on publically available information received from competent authorities, please give references)? Please provide references to these sources of information. Do you foresee an evolution of the national legislation and / or the practice in light of the recast Reception Conditions Directive (2013/33/EU)?

While the Act on National Public Education **provides for compulsory education** to asylum-seeking and refugee children (until the age of 16 or 24 if they pursue their studies) in Hungary, according to observations made by **UNHCR** during its regular monitoring missions and participatory field assessments (AGD), **effective**

⁸⁵ Information provided by child protection professional of Hódmezővásárhely UAM Home in August 2014.

participation in education is not fully ensured. The multi-functional team composed of governmental and non-governmental experts observing⁸⁶ school-aged minors attending the Bródy Imre School reported that they only have access to school two days a week. In addition, several minors were not issued the necessary documentation for schooling, some complained that their humanitarian residence permit has not been issued yet and this causes delays in their school enrolment.

Hindered access to education was also pointed out by the Parliamentary Commissioner in its relevant reports and raises concerns about the effective implementation of Article 14(1) of the recast EU Reception Conditions Directive. Identified issues were the **lack of special curriculum for migrant/refugee children, combined classes and few teachers trained.** The limited availability of Hungarian language courses for UAMAS is also an issue taking into account the lengthy asylum procedures. However, in Hungary, turning 18 does not have any impact on young people's access to education. **If enrolled before their majority, UAMs can pursue education and receive support even until the age of 24 provided they have a refugee status or subsidiary protection.** Asylum seeking UAMs turning 18 are allowed to pursue their education until a decision is made on their asylum request.⁸⁷

A **comparative report compiled by the Fundamental Rights Agency⁸⁸** with a child participatory approach shows that many UAMs in Hungary expressed their appreciation for their teachers, particularly when they took a personal interest in their life. Furthermore according to the report in Hungary, both UAMs and adult respondents working with UAMs noted problems in the infrastructure, such as a lack of books, due to the rising number of asylum seekers. In the NGO Sector the **Refugee Mission of the Reformed Mission Centre (RMK)** provides a **School Integration Programme** financed under the European Refugee Fund and co-financed by the MoI to UAMs beneficiaries of international protection (school aged and also to former UAMs). Social workers, teachers of Hungarian as a foreign language offer help to around 30 UAMs (former UAMs) beneficiaries of international protection willing to study from enrolment to school through catch up and talent care as well as orientation training from 1 up to 3 years. During this period of time they receive a monthly scholarship in order to buy the necessary school kit. In addition to that these students are provided with non-formal educational tools as well such as art therapy and drama. RMK also runs a project on the education of UAMs in transition since 2006.⁸⁹

Section 3.6: Access to support to employment

Q31: Please describe access by UAMs to employment in your (Member) State.

	Please state (Y/N) whether the measures to support access to employment listed are available to UAMs in each of the categories below:		
Access to support to employment	UAMs seeking asylum or have been granted international protection	UAMs not seeking asylum, including those who entered irregularly and / or child victims of trafficking	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
What is the minimum age a UAM can take up employment in the (Member) State?	16 years	N/A	N/A
Is access to employment for UAMs conditional upon obtaining legal (residence) status, a work permit, etc.?	UAMs beneficiaries of international protection can take up work under the same conditions as Hungarian children, unlike UAMAS who are not allowed to work until	No, UAMs who did not acquire a legal status in Hungary are not allowed to work.	N/A

⁸⁶ UNHCR Age, gender, diversity participatory assessment report Hungary, 2013.

⁸⁷ UNHCR and Council of Europe: Unaccompanied and separated asylum-seeking and refugee children turning eighteen: what to celebrate? (field assessment report) March 2014, available at: www.refworld.org.

⁸⁸ Fundamental Rights Agency: Separated, asylum-seeking children in European Union Member States, Comparative report, December 2010, hereinafter: FRA report 2010, available at: http://fra.europa.eu/sites/default/files/fra_uploads/1692-SEPAC-comparative-report_EN.pdf.

⁸⁹ Interview conducted with RMK's Refugee Programme director in August 2014.

	they acquire a protection status.		
Under what circumstances does a UAM receive a permit to work in the (Member) State once the minimum age is reached?	N/A.	N/A.	N/A
Is labour market access limited to a maximum number of days per year?	No.	N/A.	N/A
Can UAMs take up paid employment / household tasks for pocket money from the accommodation facilities where they are residing?	Y In Fót UAM Home UAM beneficiaries of international protection are remunerated for gardening and carpenter activities financed under the European Refugee Fund (ERF).	No.	N/A
What other forms of support are available to UAMs once working age is reached if they are unable to find employment?	In Fót recognized UAMs get orientation training related to integration to the job market also financed under the ERF.	No.	N/A

Q32. Which organisations (governmental and non-governmental) are responsible for providing employment access support to UAMs (if different from above)?

According to current legislation⁹⁰ the **head of the child protection home, the child's educator as well as the child protection guardian** are in charge of **preparing an individual care and educational plan** to UAMs placed in child protection. When elaborating this plan, the views and concerns of the UAM have to be taken into account. It is the duty of the UAM Home to prepare the UAM for adulthood, career selections and employment. In this regards the UAM Home is in charge of keeping regular contact with the employment office in order to find the best employment opportunity suitable for the minor's needs. In addition to this in the non-governmental sector the **Hungarian Reformed Church Refugee Mission (RMK)** provides employment support: internship opportunities, orientation training, vocational training, and assistance in job searches to those UAMs (former UAMs) beneficiaries of international protection who were selected in its school integration programme.

Q33. What is the overall assessment of the standard of employment access support provided to UAMs in your (Member) State (as cited in existing evaluation reports / studies / other sources or based on publicly available information received from competent authorities)? Please provide references to these sources of information. Do you foresee an evolution of the national legislation and / or the practice in light of the recast Reception Conditions Directive (2013/33/EU)?

No study has been conducted in this respect.

Section 3.7: Other integration measures

Q34. Does your (Member) State have any other integration measures in place supporting UAMs? If yes, please provide further information below.

No.

Section 3.8: Withdrawal of reception and integration support

Q35. Under what circumstance can any of the above reception and integration support provisions be withdrawn from UAMs?

Type of support (please list)	UAMs seeking asylum or have been granted international protection	UAMs not seeking asylum, including those who entered irregularly and / or child victims of trafficking
optional (extra) pocket money provided in addition to the obligatory pocket money	Only the optional (extra) pocket money (distributed upon the discretion of the children's home) can be withdrawn. (See supra note 39.)	
obligatory pocket money	It can only be withdrawn for the period of time when the UAMAS absconded from the children's home.	

⁹⁰ Section 84 of NM. Ministerial Decree 15/1998. (IV. 30.) on the professional tasks and management of child welfare and child protection institutions providing personal care, accessible in HU: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99800015.NM.

Q36. Are there any complaint mechanisms available to UAMs in case of withdrawal of reception and integration support? If yes, please specify below.

No but the withdrawal of the extra pocket money is not applied in practice.

Section 3.9 Identified challenges and good practices

Q37. Please indicate any **challenges** associated with the reception, care and integration of UAMs in your (Member) State (based on existing studies/ evaluations or information received from competent authorities) and how these can be overcome.

According to Hungarian law, free interpretation should be guaranteed in every measure affecting a child⁹¹. Psychological care is also an issue in Hungarian children's homes in various aspects.⁹² Even though the legislation ensures the access to psychological support within the public health care service, UAM Homes do not always have the necessary means to employ a psychologist full-time. As a positive development it can be observed that as of September 2014 the UAM Home moved to a new building equipped with quarantine room.⁹³

Section 4: UAMs that go missing / abscond from reception / care facilities

Q38. Have evaluations or studies on the number/ rate / country of origin of UAMs who go missing or abscond from guardianship/ reception/ care facilities been undertaken in your (Member) State? Please provide details and references below.

Due to the non-harmonized data collection and also in its report (AJB-2731/2012) the **Parliamentary Commissioner** found that in 2012 (during the reference period 1 January - September 30.) out of 700 UAMs entering irregularly Hungary, 480 UAMs absconded. The majority of UAMs entering Hungary irregularly in 2012 came from Afghanistan (612) and Pakistan (76). Regarding asylum-seeking UAMs that abscond/are reported as missing please confer Table 1.6. in annex.

Q39. What are the possible reasons for the disappearance of UAMs, including absconding from guardianship/ reception / care facilities (as cited in existing evaluations/ studies/ other sources or based on publicly available information received from competent authorities)?

Except for a study commissioned by **Terre Des Hommes on the situation of children on the move** in Hungary⁹⁴ there has been no focused research conducted on the reasons behind the phenomenon of UAMs who abscond from Hungarian child protection facilities. According to the findings of the study, UAMs often abscond before a guardian is appointed to them, as the appointment process may be delayed. The study emphasizes the vulnerable situation of non-asylum seeking UAMS who usually disappear within few days in order to join their families in Western Europe. The Hungarian child protection system tends to accept that Hungary is a transit country and therefore abandons these children. According to the Ministry of Human Resources⁹⁵ the main causes of absconding are related to the fact that the UAM wants to avoid fingerprinting and/or age assessment. RMK and UNHCR are of the view that lack of information and the feeling of being left behind are often influencing factors when deciding to leave Hungary, as children are not always offered a positive vision of their future in Hungary, and in some cases they abscond in order to find their relatives in Western-Europe.

Q40. What is the socio-demographic profile of UAMs that go missing / abscond from reception / care facilities (e.g. asylum seekers or non-asylum seekers, nationality, appointed with a guardian or not, etc.)?

N/A.

⁹¹ Gagy, R. (2012): 'Kísérő nélküli kiskorúak Magyarországon. Szakmaiság és kompetencia'. Magyar Ökumenikus Segélyszervezet, available at: http://issuu.com/segelyszervezet/docs/project1_szolid_belapok_vegleges

⁹² "Mario project, Analysis of the situation of children on the move: assessing the capacity and the adequacy of the child protection system in Hungary to ensure the protection of children on the move, Budapest, January 2014" accessible: <http://destination-unknown.org/mario-project-to-protect-children-on-the-move-in-europe/>

⁹³ Report of the Parliamentary Commissioner for Fundamental rights on the situation in the UAM Home in Fót criticized that no quarantine room was available.

⁹⁴ Mario project, Analysis of the situation of children on the move: assessing the capacity and the adequacy of the child protection system in Hungary to ensure the protection of children on the move, Budapest, January 2014: http://s3.amazonaws.com/rcpp/assets/attachments/1722_Mario_2014_EN_original.pdf.

⁹⁵ Written information provided in August 2014 from the Ministry of Human Resources.

Q41. When are UAMs most likely to disappear from guardianship/ reception/ care facilities (e.g. within first few days of arrival, during weekends, before / after age assessment procedures, etc.)? Please provide evidence cited in existing evaluations/ studies/ other sources or based on publically available information received from competent authorities.

Child protection facility professionals reported that in the majority of UAMs-cases they had to handle, the end result was the disappearance of the minor from the home, in less than 48 hours in 2012.⁹⁶ According to the Ministry of Human Resources⁹⁷ responsible for the care of UAMs, approximately 50 % of UAMs disappear within 1 month of their arrival. However, the number of days spent in child protection facilities has increased in recent years (from 1-3 days to 7-8 days).

Q42. Please provide any other evidence that may be available of the impact of guardianship/ reception/ care facilities on the proportion of missing or absconding UAMs.

Findings indicated in the **Border Monitoring report** from 2012⁹⁸ show that UAMs are not well-informed about family reunification possibilities under the Dublin regulation and they are not provided with adequate legal support on behalf of the case guardian who is supposed to represent the UAM's best interests. Another issue is related to the late appointment of case guardians and child protection guardians which hinders UAMs' access to efficient protection and can often lead to their disappearance according to the Hungarian Helsinki Committee.⁹⁹

Q43. What measures has your (Member) State developed to a) prevent or to b) react to disappearances of UAMs (e.g. existence and use of support services, national hotlines for missing children, missing persons alerts in the Schengen Information System, NGO networks such as Missing Children Europe and their member organisations, taking fingerprints and photographs of UAMs as an aid for tracing, etc.)? Is there any evidence to suggest how effective these measures have been in practice (e.g. cited in existing evaluations/ studies/ other sources or based on publically available information received from competent authorities)?

Kék Vonal Child Crisis Foundation¹⁰⁰ is responsible for the operation of the Missing Children Hotline (116 000) in Hungary and applies the category of 'unaccompanied minor missing children'. However, as the service is only available in Hungarian, UAMs are in practice not able to make use of the Hotline. Current legal framework of finding Hungarian missing children at place in general is challenging.¹⁰¹ The **police operates a webpage**¹⁰² where pictures of Hungarian missing people - including those of children who absconded from child protection facilities - are uploaded, except for pictures of UAMs. However, it has to be emphasized that uploading a missing UAM's picture could be a backfiring practice as most of the times these children are in need of international protection and therefore any publicly available information regarding them could undermine their access to efficient protection and therefore should be avoided.

Q44. What are the procedures and practices of your (Member) State to a) report and b) deal with disappearances of UAMs (e.g. protocols among authorities, standardised procedure for dealing with disappearances, etc.)?

Section 86 of a Ministerial Decree¹⁰³ regulates the procedure applicable in case of unauthorized leave of UAMs from child protection institutions. In case the UAM has left the child protection facility without authorization, the **UAM Home has to notify the child protection guardian** without delay and in cooperation with him/her **attempt to find the missing UAM's place of residence**. In case the UAM is under 14, the UAM Home has to notify the police about the disappearance within 24 hours and provide the police with relevant personal information. The police - upon the UAMs Home's notification - has to initiate a circulation order in case of reported missing UAMs. Unfortunately, adequate investigation is problematic - according to the police - since these UAMs usually provide false personal data and their personal environment is unknown.¹⁰⁴ In case a missing UAM is found to be present in another Member according to a SIS hit, they could in theory be readmitted through existing bilateral

⁹⁶ Cazenave P. and Savai R., National background research on non-asylum seeking foreign unaccompanied minors in Hungary, Project Mario, April 2012, available at: <http://tdh-childprotection.org/documents/national-background-research-on-non-asylum-seeking-foreign-unaccompanied-minors-in-hungary>.

⁹⁷ Written information provided by the Ministry of Human Resources in August 2014.

⁹⁸ UNHCR, Hungarian Police and Hungarian Helsinki Committee: Access to territory and asylum procedures in Hungary in 2012, accessible at: http://helsinki.hu/wp-content/uploads/hel2013_menekulteng_final.pdf.

⁹⁹ Phone Interview conducted with the legal officer of the Hungarian Helsinki Committee in August 2014.

¹⁰⁰ See: www.kek-vonal.hu.

¹⁰¹ AJB 7822/2013, AJB 1140/2012, available in HU here: <http://www.ajbh.hu/jelentesek-inditvanyok-allasfoglalasok>.

¹⁰² Source: <http://www.police.hu/hirek-es-informaciok/nyilvanos-korozesek#>.

¹⁰³ NM. Ministerial Decree 15/1998. (IV. 30.) on the professional tasks and management of child welfare and child protection institutions providing personal care, accessible in HU: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99800015.NM

¹⁰⁴ Written information provided by the Police (Border Police Unit) on 18 September 2014.

readmission agreements or via the Dublin procedure. However, the Police reported no practice in this regard.

Q45. How is the registration of disappearances of UAMs organised in your (Member) State (e.g. by child, by incident, etc.)?

According to the Ministry of Human Resources the UAM Homes register the unauthorized leaves from the facility by indicating the children's name, the date of disappearance, the date of submission of the request sent to the police for issuing a circulation order and the eventual date and circumstances of children who were found.

Q46. Please indicate any **challenges** associated with UAMs who go missing or abscond from guardianship/ reception/ care facilities in your (Member) State (based on existing studies/ evaluations or publically available information received from competent authorities) and how these can be overcome.

The **Parliamentary Commissioner conducted several reports**¹⁰⁵ studying the phenomenon of disappearance of children from the general child protection system, but these do not particularly focus on the situation of UAMs but rather contain general observations. Challenges identified in the reports include the lack of common definition of missing children, the lack of harmonized data collection and also the unclear allocation of responsibilities between the child protection institutions and the police aiming at finding the missing child. The report AJB 1140/2012 also points out that in the general child protection system, very few NGOs are present working to prevent disappearances of children, and there is no standard operating procedure defining the respective tasks of NGOs and state actors in order to prevent children from absconding. According to the Joint Border-Monitoring conducted in 2012, police reported that after the disappearance of UAMs a search is ordered but there is generally no data on their subsequent whereabouts and circumstances. **It is of great concern that these UAMs are exposed to the risk of becoming victims of human smuggling or trafficking after their disappearance from the children's homes.** As concluded in the report of the Parliamentary Commissioner (case no. AJB-2731/2012): **currently there is no effective victim protection mechanism in place**, "there is no data in any of the reports that the proceeding authorities initiated any victim assistance, or reported these cases to the appropriate victim assistance authorities. A **Terre des Hommes study** on non-asylum seeking UAMs in Hungary¹⁰⁶ points out that the disappearance of UAMs allow the authorities not to appoint a guardian, not to provide protection or accommodation and could be presented as a „solution“ to an issue. Interviewed UAM Home professionals pointed out that as UAMs have the right to make phone calls in the child care homes and it happens that usually after the phone calls (within a day) a person shows up who claims to be a family member of the UAM, and usually takes the minor out of the child care home. However, they often turn out to be a smuggler/trafficker but professionals working in the UAM Home have no means to stop this when it occurs. A relevant good practice in Fót UAMs Home is the introduction of awareness-raising under the ERF, explaining the dangers in relation to trafficking and smuggling, aiming at preventing children from absconding.¹⁰⁷

Q47. Please provide any examples of proven (e.g. through evaluation reports / studies) **good practices** regarding UAMs who go missing or abscond from guardianship/ reception/ care facilities in your (Member) State. Please specify the source (as cited in existing evaluations/ studies/ other sources or based on publically available information received from competent authorities).

N/A.

Section 5: Arrangements in the (Member) States for UAMs when turning 18 years of age

This section examines the arrangements for former UAMs, both those seeking asylum and those not seeking asylum, once they reach the age of 18 years.

Q48. Please describe the situation in your Member State for former UAMs once they reach the age of 18 years:

Arrangements for former UAMs	UAMs seeking asylum or who have been granted international protection
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¹⁰⁵ AJB 7822/2013, AJB 1140/2012, available in HU here: <http://www.ajbh.hu/jelentesek-inditvanyok-allasfoglalasok>.

¹⁰⁶ Cazenave P. and Savai R., National background research on non-asylum seeking foreign unaccompanied minors in Hungary, Project Mario, April 2012, available at: <http://tdh-childprotection.org/documents/national-background-research-on-non-asylum-seeking-foreign-unaccompanied-minors-in-hungary>.

¹⁰⁷ Information provided by the Ministry of Human Resources in August 2014.

What residence permit provisions are in place for the UAM turning 18 years of age in your (Member) State? What are the consequences for the rights and obligations of the former UAM in accordance with these residence provisions?	N/A.
Are there any exceptions to the residence provisions that are in place for UAMs who are turning 18 years of age? If not, what are the implications of these provisions for the reception arrangements and integration measures that have supported the UAM up to that stage?	UAMAS who turn 18 before a decision has been made on their asylum application are transferred to the reception facility designated to accommodate adult asylum seekers. These former UAMs are not eligible to after-care services even if they are subsequently granted international protection. The integration services available for recognized adults are available for them according to the Act on asylum. If an UAMAS is granted international protection status before turning 18, she is eligible for after-care services under the same conditions as Hungarian children.
What measures are in place to support the UAM in advance of the transition (e.g. integration support, return support)?	Please confer answers given to Q32.
What measures are in place to support the former UAM after the transition (e.g. formal follow up or after-care service, open door policy at residential homes, personal adviser, pathway plan, etc.)?	UAMs beneficiaries of international protection may enjoy after-care arrangements under the same rules as Hungarian children.
What are the implications of the change in residence status for the access to education and/ or training of the former UAM?	N/A
What are the implications of the change in residence status for the access to employment of the former UAM?	N/A

Q49. Please describe the monitoring mechanisms in place to ensure the effective transition of unaccompanied minors from the age of minority to 18 years of age, including the types of measure undertaken and the duration of the monitoring period, where the situation in the Member State has changed since 2009, or where the (Member) State did not take part in the 2009 Study.

According to Section 87 (3) of Child Protection Act, the **child protection guardian** appointed to the recognized UAM has the duty to inform him/her about the possibility of applying for after-care support and to facilitate that he/she files such application. The UAMs are provided with educational monitoring (follow-up on their educational/employment pathway), lifestyle monitoring (assistance of the UAM in acquiring general knowledge about the rules of living together) and economic monitoring (how to make economies) provided by the educators working in the UAM Homes.

Q50. Please indicate any **challenges** associated with the transition to 18 years of age experienced by unaccompanied minors in your (Member) State (based on existing studies / evaluations or information received from competent authorities) and how these can be overcome.

Report AJB-733/2012 of the Parliamentary Commissioner identified the issue of **UAMAS who reach the age of majority before recognition and therefore they are not eligible to after-care services** (even if subsequently recognised as beneficiaries of international protection) and are transferred from the UAM Home to the reception facility accommodating adult asylum seekers. Besides the fact that this can be considered a discriminatory practice it also has to be pointed out that these UAMAS drop out of after-care arrangements for external reasons beyond their influence, mainly due to lengthy (sometimes even 8-months-long) asylum procedures. The same report indicates another issue experienced by NGOs (especially RMK Foundation) whereby recognized **UAMs are deprived of after-care services** due to non-compliance with the internal rules of the UAM Home without efficient remedy available against such decisions. Professionals working in the field of UAMs pointed out that the **integration benefits available to adult** beneficiaries of international protection according to the Act of Asylum are not available to former UAMs once they reach the age of 24 and are no longer eligible for after-care services. According to the report of UNHCR and Council of Europe¹⁰⁸ the lack of information about the exact consequences of reaching the majority age is really problematic and many of the unaccompanied and separated

¹⁰⁸ UNHCR and Council of Europe: Unaccompanied and separated asylum-seeking and refugee children turning eighteen: what to celebrate? (field assessment report) March 2014, available at: www.refworld.org.

children interviewed during the visits, notably in Hungary, highlighted how stressful this was. The Director of the UAM Home in Fót underlined that former UAMs usually stay in Fót, where after-care services are also available. There are two other post-care homes for young adults in Budapest and Mogyoród that provide opportunities of higher level for integration as those facilities also accommodate Hungarian citizens.

Q51. Please provide any examples of proven (e.g. through evaluation reports / studies) **good practices** regarding the transition to 18 years of age of UAMs in your (Member) State. Please specify the source (e.g. cited in existing evaluations/ studies / other sources or based on publically available information received from competent authorities).

A positive change compared to 2009 can be noted. Until 2010 UAM beneficiaries of international protection were not integrated in the general Hungarian after-care system but were provided after-care services in the UAM Home for Young Adults in Bicske. From 2010 on they have been integrated to the general after-care service and the Fót After-Care UAM Home has been designated to accommodate them.¹⁰⁹

Section 6: Return practices, including reintegration of UAMs

This section of the Synthesis Report will provide an overview of (Member) States' Return policies with regard to unaccompanied minors. (Member) States are also requested to provide information on the procedures that apply when an unaccompanied minor claims to be a minor and once minority is either confirmed or disproved.

Q52. Can an unaccompanied minor be returned (through voluntary or forced return) to the country of origin if s/he does not fulfil the entry requirements set out in Section 2?

Categories of unaccompanied minors that may be returned to the country of origin	Please provide more information about the circumstances under which unaccompanied minors may be returned <u>voluntarily</u> to the country of origin a) in <u>national legislation / policy</u> and b) in <u>practice</u> , with a particular focus on developments since 2009.	Please provide more information about the circumstances under which unaccompanied minors may be the subject of a <u>forced return</u> to the country of origin / Dublin country / transit country a) in <u>national legislation / policy</u> and b) in <u>practice</u> , with a particular focus on developments since 2009.	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
Non-asylum seeking unaccompanied minor arriving at a land / sea border or airport	In practice UAMs do not comply with the requirements of voluntary departure therefore in case the deadline foreseen for voluntary departure in the return order elapses, forced return can take place provided that the UAM has not already left the UAM Home without authorization which is usually the case.	a) According to Section 45 (5) of Third-Country Nationals' Act, non-asylum seeking UAMs (and rejected UAMAS) can only be returned to their country of origin (or the country responsible to readmit them – safe third country: e.g. Serbia) if the principle of non-refoulement is respected and the authorities are convinced that adequate guardianship arrangements apply in the country of return. Furthermore, according to Section 29 (1) of Third-Country Nationals' Act ¹¹⁰ authorities also have the possibility to grant humanitarian residence permit to UAMs who do not fulfil entry and residence requirements in Hungary.	The person claiming to be an UAM is considered an adult until the age-assessment procedure determines his/her minority and is entitled to reception conditions applicable to adult asylum seekers/irregular migrants. However, during the age assessment it is not possible to return him/her to the country of origin/safe third country.
Non-asylum seeking unaccompanied minor apprehended in the territory of the (Member) State			
Asylum seeking unaccompanied minor arriving at a land / sea border or airport			
Asylum seeking unaccompanied minor apprehended in the territory of the (Member) State			
	UAMAS cannot be returned until a final decision on their asylum application is made.	b) However in practice the	

¹⁰⁹ Szabó, M.- Hajas B. (ed.): Pajzsuk a törvény – Rászoruló csoportok az ombudsmani jogvédelemben. AJBH. Budapest. 2013, page 394.

¹¹⁰ Section 29 (1) of TCN Act. In the absence of the requirements for a residence permit specified in this Act the following persons shall be granted a residence permit on humanitarian grounds to: (...) d) any third-country national who was born in the territory of Hungary who has been removed from the custody of his guardian having custody according to Hungarian law, **and also unaccompanied minors**;

<p>Asylum seeking unaccompanied minor arriving at an internal authority (e.g. police, child protection service, etc.)</p>		<p>Parliamentary Commissioner , UNHCR and the Hungarian Helsinki Committee¹¹¹ identify concerns in the application of the non-refoulement assessment carried out by the OIN as it considers - in the majority of the cases - return to the country of origin (or safe third country like Serbia) safe without thorough examination of the situation in the country of return. Consequently the police can order the UAM's expulsion and therefore his/her return to Serbia.¹¹²</p> <p>Dublin returns in practice are implemented mainly to Bulgaria and Romania according to child protection professionals of UAM Homes.</p>	
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Q53a. Can unaccompanied minors be detained whilst awaiting return?

Y / N

Q53b. If yes, please provide more information about the circumstances under which unaccompanied minors may be detained whilst awaiting return, and the legal basis for such detention.

N/A.

Q54. Are there any alternatives to detention in place in the (Member) State for unaccompanied minors awaiting return? If yes, please provide more information in this regard.

N/A.

Q55a. Does the (Member) State provide reintegration support to unaccompanied minors returning to their country of origin under return procedures? Please consider both voluntary and forced return in your answer.

Y / N

Q55b. If yes, please describe the reintegration measures in place to support unaccompanied minors before, during and after their return under return procedures.

IOM Budapest - within the framework of its Assisted Voluntary Return and Reintegration (AVRR) Programmes - financed under the European Return Fund (co-financed by the Ministry of Interior) offers to every beneficiary, including UAMs, a pre-departure stipend of 100 EUR. In the current AVRR programme, entitled Hungarian Assisted Voluntary Return and Reintegration Programme for Migrants, IOM Budapest provides an additional 500 EUR cash allowance before departure to those beneficiaries who are considered to be vulnerable according to Article 5, Section 2 of Decision 575/2007/EC, including UAMs. This is a new type of support, introduced on 1 May 2014. Assisted voluntary returnees can also apply for a 3 000 EUR in-kind reintegration grant by submitting a reintegration plan. For example UAMs can submit an education plan. Reintegration grants are available to 15% of all assisted voluntary returnees and the best reintegration plans are selected for funding by IOM Budapest, based on the assessment provided by the IOM Mission in the country of return. UAMs who are identified as victims of trafficking receive assistance and reintegration grants

¹¹¹ http://helsinki.hu/wp-content/uploads/hel2013_menekulteng_final.pdf page 12.

¹¹² **Police, UNHCR and Hungarian Helsinki Committee: Border Monitoring Report 2012.** page 12.: "Case-file of a non-asylum seeking UAM: On 14 August 2012 an unaccompanied Afghan national minor was arrested and taken to Hercegszántó Border Control Office. During his interview he presented that he left Afghanistan about a year ago due to the war. He wished to go to Germany and seek asylum there. The report shows that "NO ASYLUM APPLICATION INITIATED" by the Afghan minor. According to the OIN, the principle of non-refoulement was not applicable in returning him to Serbia therefore **he was returned to Serbia the same day** in accordance with the readmission agreement between the European Union and the Serbian Republic." available at: <http://helsinki.hu/en/report-on-border-monitoring-activities-in-2012>

from the relevant projects of the sending IOM Missions.¹¹³

Q55c. Please describe the monitoring mechanisms in place to ensure the effective reintegration of unaccompanied minors, including the types of measure undertaken and the duration of the monitoring period.

IOM Budapest has published an evaluation report on the **Reintegration Assistance of Assisted Voluntary Returnees from Hungary to Kosovo (UNSCR 1244) in 2014**¹¹⁴ which sets out recommendations to be taken into account in future AVR programmes implemented by IOM. Another relevant project titled "**HEADSTART: Fostering Integration Before Departure**"¹¹⁵ is also implemented by IOM Budapest. However **no state-provided monitoring mechanisms are at place to verify the effective reintegration of UAMs returned to their country of origin/safe third country.** Please also confer answer provided to Q2.

[Section 7: Overview of the International and EU Legislative Framework](#)

This section of the Synthesis Report will briefly outline the EU legal framework guiding national legislation in relation to unaccompanied minors. It will provide a mapping of the substantive and procedural provisions in the EU acquis that regulate the protection of UAMs. The section will also highlight how the EU acquis relates to the broader international legal framework on UAMs.

This section will be developed by the EMN Service Provider and no input from the EMN NCPs is required.

[Section 8: Conclusions](#)

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level. Member States should include any overall conclusions in the Topline Factsheet at the beginning of the Common Template rather than duplicate information in this Section.

Please confer the conclusions outlined in the Topline Factsheet above.

¹¹³ Information provided by IOM Budapest on 28 August 2014.

¹¹⁴ Downloadable here: <http://www.iom.hu/sites/default/files/Evaluation%20Report%20-%20FINAL%20-%202012MAY.pdf>.

¹¹⁵ For further information consult: <http://www.headstartproject.eu/>.

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Gvt. Decree 114/2007. (V. 24.) on the implementation of the TCN Act

Asylum Act: Act LXXX of 2007 on Asylum

Gvt. Decree 301/2007 (XI.9.) on the implementation of the Act on Asylum

CP Act: Act XXXI. of 1997 on Child Protection

Gvt. Decree 149/1997. (IX. 10.) on child protection authorities and guardianship and child protection procedures

NM. Ministerial Decree 15/1998. (IV. 30.) on the professional tasks and management of child welfare and child protection institutions providing personal care

EÜM Ministerial Decree 52/2006. (XII. 28.) on emergency treatment

Act CXL of 2004. on Public Administration

Act CLIV. of 1997 on Health Care

Act LXXX of 2003 on free legal assistance

Act CXC of 2011 on National Public Education

b.) EU

2005/85/EK Asylum Procedures directive

Reception Conditions directive recast (2013/33/EU)

2008/115/EC Return Directive

Regulation (EC) No 562/2006 (Schengen Borders Code)

Regulation (EU) No 604/2013 (Dublin III Regulation)

2. Reports of the Parliamentary Commissioner for Fundamental Rights

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5. Consultations with stakeholders:

UAM Homes of Hódmezővásárhely and Fót (phone interview)

UNHCR Regional Representation of Central and Eastern Europe (personal interview)

IOM Budapest (structured written questionnaire)

Governmental bodies: Office of Immigration and Nationality, National Police, Ministry of Human Resources, MoI (structured written questionnaire)

Civil society organizations: Menedék Association for Migrants, Hungarian Helsinki Committee, Hungarian Reformed Church Refugee Mission, Artemisszió Foundation, (structured written questionnaire)

Annex 1

Table 1: Statistics on asylum applications from unaccompanied minors in the (Member) State (2009-2013)

Please provide the cumulative figures per calendar year (i.e. the number of unaccompanied minors recorded against each criteria during each calendar year). To ensure comparability of data, please provide statistics on UAMs considered by the national authorities to be UAMs. Where available / appropriate, please provide statistics on UAMs who claim to be minors but whose age is doubtful and the age assessment procedure has not yet been undertaken to determine the age of the minor.

1. Statistics on numbers of asylum applications submitted by third-country nationals unaccompanied minors	2009	2010	2011	2012	2013	Source / further information
1.1 Total Number of Asylum Applications submitted by unaccompanied minors in the (Member) State in each reference period	271	150	61	185	380	OIN and EUROSTAT for 2012.

1.2 Total number of Asylum Applications submitted by unaccompanied minors in the (Member) State in each reference period, disaggregated by their country of nationality, where available:	2009	2010	2011	2012	2013	Source / further information
Afghanistan	195	85	26		209	Please note that the data provided by the Office of Immigration and Nationality for the number of asylum applications submitted in 2012 did not correspond to the official EUROSTAT data therefore in 2012 no breakdown by nationalities could be provided.
Albania	5	0	0		1	
Algeria	0	4	2		11	
Bangladesh	1	0	1		19	
Bissau-Guinea	0	0	0		1	
China	0	1	0		0	
Egypt	0	0	0		2	
Georgia	0	1	0		0	
Ivory Coast	1	0	1		1	
Eritrea	0	0	0		1	
Gambia	0	0	0		3	

Ghana	0	0	0	3
Guinea	1	1	1	2
Iran	4	3	0	1
Iraq	1	1	0	0
Democratic People's Republic of Korea	1	0	0	0
Democratic Republic of the Congo	0	0	2	0
Kazakhstan	0	1	0	0
Kosovo	13	9	0	38
Macedonia	2	0	0	0
Mali	0	0	0	1
Moldova	8	3	2	0
Morocco	0	5	6	4
Nepal	0	0	0	1
Nigeria	1	0	0	0
Pakistan	0	1	10	42
Russia	1	1	0	0
Senegal	0	0	0	1

Sierra Leone	0	1	0		2
Serbia	10	1	0		1
Syria	0	0	1		17
Somalia	16	11	5		10
Sri Lanka	2	0	0		0
Tunisia	0	1	0		0
Turkey	7	0	0		2
Ukraine	0	0	1		0
Vietnam	0	1	0		0
Other: (please include any numbers of unaccompanied minors not included in any of the categories above)					
Palestinian	0	2	0		1
Gaza Strip	0	0	0		5
Western Sahara	2	14	3		1
Unknown	0	3	0		0
Total (must equal the total in 1.1)	271	150	61	185	380

1.3 Total number of Asylum Applications submitted by	2009	2010	2011	2012	2013	Source/ further information
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decisions												
Type of residence permit granted 1 etc... (please add in additional rows as required):	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	OIN: UAMAS granted asylum or subsidiary protection status in Hungary are entitled to an ID card. No residence permit is issued for them.

1.6 Asylum seeking unaccompanied minors that abscond and/ or are reported as missing from the asylum system (including those then accounted for)	2009		2010		2011	2012	2013	Source/ further information
	M	F	M	F	Total	Total	Total	National authorities
1.6.1 Total number of <u>Asylum seeking unaccompanied minors that abscond and/ or are reported as missing from the asylum system (e.g. before first interview/ decision, etc.)</u> , disaggregated by sex	no data		no data		24	43	349	OIN
1.6.2 Total number of <u>Asylum seeking unaccompanied minors that are found back (after being reported as missing)</u> ; if and when possible, please provide the country in which they are found (to capture the cross-border dimension of the phenomenon)								No data.

Table 2: Statistics on unaccompanied minors NOT applying for asylum in the (Member) State (2009-2013)

Please provide the cumulative figures per calendar year (i.e. the number of unaccompanied minors recorded against each criteria during each calendar year). To ensure comparability of data, please provide statistics on UAMs considered by the national authorities to be UAMs. Where available / appropriate, please provide statistics on UAMs who claim to be minors but whose age is doubtful and the age assessment procedure has not yet been undertaken to determine the age of the minor.

Statistics on numbers of third-country national unaccompanied minors NOT applying for asylum	2009	2010	2011	2012	2013	Source / further information
2.1 Total number of UAMs <u>entering HU irregularly</u> therefore under alien policing procedure / <u>Approximate number of UAMs NOT applying for asylum</u> in the (Member) State in each reference period	261/ ?	284/ 134	359/ 298	874/ 689	464/ 84	Police

2.2 Total number of unaccompanied minors entering HU irregularly in each reference period, disaggregated by their country of nationality, where available:	2009	2010	2011	2012	2013	Source / further information
Afghan	108	106	154	614	244	Police
Albanian	6	12			1	
Algerian		13	18	34	12	
Bangladesh			5	11	21	
Guinea-Bissau					2	
Bosnian	1		1			
Czech		1				
Egypt					1	
Ivory Coast	1	1			1	
Eritrean					1	
Ethiopia				2		
French					1	
Philippine	1					
Gambian					3	
Ghana					1	
Guinea		1		1		
Croatian				1	1	
Indian			1			
Iraq	1	6	2			
Iran	5	2	1	1	1	
unknown	5	21	11	13		
Kazakh			1			
Chinese	3				1	
Congo	1					
Kosovar	37	29	20	27	72	
Latvian	1					
Libya			12	7		
Macedonian	8	1				
Mali					1	
Moroccan		15	2	18	4	
Mauritanian		1		1	1	
Moldovan	18	10		4	4	
Montenegro			1	1		
German			1			
Nepal				1		
Western Sahara		4		1	1	
Russia	2			1		
Pakistan	2	4	73	76	46	
Palestinian		14	6	5	5	
Romanian	3		7	1		
Sierra Leone				2	2	
Sri Lanka			1	1		
Serbian	30	10	6	8	8	
Syrian	1	0	1	11	19	
Slovakian		2	2			
Somali	20	11	15	21	5	
Turkish	6	4	11	5	4	

minors that are <u>found back</u> (after being reported as missing); if and when possible, please provide the country in which they are found (to capture the cross-border dimension of the phenomenon)											No data available.
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Table 3: Statistics on asylum and / or non-asylum seeking unaccompanied minors in the care of public authorities in the (Member) State (2009-2013)

Please provide the cumulative figures per calendar year (i.e. the number of unaccompanied minors recorded against each criteria during each calendar year). To ensure comparability of data, please provide statistics on UAMs considered by the national authorities to be UAMs. Where available / appropriate, please provide statistics on UAMs who claim to be minors but whose age is doubtful and the age assessment procedure has not yet been undertaken to determine the age of the minor.

Statistics on numbers of third-country national unaccompanied minors in the care of the public authorities	2009	2010	2011	2012	2013	2014 1st half	Source / further information
3.1 Total Number of unaccompanied minors in the care of the public authorities in each reference period				193	290	307	Ministry of Human Resources

3.2 Total Number of unaccompanied minors in the care of the public authorities in each reference period, disaggregated by their country of nationality, where available:	2009	2010	2011	2012	2013	2014 1st half	Source / further information
Afghanistan					179	232	Ministry of Human Resources
Somalia					1	9	
Algeria					4	0	
Kosovo					30	6	
Morocco					3	0	
Pakistan					32	8	
Iran					7	5	
Syria					12	23	
Egypt					1	11	
Eritrea					1	0	
Bangladesh					8	0	
Bissau Guinea					1	0	
Nepal					1	0	
Guinea					2	0	

Unknown																					ordered vis-à-vis those persons who were identified by the authorities as UAMs. However taking into account the challenges identified related to age-assessment procedures, it can happen that the authorities detain persons considered by them as adults who in reality are UAMs. However no such data is at disposal.
Total																					

4.2 Total Number of unaccompanied minors in detention pending return to a Dublin country / transit country in each reference period, disaggregated by their sex and age:	2009		2010		2011		2012		2013		Source / further information
	M	F	M	F	M	F	M	F	M	F	
Less than 14 years old											Please confer response to 4.2.
From 14 to 15 years old											
From 16 to 17 years old											
Unknown											
Total											

4.3 Total Number of unaccompanied minors in alternatives to detention pending return in each reference period, disaggregated by their sex and age:	2009		2010		2011		2012		2013		Source / further information
	M	F	M	F	M	F	M	F	M	F	
Less than 14 years old											
From 14 to 15 years old											
From 16 to 17 years old											
Unknown											
Total											

4.4 Total Number of	2009		2010		2011		2012		2013		Source / further
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unaccompanied minors in alternatives to detention pending return to a Dublin country / transit country in each reference period, disaggregated by their sex and age:											information National data
	M	F	M	F	M	F	M	F	M	F	
Less than 14 years old											
From 14 to 15 years old											
From 16 to 17 years old											
Unknown											
Total											

Table 5: Statistics on unaccompanied minors returned from (Member) States (2009-2013)

Please provide the cumulative figures per calendar year (i.e. the number of unaccompanied minors recorded against each criteria during each calendar year). To ensure comparability of data, please provide statistics on UAMs considered by the national authorities to be UAMs. Where available / appropriate, please provide statistics on UAMs who claim to be minors but whose age is doubtful and the age assessment procedure has not yet been undertaken to determine the age of the minor.

5.1 <u>Forced Return</u> measures	2009		2010		2011		until 30.09.2012		2013		Source / further information National data
	M	F	M	F	M	F	M	F	M	F	
5.1 Number of unaccompanied minors returned as part of <u>forced return</u> measures by the Police.							141				According to the AJB-2731/2012. report of the Parliamentary Commissioner for Fundamental Rights in reference period 01.01.2012-30.09.2012 a total of 141 UAMS were readmitted to Serbia as safe third country under the readmission agreement.
Number of UAMs returned under the <u>Dublin regulation</u> by the Office of Immigration and Nationality.	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	
Total (must equal 5.1)							146				

5.2 <u>Voluntary Return</u> measures	2009	2010	2011	2012	2013	Source / further information
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