



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION AND HOME AFFAIRS

Directorate C: Migration and Protection
Unit C1 : Irregular Migration and Return Policy

MIGRAPOL

European Migration Network

Doc 398

EUROPEAN MIGRATION NETWORK

**SPECIFICATIONS FOR
NATIONAL REPORT PART 1
AND STATISTICAL ANNEX
CONTRIBUTING TO THE
EMN ANNUAL REPORT ON MIGRATION AND ASYLUM 2017**

Final version: 14th November 2017

Subject: These specifications were developed to collect information for the EMN Annual Report on Migration and Asylum for 2017.

Action: EMN NCPs are requested to submit their National Report (Part 1) by the submission date of **15th February 2018**. The Statistics Annex and National Report (Part 2) are required by **30th April 2018**.

I. Introduction

In accordance with Article 9(1) of Council Decision 2008/381/EC establishing the EMN, each EMN NCP is required to provide an annual report describing the migration and asylum situation and developments in the (Member) State as well as statistical data.

II. Aim, Scope and Outputs of the EMN Annual National Reports 2017

a) **Aim:** The main aim of the EMN Annual National Reports is to:

- Provide information and contribute to:
 - The EMN Annual Report on Migration and Asylum 2017
 - EASO's Annual Report on the Situation of Asylum in the EU
 - EMN Country Factsheets 2017
- To reflect current EU policy priorities for migration and asylum, including:
 - European Commission's Communication on the Delivery of the European Agenda on Migration (COM(2017) 558 final)
 - Action Plan on the Integration of third-country nationals (COM(2016) 377 final)¹
 - Council Conclusions on migrant smuggling (6995/16) of March 2016
 - Communication on a more effective return policy in the EU and enclosed Recommendations (COM(2017) 200 final)
 - European Agenda on Migration (COM(2015) 240 final)
 - EU Action Plan on Return (COM(2015) 453 final)
 - EU Action Plan against migrant smuggling (2015-2020) (COM(2015) 285 final)
 - Council Decisions on 14 September and 22 September 2015 providing for the mandatory relocation of 160,000 asylum seekers from Greece and Italy²

Norway's contribution should aim to inform on relevant aspects linked to the EU's migration *acquis*, (e.g. Schengen and the long-term residents' Directive) and to provide any relevant information to the extent possible.

In view of taking into account the **gender dimension and specific challenges** of EU policies, EMN NCPs are requested to provide, whenever possible, the possibility of differentiating between genders (e.g. men/women, boys/girls) in both National Reports and the Statistics Annex. A breakdown by age should be provided (wherever relevant and possible) and fundamental rights issues should also be highlighted wherever relevant.

b) **Scope:** The report shall cover the period 1st January 2017 to 31st December 2017.

c) **Output:** The completed replies to the questionnaire in this document (National Reports (Part 1)) will feed into the EMN Annual Report on Migration and Asylum (Synthesis Report) and will also be the basis for the development of the Country Factsheets. Individual Member State replies can also be published on the EMN website, at the NCPs request.

III. Structure

The reporting process for 2017 will be split into four separate activities:

- **The National Report (Part 1):** aimed at contributing fully to the EMN Annual Report on Migration and Asylum and to EASO's Annual Report on the situation of asylum in the EU.

¹ Commission, 2016. [Action Plan on the Integration of third-country nationals](#), COM(2016) 377 final.

² Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece and Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece and

And therefore reporting on the *main policy developments on each Member State, within the EU context*.

- **The Statistics Annex** will be published as a separate document, later in the year, following the EMN Annual Report on Migration and Asylum (Synthesis Report). Statistics are requested as time series in order to quantify and identify trends and developments.
 - **Scope:** the statistics provided in the Statistical Annex should cover the full reference period from 1st January 2017 to 31st December 2017. Where requested, the latest stock statistics should refer to 31st December 2017.
- **The Country Factsheets** will be published for all reporting Member State plus Norway. They will provide a succinct summary of the National Report Part (1) and up to date statistics.
 - **Scope:** the Country Factsheets will present the most significant national developments as described in the National Reports Part (1) and the most up to date statistics on migration and asylum.
- **The National Report (Part 2):** this report allows for a structure primarily intended for each EMN NCP's *national audience and thus also reporting on national activities developed, including projects and cooperation with civil society*. The specifications for this Report will be detailed in a separate document.
 - **Scope:** the report should cover the full reference period from 1st January to 31st December 2017.

IV. Deadlines and Submissions

In order to meet the deadlines required for the publication of the Commission's Annual Report, it is **essential** to respect the timescale given in these specifications:

- The submission date for the **National Report (Part 1)** is **15th February 2018**.
- The submission date for the **Statistics Annex** is **30th April 2018**.
- The submission date for the **National Report (Part 2)** is **30th April 2018**.
- Publication date of the **EMN Annual report on Migration and Asylum 2017**: **May 2018**
- Publication date of the **Country Factsheets**: **July 2018 (TBC)**

ANNUAL REPORT 2017 ON MIGRATION AND ASYLUM

IN [(MEMBER) STATE]

NATIONAL REPORT (PART 1)

[CONTRIBUTION TO EMN AND TO EASO ANNUAL REPORTS]

The Annual **National Report (Part 1)** has been structured as a common template. The template aims to collect information on both a) national policy developments and b) statistical data.

a) National Policy Developments

EMN NCPs are requested to provide information on key measures developed **during the reporting year (2017)** on migration and asylum policies, including both measures on the implementation of EU policy, legislative and financial instruments and any additional key national developments as follows:

- ✓ Key national developments in legislation, policy and practice
- ✓ Any developments resulting from actions at EU level in relation to specific policy topics.

Instructions on the content and information to be provided

Please consider the following points while responding the questionnaire provided in this document:

- ✓ Please **only** report on **developments** that took place **during the reporting year** (2017). The report is aimed at focusing on a single year and not on developments that took place in earlier years. You may also report on *planned national developments that will take place in 2018 to illustrate future trends*. However, **please make sure that you clearly identify these as planned for 2018** rather than actual developments in 2017.
- ✓ **Content** should be as **relevant** to the topic under consideration, and as **concise**, as possible. (e.g. provide only one or two paragraphs for each of your responses).
- ✓ Please report on all relevant measures – i.e. legislation, policy developments or practices – as appropriate.
- ✓ Where relevant, please describe **concrete actions or measures**, for example, resulting from the entry into force of new legislation. Examples are given in each of the sub-sections to ensure consistency and to facilitate your work. Whenever possible, please also provide examples of good practices.
- ✓ Reference to projects developed by civil society or NGOs actions should only be described, whenever these are directly linked to the specific implementation of policy measures. All other activities or projects implemented together with civil society need to be reflected in the National Report (Part 2).
- ✓ Please clearly differentiate between actions undertaken by your government/ public authorities and non-governmental organisations when necessary.
- ✓ If there has been no significant development, please explicitly state it in the relevant section- and do not add any further information- (less is more).
- ✓ Please foresee the liaison and coordination with relevant national contacts including:
 - 2.1 EASO NCPs (as information requested in this template will also serve to inform EASO's Annual Report on situation of Asylum in the EU)
 - 2.2 National Contact Points on Integration (NCPis)
 - 2.3 Frontex Risk Analysis Network (FRAN)
 - 2.4 National Rapporteurs or Equivalent Mechanisms working against Trafficking in Human Beings.

b) Statistics

Key statistics are requested to illustrate each policy area of the EMN Annual Report on Migration and Asylum, these are set out in the **Statistics Annex** (Annex 1). Where available, statistics will be sourced from Eurostat. Other statistics will have to be obtained directly from national sources. **An Excel template will be circulated together with the Study specifications.**

0. KEY DEVELOPMENTS ON MIGRATION AND ASYLUM

This section aims to reflect the main/key *policy* developments per “policy area”. Please note that while all the information provided in your National Report will serve for the development of the EMN Country Factsheets, the information in this section will simplify the development of the EMN Country Factsheets and hence shall be reflected in the latter. Therefore **information** in this section shall be concise and shall only focus on policy developments that had a significant impact in the (Member) State during the reporting year (2017).

1. LEGAL MIGRATION AND MOBILITY

The directive (EU) 2016/801 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing was implemented by Hungary in 2017 and the new measures came into force on the 1st January 2018.

2. INTERNATIONAL PROTECTION INCLUDING ASYLUM

Hungary passed a new law in March 2017 (Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas).

During the crisis situation extraordinary rules are effective, therefore the terms of the crisis situation is defined by law. A crisis situation caused by mass immigration can be declared if the number of foreigners arriving in Hungary and seeking recognition exceeds five hundred people a day as a month's average or seven hundred and fifty people per day as the average of two subsequent weeks or eight hundred people per day as a week's average. It can be declared also when the number of people staying in the transit zones in Hungary exceeds one thousand people per day as a month's average, or one thousand five hundred people per day as the average of two subsequent weeks or one thousand and six hundred people per day as a week's average. In addition to the instances specified in paragraphs a) and b), a crisis situation can be declared in the following cases as well: the development of any circumstance related to the migration situation directly endangering the protection of the Hungarian border corresponding to Section 2. of the Schengen Borders Code or directly endangering the public security, public order or public health of territory of Hungary within 60 meters from the Hungarian border corresponding to Section 2. of the Schengen Borders Code, as well as of any settlement, in particular the breakout of unrest or the occurrence of violent acts in the reception center or another facility used for accommodating foreigners located within or in the outskirts of the settlement concerned.

A new legal framework was created which is applicable in crisis situation caused by mass immigration. New rules on the field of the judicial review has been made. The procedural rules hasn't changed. The authority examines the applications according to the general rules.

3. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

Hungary passed a new law in March 2017 (Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas).

The new regulations regarding unaccompanied minors distinguish those minors who hasn't got legal capacity from those who has. In case of minors above 14 the regulations for crisis situations will be applicable as in the asylum procedure, but legal capacity is granted to asylum seekers between the age of 14 and 18.

4. INTEGRATION

Nothing to report.

5. IRREGULAR MIGRATION

Hungary passed a new law in March 2017 (Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas).

According to the new law asylum seekers are required to remain in one of the transit zones for a final ruling on their asylum requests, migrants of unclear status are not allowed to enter the territory of Hungary and the EU without authorisation.

The objective of the new law is to stem illegal immigration, to close down the Balkan migration route, to avoid the uncontrolled influx of third country nationals entering the territory of the EU, and to reduce the security risk by protecting Europe's borders.

6. RETURN

Hungary notified the European Commission on 27 July 2017 about the exception specified in Article 2(2)(a) of the Return Directive.

Implementing Protocol between Hungary and Montenegro has been signed (24.02.2017) and the Hungarian – Ukraine agreement has been negotiated and will be signed early 2018.

7. ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS

The next national strategy on anti-THB are to be phrased and filled with content that is coherent with the principles of the EU's Strategy and the domestic measures determined for due implementation are to be outlined in accordance with the EU Guidelines. The timetable for developing a new national strategy is therefore also subject to the adoption of a new EU-level strategic document (following the implementation period of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016.)

In order to help the wider identification of trafficking victims the group of organizations cooperating in the identification was extended with the legal aid services and the probation services as from 1 January 2018 (amendment of Government Decree No. 354/2012 (XII.13) on the Identification Order of Victims of Trafficking in Human Beings). Legal aid officers will play an important role in the identification of the trafficking victims in the transit zones.

8. MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

Hungary is becoming increasingly active in international development and international humanitarian aid efforts to address the migration crisis. The Hungary Helps Program established in 2017 provides an excellent opportunity to ensure our visibility and promote our geographically broad activities, including EU development, humanitarian and law enforcement contribution, as well as our support in the field of military and civil crisis management and education.

1. LEGAL MIGRATION AND MOBILITY

1.1. Economic migration

1.1.1. *Admission policies of specific categories of third-country nationals*

Please describe any *new or planned* policies / measures regarding admission and access of the following categories of third-country nationals. Please concentrate on measures, besides those introduced through the transposition and implementation of EU legislation (e.g. incentive mechanisms, if applicable).

- a) Highly qualified workers;
Nothing to report.
- b) Intra-Corporate Transferees (ICTs);
Nothing to report.
- c) Seasonal Workers;
Nothing to report.
- d) Migrants entrepreneurs;
Nothing to report.
- e) Au pairs;
Nothing to report.
- f) Other remunerated workers
Nothing to report.

1.1.2. *Satisfying labour market needs - admission policies*

Please describe any *new or planned* policies / measures regarding labour market and skill needs/shortages in relation to the employment of third-country nationals (which were not already covered in question 1.1.1 above).

Nothing to report.

1.1.3. *Efforts to avoid 'social dumping'³ and erosion of labour standards*

Please describe any *new or planned* policies / measures aimed at tackling labour exploitation of third-country national workers legally residing and/or social dumping in your (Member) State.

Nothing to report.

1.1.4. *Other developments in economic migration*

Please describe any other *new or planned* changes in legislation, policies and measures in the area of economic migration.

Nothing to report.

³ While there is no definition of the concept of "social dumping" in EU law, the term is generally used to point to unfair competition due to the application of different wages and social protection rules to different categories of worker (Parliamentary questions, 27 May 2015, E-008441-15). The European Commission described the practice as a situation 'where foreign service providers can undercut local service providers because their labour standards are lower', more info at [Eurofound](#)

1.2. Students and researchers

1.2.1. Admission policies for students and researchers

Please describe any *new or planned* policies / measures to attract students and researchers.

The directive (EU) 2016/801 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing was implemented by Hungary in 2017 and the new measures came into force on the 1st January 2018.

1.2.2. Incentive mechanisms for retaining students and researchers

Please describe any *new or planned* policies / measures to incentivise the retention of students and researchers.

The directive (EU) 2016/801 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing was implemented by Hungary in 2017 and the new measures came into force on the 1st January 2018.

1.2.3. Other measures regarding students and researchers

Please describe any other *new or planned* policies / measures related to students and researchers.

The directive (EU) 2016/801 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing was implemented by Hungary in 2017 and the new measures came into force on the 1st January 2018.

1.3. Family reunification and family formation

Please describe any *new or planned* policies / measures to regulate the admission of third-country nationals for family reunification and family formation.

Nothing to report.

1.4. Information on routes to and conditions of legal migration

Please describe any *new or planned* policies / measures to improve the provision of information on the routes to and conditions of legal migration for third-country nationals. For example:

- a) Information campaigns, websites, specific centres etc.

Nothing to report.
- and/or
- b) Cooperation with third countries, for example on pre-departure measures, which may include provision of information on visas and work permits, which take place both in the (Member) State and/or a third country.

Nothing to report.

1.5. Long-term residence and intra-EU mobility of legally resident third-country nationals.

Please describe any *new or planned* policies / measures to regulate and/or facilitate access to the following:

a) Long-term residence;⁴

Nothing to report.

b) Intra-EU mobility of third-country nationals between (Member) States.

The directive (EU) 2016/801 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing was implemented by Hungary in 2017 and the new measures came into force on the 1st January 2018.

1.6. Other measures on legal migration schemes

Please describe *new or planned* policies / measures on **any other developments regarding legal migration** (not covered or described in the questions above).

Nothing to report.

1.7. Schengen governance

Please describe any *new or planned* policies / measures in relation to Schengen governance. Where relevant, please include any (planned) actions in relation to the new Schengen acquis, temporary suspension of Schengen, etc.

As a result of the amendments of legislation in 2017 the following changes are relevant in 2018:

- Applicants can submit their appeal against the rejection of a visa application verbally or in writing at the competent consulate. Illiterate applicants shall appear personally at the consulate where their appeal will be recorded and all pages of the document will be signed by the applicant.

- If the annulment or the revocation of a visa was made by the consular officer, the applicant will have the opportunity to appeal at the competent consulate within three days.

- If the annulment or the revocation of a visa was made at the border, the appeal shall be submitted at the Police after the notification of the decision but no later than three days after the notification. The second instance body of the Police will decide about the appeal within eight days.

- If the annulment or revocation of a visa was made by one of the Regional Directorates of the Immigration and Asylum Office, the appeal should be lodged at that Regional Directorate. The regional Directorate will forward the appeal to the Head Office. The Head Office will decide on the appeal within eight days.

- If a warrant of an annulled or a revoked visa document shall be issued by the regional directorate and the decision about the annulment or the revocation has been made by the consular officer or the Minister of Foreign Affairs or the Police, the warrant shall be registered by the Regional Directorate in the place of residence of the applicant, which information was given by the applicant, according to the information of the authority which has taken the decision.

Major planned changes in the visa process are the following:

⁴ A long-term resident is a citizen from a country outside the EU who has been given long-term resident status. This status means that the person will have similar rights as EU citizens. (Directive 2003/109/EC)

- *The cost of the use of mother tongue in the notification of the decision shall be paid by the applicant.*
- *In the procedural activities where the appearance in person of the applicant is required, electronic communication by the applicant to the consulate is not allowed.*

1.8. Visa Policy

Please describe any *new or planned* policies / measures in relation to the implementation of the Visa Code and the Visa Information System (VIS) or any other Visa related developments, in particular in relation to cooperation between (Member) States' consulates and the set-up of joint consular services for visas.

Nothing to report.

2. INTERNATIONAL PROTECTION INCLUDING ASYLUM

***NB: This Section will also feed into EASO's Annual Report on the situation of Asylum in the EU.**

2.1. Implementation of the Common European Asylum System (CEAS) and related policy developments

2.1.1. *Changes in legislation, policies and practices*

Please provide **information on new or planned changes in legislation, policies and practices** (adopted, implemented, under preparation or pending) relating to any of the following areas:

2.1.1.1. Access to the asylum procedure

- a) First arrival to territory (including information provided at the time of first arrival to the EU territory and operations to help asylum seekers on arrival;

The applicant upon the arrival to the member state, is given by the competent authority the necessary information about how to make and lodge their applications, and how to reach the transit zones, where they can lodge their applications in person.

- b) Access to the asylum procedure (including applications made at the border, within the (Member) State's territory and in detention) - including making and lodging applications;

From 28th March 2017 asylum applications shall only and exclusively be made and lodged in person to the authority in the transit zones, unless the applicant is under the effect of a measure restricting personal freedom of subject to a criminal sanction or under the effect of a previously ordered alien policing measure restricting personal freedom; or the conditions for ordering asylum detention are met, or the applicant is lawfully residing in Hungary and does not request placement in a reception center. All necessary information is given to the applicants when they submit their application in front of the asylum authority in the transit zones.

- c) Registration of applications for international protection, (including subsequent applications and Dublin returnees), identification and fingerprinting.

Each and every application is registered by the competent authority in the transit zones. The registration procedure starts with the making of the application, than the competent authority takes the biometric data of the applicant, except from the minors under 14. After that, the applicant can lodge his or her application with the help of a translator.

2.1.1.2. Reception of asylum applicants

- a) Reception of applicants (please include information on reception capacities – rise/fall/stable, material reception conditions, i.e. housing, food and clothing and financial support, contingency planning in reception, access to labour market and vocational training, medical care, schooling and education, residence and freedom of movement);

The Reception Centre, Bicske has been closed from the 1st January 2017.

From 28th March transit zones Tompa (250) and Röszke (450) operate with upgraded capacity. Both zones are set up with 4 different accommodation areas separately for families, single men, single women, unaccompanied minors between 14-18 yrs. Unaccompanied minors under 14 years are not accommodated in transit zones. Besides living containers other

containers are in use for office, storage and other purposes, including dining, community/sport/religious activities, social and medical care. All living areas have their separate dining, community, storage and social areas, only the medical care area is shared by all residents. There are no changes to previous provisions available to asylum seekers, all provisions are provided on site (food, housing, etc) same as in reception centres, specialist medical care is provided in neighbouring towns with transport and escort by the Police.

Special attention is being paid to asylum seekers with special needs, children receive 5 meals a day, pregnant women and mothers with newborn children and children receive fruit and dairy products daily. The legislation has been amended that for these vulnerable groups meals are provided in all accommodation facilities similarly (5 meals per day), previously this was only provided for children under 14 years old. In the transit zones school education has been organized by the responsible Ministry of Human Capacities from 4th September.

Teaching and other educational materials have been provided from financial resources of the Hungarian State and additionally from AMIF fund. From November, also funded by an AMIF project, a psychologist is available at the Rösztke Transit zone 3 days a week 3 hours a day, and at the Tompa Transit zone once a week for 6 hours. It was previously possible to get psychological treatment at the local district psychological service, and also NGOs and churches are present at the zones for similar care. Since the end of October at the Tompa Transit zone an Arabic translator, also funded by an AMIF project, is available, and also several other projects are currently being evaluated and if funding is granted Kurdish, Urdu, Dari and Pasu language translators will be available to help social workers with their daily tasks in the zone.

b) Detention during the asylum procedure (detention capacity – rise/fall/stable practices regarding detention, grounds for detention, alternatives to detention, time limit for detention).

Although there hasn't been any reduction in detention capacity, the need for such capacity has significantly decreased during the year. Given this our Kiskunhalas site which has the capacity of 500 persons is temporarily not accepting any residents since 28th March, and our site at Békéscsaba which has the capacity of 185 persons is also not in use for housing detainees since 15th September. The only currently operating asylum detention facility is our site at Nyírbátor with a maximum reception capacity of 105 persons. Human resources have been redirected to operate the transit zones with their increased capacities.

2.1.1.3. Asylum procedures

a) Access to information and legal counselling / representation (including at the border and during the asylum procedure);

During the time when the applicant lodges his or her applications, all the necessary information is provided by the authority. Each and every applicant has a right to ask for legal representation free of charge. The applicant may choose to have a civil or a free legal representation during both the administrative and the judicial stages of the procedure. The authority provides a free legal assistance and representation financialised by the AMIF project. During the administrative procedure the legal assistant can be anyone, while during the judicial stage the legal representation is a lawyer. Minors always have a guardian and a legal representative. In case of minors under 14 a permanent guardian is appointed, while in case of the minors between 14 and 18 an ad hoc guardian is appointed.

b) Provision of interpretation;

No changes in this filed.

- c) Dublin procedure (including changes in: the organizational framework, IT systems⁵, practical development and suspension of transfers to selected countries, detention in the framework of Dublin procedures);

IT system has been developed for incoming take charge/take back/information requests since 1st January 2017. Take charge and take back requests have not been sent to Greece since 8th December 2016.

- d) Special procedures: border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads;

Since 28th March 2017 the authority doesn't conduct border procedures in the territory of Hungary, the provisions of the procedure in the transit zones are not met the provisions of the border procedures. The only significant changes in the legal framework in connection with special procedures are that against decisions on inadmissibility and the decisions made in accelerated procedure judicial review may be requested only within 3 days (and not 7 days) from the communication of the decision. The procedures in the transit zones in Hungary are not special procedures, sine the authority examines the applications according to the general rules.

- e) Safe country concept: safe country of origin, safe third country, European safe third country, first country of asylum (introduction of the concept into law, applicability of the concept in practice, measures undertaken to create, revise or implement a list of safe countries);

No changes in this field.

- f) Procedures at first instance (relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, international protection status determination, decision making, timeframes, case management, including backlog management);

In asylum cases started 1st January 2018 (or later) the timeframe of the asylum procedure is 60 days which can be extended once with 21 days by a manager of the asylum authority. The only change is the interviews are held viaelectronic connection transferring picture and sound with distant interpretation.

- g) Appeal/Judicial Review (changes in: organisation of the process, hearings, written procedures, timeframes, case management, including backlog management);

New rules on the field of the judicial review are that the decisions of the authority will be communicated within 3 days. Against decisions on inadmissibility and the decisions made in accelerated procedure judicial review may be requested only within 3 days (and not 7 days) from the communication of the decision.

- h) Country of Origin Information (changes or updates in: organisation, methodology, products, databases, fact-finding missions, cooperation between (Member) States).

No changes in this field.

⁵ For example, information on setting up new databases that allow managing of Dublin cases, problems with managing DubliNet which can cause a delay in sending/receiving Dublin requests, acquisition of new equipment, such as Eurodac machines etc as it is a relevant development in boosting the capacity to conduct Dublin procedures.

2.1.1.4. Residence/entry documents and rights/obligations of beneficiaries of international protection

Please describe any *new or planned* policies / measures regarding the rights and obligations related to the status of beneficiary of international protection:

a) Residence/entry documents granted to beneficiaries of international protection (including length/duration);

No changes in relation to this section.

b) Rights and obligations regarding family reunification, access to social welfare scheme, access to accommodation, healthcare, citizenship, education, employment etc.

No changes in relation to this section.

2.1.1.5. Provision of information on residence/entry documents and rights/obligations of beneficiaries of international protection

Please describe any *new or planned* policies / measures regarding the provision of information to beneficiaries of international protection on the rights and obligations related to that status, in a language that they understand or are reasonably supposed to understand:

a) Information on residence/entry documents granted to beneficiaries of international protection (including length/duration);

No changes in relation to this section.

b) Information on rights and obligations regarding family reunification, access to social welfare scheme, access to accommodation, healthcare, citizenship, employment and integration programme.

No changes in relation to this section.

2.1.1.6. Withdrawal of international protection

Please indicate any *new or planned* policies / measures regarding institutional and organisational aspects, procedural rules, grounds for revocation of, ending of or refusal to renew international protection (including cessation, exclusion, misrepresentation and omission of facts and danger to the security or the community) consequences of revocation of, ending of or refusal to renew international protection.

There is no change in this field.

2.1.1.7. Cooperation with third countries

Please describe any *new or planned* policies / measures implemented in cooperation with third countries and activities in the external dimension of the CEAS (including participation in capacity building activities in third countries, Regional Development Protection Programmes or any relevant activities under Partnership Framework with Third Countries and European Neighbourhood Policy).

For example, to equip third countries of first asylum with the means to guarantee refugee protection and to better manage mixed migration flows including national asylum legislation and asylum policy frameworks.

If evidence is available, please describe the outcomes of these developments (e.g. increased number of asylum applications processed in countries of first asylum)

2.1.1.8. Other developments in asylum legislation, policy and practices

Other *new or planned* policies / measures not covered above.

Legislation has been amended so that when housing asylum seekers, recognized refugees and subsidiary protected persons, and also during their detention, special attention is given to LGBT persons.

Terminations has a new ground. In crisis situation the authority may terminate the procedure if the applicant leaves the territory of the transit zones, although the authority can decide on the basis of the available information so termination is not the only option in this case.

If a subsequent application is submitted by the applicant following a final and non-contestable termination or rejection, the applicant is not entitled for any supplies.

2.1.2. Institutional changes in the national asylum system

Please provide information on *new or planned* institutional changes in the asylum field at ministry/agency/section level (including changes in mandate, creation of new entities, internal restructuring and transfer of competences, increase/decrease of staffing).

The name of our authority changed from Office of Immigration and Nationality to Immigration and Asylum Office on 1st January 2017. With this change the IAO doesn't have power over the cases in connection with the Hungarian nationality.

2.1.3. Efficiency and Quality of the national asylum system

Please provide information on measures undertaken to improve:

- a) Safeguards of the national asylum system (preventing and combatting unfounded applications, credibility assessment,⁶ establishing identity, nationality verification, detection of security concerns, age fraud) including information on tools, mechanisms and training provided to staff;

In the course of 2017 a series of trainings was held for case officers regarding personal interview and decision making. From January 2017 to January 2018 a series of trainings have been held for asylum case officers on identification of victims of human trafficking.

In 2017 officers from the IAO attended the EASO's trainings.

- b) Quality of the national asylum system (internal measures to improve quality in decision-making processes and the content of issued decisions, in particular by issuing decisions e.g. creation of guidelines and instructions, including information on training, tools and mechanisms (stating how this is measured);

In 2016-2017 a quality insurance project was conducted by the Asylum Directorate of the IAO, in which 500 personal interviews and decisions were assessed. The responsible Department have made a quality assurance manual with the result of the assessment, and has been teaching the experts and officers on a monthly basis.

⁶ According to EASO, credibility assessment is performed in order to establish if the applicant's statements substantiating the claim are truthful in the light of other circumstances of the case and other means of evidence

c) Efficiency of the processing of (first) applications and appeals (increasing speed, reducing costs, use of new technology, specialised training provided) of the national asylum system.

Please include information on effectiveness of above listed measures (where evidence exists and stating how this is measured).

A new system has been established that interviews are held by way of electronic connection transferring picture and sound with distant interpretation.

2.1.4. Challenges in the national asylum system

Please only provide information additional to that presented in sections above

a) Please indicate which aspects of the national asylum system have (i) proven to be particularly challenging or (ii) have been subject to criticism from third parties (civil society, press, international organisations). Please differentiate between the different aspects in your asylum and reception system;

Hungary over the last year has faced several criticism from third parties because of the changes in the legislative framework. A main issue has been arised, it is the question of the transit zones.

The applicant has right to stay in the transit zones, which is on the territory of Hungary. The asylum authority designates the territory of the transit zones as place of residence for the applicant until communication of the non-contestable final decision made in the procedure or the decision on the Dublin transfer becomes final. The applicant may leave the transit zones voluntarily through the exit gate towards Serbia.

b) Provide information on actions undertaken to counter these challenges.

Nothing to report.

2.2. Relocation and resettlement programmes

NB* Please note that information collected under this section, will be presented in the Synthesis Report together with the EU overview of relocation and resettlement schemes.

2.2.1. *Relocation*⁷

2.2.1.1. Intra-EU relocation mechanism

Please provide information on changes in your national practices with regard to applicants relocated under **the Intra-EU relocation mechanism** in 2017 (at EU level). Please also mention any challenges related to this mechanism.

Nothing to report.

⁷ Relocation: The transfer of persons having a status defined by the Geneva Convention of 1951 or subsidiary protection within the meaning of Directive 2011/95/EU from the EU Member State which granted them international protection to another EU Member State where they will be granted similar protection, and of persons having applied for international protection from the EU Member State which is responsible for examining their application to another EU Member State where their applications for international protection will be examined. In the context of the EU emergency response system, relocation means the transfer of an applicant in clear need of international protection from the territory of the Member State initially indicated as responsible for examining their application for international protection to the territory of the Member State of relocation. Following transfer, the latter will become the Member State responsible for examining the application for international protection (see Art. 2(e) of Council Decision (EU) 2015/1523 and Art. 2(e) of Council Decision (EU) 2015/1601). (see EMN Glossary V5).

2.2.1.2. National relocation mechanisms

Please specify any actions undertaken with regard to relocation activities organised under national schemes (i.e. on **bilateral basis**, not EU level schemes).

Nothing to report.

2.2.2. Resettlement and Humanitarian Admission Programmes⁸

2.2.2.1. EU Joint Resettlement Programmes

Please describe activities related to resettlement and humanitarian admission programmes implemented by your (Member) State under EU resettlement programmes. Please also mention any challenges related to these programmes.

Nothing to report.

2.2.2.2. National Resettlement Programmes

**Please note that this question focuses on national resettlement programmes, such as those implemented by UNHCR, whilst the question on above 2.2.2.1 focuses on EU joint resettlement programmes*

Please describe 2017 resettlement activities to your (Member) State, differentiating between the types of programme:

a) National resettlement programme (UNHCR);

b) National Humanitarian Admission Programme;

Nothing to report.

c) Private sponsorship programme/scheme;

Nothing to report.

d) Ad-hoc special programmes (e.g. national initiatives, and/or international initiatives).

If applicable, for each of the programmes described, please indicate the resettlement quota established, the actual number of people resettled/admitted and from which countries. Please describe any evidence of the results / outcomes of this cooperation, if available.

Nothing to report.

⁸ Resettlement: In the EU context, the transfer, on a request from the UNHCR and based on their need for international protection, of a third-country national or stateless person, from a third country to a Member State, where they are permitted to reside with one of the following statuses: (i) refugee status within the meaning of Art. 2(d) of Directive 2011/95/EU; or (ii) a status which offers the same rights and benefits under national and EU law as refugee status. (see EMN Glossary Version 5).

2.3. Information for EASO report purposes only, not for inclusion in Synthesis Report:

Jurisprudence

Please provide information on precedent setting new national jurisprudence relating to asylum with major policy implications (preferably final judgments) by using the following structure:

- **Court Name**
- **Date of Decision**
- **Title**
- **Case Number/ Citation/Document Symbol**
- **Abstract**
- **Link to the full version**

Please provide information on the impact of CJEU judgements on national policy

3. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

3.1. Unaccompanied minors applying for asylum

Please describe any *new or planned* policies / measures in relation to unaccompanied minors (UAMs) **applying for asylum** at national level, following the specific areas below:

a) Increase/Decrease of Human resources and/or training of staff;

In the year 2017, no central measure was taken nor planned for raising the number of child protection professionals providing care or legal representation for unaccompanied minors applying for international protection placed in the child protection system. Thematic training of professionals was organized by the International Organization for Migration (IOM) and similar trainings are also planned in the future.

b) Improvement of protection and care of UAMs, including reception facilities;

Act 20 of 2017 amending certain laws related to the tightening of the procedure in the border area Act and Related Implementing Regulations has been amended in such a way by 28 March 2017 that the legislation on the placement and care of unaccompanied minors who are asylum-seekers at least 14 years of age are placed in the transit zone during a mass immigration crisis. Accordingly, unaccompanied minors over the age of 14 do not enter the child protection system until their application for refugee status is handed down (they are not covered by the Child Protection Act) and therefore do not have a child protection status.

Unaccompanied minors placed in the transit zone get such reception conditions which are suitable for their age, thus they are entitled to among others:

- *accommodation (they are placed separately from single men, women and families)*
- *3 daily meals*
- *hygiene package*
- *health service (specialist health care is provided in hospitals, those in need of such care access hospitals with the cooperation of the Police.*
- *education for children (school education is provided by the responsible state authorities)*
- *access to Internet*
- *access to sport and other free-time activities.*

Asylum seeker unaccompanied minors under the age of 14 and unaccompanied minors for non-migration (for other reasons without accompaniment: parent accident, illness, criminal procedure, etc.) are still in the process of being placed in the Károlyi István Children's Center (hereinafter: Children's Center) during a mass immigration crisis.

As a result of this amendment, unaccompanied minors over the age of 14 will only be allowed to enter the country if they have been granted refugee or protected status. If the asylum procedure results in the international protection of unaccompanied minors over the age of 14, the asylum authority shall immediately arrange the temporary placement of the child in the children's home. Subsequently, the appointed guardianship authority will arrange for the appointment of a child protection guardian and the child's institutional care, which will ensure that unaccompanied minors receive the same benefits as children of Hungarian nationality. After becoming adult (reaching the age of 18), he/she will be eligible for after-care care if

his/her livelihood is not secured or he/she wants to learn, up to the age of 25. The right to follow-up care was not affected by the amendment.

It should be emphasized that if no mass crisis is announced, irrespective of age, all unaccompanied minors will be placed in the child protection system.

In the year 2017, no central measure was taken nor planned to extend the number of places in child protection institutions providing care for unaccompanied minors. The number of unaccompanied minors in the Children's Center in 2017 was exceeded by the number of children's or temporary seats in the Children's Center at all stages of the year. The supervision of the transit zone belongs to the Ministry of the Interior, while the provision of child protection care for unaccompanied minors belongs to the sectoral management of the Ministry of Human Affairs.

c) Legal guardianship and foster care;

Act 20 of 2017 amending certain laws related to the tightening of the procedure in the border area Act and Related Implementing Regulations has been amended in such a way by 28 March 2017 that the legislation on the placement and care of unaccompanied minors who are at least 14 years of age and who are asylum seekers are placed in the transit zone during a mass immigration crisis. Accordingly, unaccompanied minors over the age of 14 do not enter child protection service until their application for refugee status is handed down (they are not covered by the Child Protection Act) and therefore do not have a child protection status, which means that no child protection guard can be ordered. Concerning the Decree of the Government 149/1997. (IX. 10.) on Child Protection and Guardianship Procedures, a temporary guardian will be seconded. In the case of unaccompanied minors over 14 years of age, as a temporary guardian, a law enforcement officer acting on their legal assistance duties may be seconded to a state official in the transit zone to ensure that the seconded legal representative is accessible to the unaccompanied minor in the transit zone.

The guardian assigned by the Hungarian child protection institution represents the best interests of the child and when justified, makes the necessary legal steps in order to protect the minors. Guardians are assigned on the basis of the Immigration and Asylum Office's (hereinafter: IAO) request at the earliest phase of the procedure when it could be assumed that the applicant might be an unaccompanied minor.

It should be emphasized that if no mass crisis is announced, irrespective of age, all unaccompanied minors will be placed in the child protection system. In this case, the statutory representation of an unaccompanied minor in the child protection system is provided by a child protection guardian appointed by the guardianship authority within 8 days.

It follows from the foregoing that legal representation is provided to all unaccompanied minors, since during a mass immigration crisis, in the case of unaccompanied minors under the age of 14, the child protection guardians, in the case of adolescents aged between 14 and 18, the temporary guardians, and in the period outside the mass immigration crisis in the case of both age groups, the child protection guardians perform duties of legal representation.

From October 15 2015, all child protection guardianship duties for unaccompanied minors applying for refugee status placed with temporary effect at a children's home have been performed by the Children's Protective Institution of the Municipal Child Protection Centre and the Regional Child Protection Service, which is maintained by the Directorate-General of Social and Child Protection Service. The number of child protection guardians was extended by 10 people on the basis of 1545/2015 (VIII.6) Government's Decree Decision on providing the necessary resources for managing extraordinary migration pressures. On June 30 2017, there were 13 child protection officers in the institution who provided legal representation of the unaccompanied minors.

These child protection guardians have special knowledge, experience and language skills, and are continuously trained and supported, so it can be said that at the designated institution, specialists with specialized knowledge and experience provide the legal representation of unaccompanied minors, which ensures efficient delivery.

The statutory option is provided to ensure the provision of home care by foster parents for unaccompanied minors in the framework of child protection system. However, due to the special situation of the unaccompanied minors, their special needs and language barriers, their placement in foster care is not typical. Up to now, 1 unaccompanied minor has been placed in foster care: a 12-year-old boy from Afghanistan was admitted to the Children's Centre on September 1 2016, and was accommodated on 9 September 2017 at his foster parent.

The child protection management aims to expand the opportunities for accommodating unaccompanied minors in foster care. The Hungarian Foundation of the SOS Children's Villages performs, purposefully, with a small number, the further thematic training of foster parents for the care of unaccompanied minors.

d) Age assessment;

If the applicant during any phase of the procedure declares that she or he is an unaccompanied minor and doubts arise regarding her or his age, a medical examination is held in order to determine the applicant's age, in which the competent doctor examines the person's physical appearance, sexual maturity and dentition. If the applicant does not accept the result of the examination, then she or he can initiate the examination of a medical expert. The examination of the medical expert can be only carried out with the consent of the applicant. At the same time, if the applicant does not agree with the examination, the IAO will regard the foreigner as an adult during the procedure.

When the acting official – based on the foreigner's physical appearance or information received during the interview - has doubts about the age of the applicant, then the IAO can also initiate the age verification examination of a medical expert. In particular cases the child protection institution may also inform the IAO regarding its doubts about the age of the foreigner. It may also occur that the department of the IAO responsible for the execution of the Dublin Regulation requests the examination of the medical expert, especially, when the member state determined responsible and questioned refuses to take responsibility on the basis that the applicant was registered as a minor abroad, but as an adult in Hungary.

e) Procedural Safeguards;

f) Provision of information (info material, e.g. videos, leaflets, booklets etc.);

It has to be stressed that in the cases of unaccompanied minors the asylum procedure must be carried out as a matter of urgency. During the procedure an interpreter is present who communicates with the applicant in his or her native language or in a language that the applicant understands. The applicant may request the interpreter and the acting official participating in the procedure to be of the same sex as the applicant. There are no new or planned measures by the IAO regarding procedural safeguards.

The Children's Centre provides information materials prepared under the AMIF-1.1.4-2015-00002 "Connections" project (hereinafter: project) for unaccompanied minors placed in the child protection system.

The brochures prepared in the framework of this project were printed in different languages, i.e. 300 copies in Farsi-Dari-Pastu, 50 copies in Somali-Urdu, 50 copies in English-Arabic, and 500 copies of a dictionary/glossary facilitating the life in the children's home in thirteen languages. Each of the foreign minors who were cared for during the implementation period of the project received the booklets, as part of the reception package compiled according to the

reception protocol, in addition to toiletries and clothing. Copies made under the project were sold out in 2016. Currently the brochures are being re-printed by the Children's Centre. Young adults (18-25 years old) in after-care, who have been granted refugee or protection status, took part in the translation and were also engaged in the determination of the content.

According to the experiences of the Children's Centre, the information booklet was useful in case of a low number of people: if there was no one speaking the same language, the small "blue booklet" was a great help to them. In case of a higher number of cared people, newly arrived ones usually communicate better with their peers, consequently the importance of the booklet is secondary.

In the Children's Centre in 2017 to keep the children informed while recruiting new staff, it was an explicit advantage if someone spoke one of the languages used by the arriving minors. As a result, two child supervisors of Arab and of Afghan origin were recruited, who can easily communicate with the children in care.

A short film about the life in the children's home was also made for unaccompanied minors. The screening of the short film is being a part of the admission process. According to the well-tried practice, the minors who have been admitted watch the movie together on the day after their arrival in the canteen. The production of the short film was helped by unaccompanied minors, the staff of the children's home and project implementers, and also by a staff member of the Open Doors Hungary.

g) Other.

There are no new or planned measures by the IAO. In accordance with the present practice, unaccompanied minor applicants are given on the occasion of their registration detailed information which includes the list of their rights and obligations. This information is available in the native language of the applicant or in a language that the applicant understands. Unaccompanied minor applicants are given during their personal interview detailed on the Dublin procedure. During the interview the acting official verbally informs the applicant on the following issues:

- the participating persons' obligation of discretion and confidentiality*
- family unification within the Dublin procedure and the necessary pieces of evidence to it*
- the possibility of age verification procedure, the procedure's phases and consequences*
- the possibility of declaration and lodging evidence*
- the role and significance of legal guardians in the procedure*
- the possibility of legal representation*
- the regulations of data protection*
- the obligation to cooperate and to tell the truth, also, the obligation of the applicant to disclose the circumstances of his or her fleeing.*
- the access to water and pause throughout the interview*
- the possibility of requesting the interpreter and the acting official participating in the procedure to be of the same sex as the applicant*
- the obligation of acquiring identification documents*

3.2. Other vulnerable groups applying for asylum

Please describe any *new or planned* policies / measures at national level in relation to other vulnerable groups⁹ **applying for asylum**, such as minors, disabled people, elderly people, lesbian, gay, bisexual, transgender and intersex (LGBTI) people, pregnant women, single parents with minor children, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation, following the specific areas below:

- a) Measures clarifying the definition of vulnerable groups;

Regarding other vulnerable groups there are no new or planned measures by the IAO.

As set out in Subsection k) of Section 2 of Act LXXX of 2007 on Asylum, apart from unaccompanied minors, those vulnerable people – especially minor, elderly, disabled persons, pregnant women, single parents taking care of minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence - are regarded as people in need of special treatment who after the evaluation of their individual situations are determined as having special needs.

- b) Special reception facilities for vulnerable groups;

It has to be stated that there are no new or planned measures by the IAO. Nevertheless, in accordance with the previous practice, the IAO fully takes into consideration the special situation and needs of people in need of special treatment during reception and placement.

At the Children's Centre, the child's age and gender are taken into account during accommodation. Thus, children of younger age are placed separately from the older ones and girls are accommodated separately from boys. Unaccompanied girls in the Children's Centre were provided with a separate living room with its own toilet.

After the placement of girls, they receive sexual education within 24 hours, as part of the reception protocol, performed by psychologists, developers and special educators working in the institution, educators with tertiary education, health care nurses or a nurse or a pediatrician.

Separate, secure location for LGBTIQI children can also be provided if necessary. Up until now, the Children's Centre has not learned about any LGBTIQI inmates.

- c) Identification mechanisms/referrals;

It has to be noted that there are also no new or planned measures, the case of vulnerability can be determined on the grounds of the applicants' statements and when necessary, it is determined after the suitable examination of experts.

- d) Applicable procedural safeguards;

The IAO cannot report on special new or planned measures regarding procedural safeguards, however, it can be stated as a whole in connection to the issue that the IAO both during carrying out the asylum procedure and during the reception acts while maximally taking into consideration the special needs of the applicants stemming from their special situations.

⁹ Not including victims of human trafficking, as this is covered in Section 7.

| |
|-----------|
| e) Other. |
|-----------|

3.3. Unaccompanied minors NOT applying for asylum

Please describe any *new or planned* policies / measures in relation to unaccompanied minors (UAMs) **NOT** applying for asylum at national level, following the specific areas below:

- | |
|---|
| <p>a) Increase/Decrease of Human resources and/or training of staff;</p> <p>b) Improvement of protection and care of UAMs;</p> <p>c) Legal guardianship and foster care;</p> <p>d) Age assessment;</p> <p>e) Procedural Safeguards;</p> <p>f) Provision of information (info material, e.g. videos, leaflets, booklets etc.);</p> <p>g) Other.</p> <p><i>There are no new or planned policies, measures or changes in relation to unaccompanied minors (UAMs) at national and international levels on the field of coercive measures relating to points a)-g)</i></p> |
|---|

3.4. Other vulnerable groups NOT applying for asylum

Please describe any *new or planned* policies / measures in relation to other vulnerable groups **NOT** applying for asylum (such as minors, disabled people, elderly people, lesbian, gay, bisexual, transgender and intersex (LGBTI) people, pregnant women, single parents with minor children, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation) at national level, following the specific areas below:

- a) Measures clarifying the definition of vulnerable groups;
- b) Special reception facilities for vulnerable groups;
- c) Identification mechanisms/referrals;
- e) Applicable procedural safeguards;
- f) Others.

From 1st of July 2016 to 30th of June 2018 a new AVR programme was introduced by the IOM. The Reintegration component of the programme aims at assisting vulnerable returnees and returnees with chronic medical condition by offering – based on a needs assessment – reintegration counselling and a reintegration grant from which the beneficiary can finance the various activities of a pre-defined reintegration plan. This project aims at assisting up to 60 vulnerable returnees or returnees with medical chronicle condition.

There is an ongoing return programme, the Hungarian Assisted Voluntary Return, Reintegration and Information Programme which started on July 1 of 2016 and will finish on June 30 of 2018. The reintegration programme aim to support the vulnerable and the chronically ill returnees with reintegration counselling based on need assessment and reintegration aid. The beneficiary can finance from the aid the various activities included in the reintegration plan. The project aims to help the return of maximum 60 vulnerable or chronically ill persons. The support of each beneficiary can reach the maximum amount of EUR 650 and provides benefits in kind to reduce exposure and vulnerability and supports the reintegration of returnees to their home countries.

4. INTEGRATION

Integration of third-country nationals

4.1.1. Integration through socio-economic participation

Please describe any *new or planned* policies / measures to facilitate integration of third-country nationals, through socio-economic participation. *Please note that this question is intended to capture generic integration policies. Measures targeting specific categories of third-country nationals are addressed in Section 4.2.*

a) Measures to improve attainment in the education system;

Nothing to report.

b) Measures to enhance language skills;

Nothing to report.

c) Access to social security, healthcare and housing;

Nothing to report.

d) Integration into the labour market.

Nothing to report.

4.1.2. Integration through civic participation

Please describe any *new or planned* policies / measures to promote the integration of third-country nationals through civic participation: rights and obligations and belonging. For instance, consider measures to increase the participation of third country nationals' representatives (including women) in the design and implementation of integration policies; outreach programmes and work placements to build capacity within migrant organisations and encourage support at local level; and measures to enhance democratic participation, for example, training mentors etc.

Nothing to report.

4.2. Promoting integration of specific categories of third-country nationals

Please describe any *new or planned* policies / measures specifically targeted to facilitate integration of specific categories of third-country nationals, such as beneficiaries of international protection, family migrants, etc.

Several integration projects were implemented under the funding of the Asylum, Migration and Integration Fund co-financed by the Ministry of Interior.

a) Measures to improve attainment in schooling and/or the education system and/or vocational training of specific categories of TCNs;

b) Measures to enhance language skills of specific categories of TCNs;

For example Tudomány Nyelviskola (Tudomány Language School) provided support regarding the social, cultural and labour market integration of third-country nationals by offering Hungarian as a foreign language courses, teaching in a classroom at different levels, preceded by a Latin scripting training course for those who need it. Further activities provided information on cultural differences. A website based on a mobile application was developed, which allows users

to access elementary level language assistance organized by topics to help them in using Hungarian. During the courses childcare service was provided.

c) Access of specific categories of TCNs to social security, healthcare and housing;

d) Integration of specific categories of TCNs into the labour market.

4.3. Promoting integration of vulnerable groups of third-country nationals (UAMs, LGBT, elderly, pregnant women, disabled migrants etc.)

Please describe any *new or planned* policies / measures to facilitate integration of vulnerable groups of third-country nationals, such as: UAMs, LGBT, elderly, pregnant women, disabled migrants etc.)

Nothing to report.

4.4. Non-discrimination

Please describe any *new or planned* relevant activity, legal or policy development and related actors that concern promotion, implementation and monitoring of non-discrimination policies, in particular on grounds of ethnicity, race or others that would be particularly relevant for third-country nationals. Specifically mention any measures beyond those introduced through the transposition and implementation of EU legislation.¹⁰

Nothing to report.

4.5. Promoting integration at local level and cooperation, consultation and coordination of local stakeholders

Please describe *new or planned* relevant activities by national, regional and/or local governments on the integration of third-country nationals involving the active participation of local authorities and/or civil society. Measures might include activities addressing integration challenges in disadvantaged urban areas; improving multi-level cooperation between different levels of governance (e.g. national, regional, local government); granting voting rights in local elections.

Nothing to report.

4.6. Awareness raising on migration in the hosting (Member) State

Please describe any *new or planned* policies / measures aimed at raising awareness / engaging the receiving community within the (Member) State in order to enhance its understanding of the phenomenon of migration and thereby promote integration and social cohesion (information campaigns, websites, etc.).

Nothing to report.

4.7. Integration measures involving countries of origin and/or diaspora communities

4.7.1. Pre-departure integration measures in countries of origin

Please describe any *new or planned* pre-departure policies / measures taking place in the countries of origin of third-country nationals to prepare for their integration after arrival. For example, language training, vocational training, recognition of qualifications and skills.*Nothing to report.*

¹⁰ European non-discrimination law, as constituted by the EU non-discrimination directives (Racial Equality and Employment Equality Directive), and Article 14 of and Protocol 12 to the European Convention on Human Rights, prohibits discrimination across a range of contexts and a range of grounds.

4.7.2. Integration measures involving the diaspora communities in Member States

Please describe *new or planned* integration policies / measures involving the diaspora communities in your Member State (as a host country). For example, activities either organised by public authorities or by diaspora communities with the government's support, to promote cultural awareness and/or integration activities for particular diaspora communities.

Nothing to report.

5. IRREGULAR MIGRATION

5.1. Enhanced border management at the external borders

5.1.1. *Border control measures/management*

Please describe any *new or planned* policies / measures in relation to border control measures/ management implemented during 2017

Hungary passed a new law in March 2017 (Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas). This Bill is targeted at conducting asylum procedures at the border and at according full protection to the Schengen Borders. After the adaptation of this Bill, no one can enter the territory of Hungary and the European Union illegally. The Bill contains special provisions on the option to submit an application for asylum, the circumstances of reception and the rules of procedure so as to prevent foreigners arriving illegally from entering the territory of the country. The police force escorts persons illegally staying in the country who have been apprehended in the territory of the country across the gate of the border fence so that such foreigners can submit their applications under controlled conditions in the transit zone.

At any point during the procedure, asylum seekers are free to return from the transit zone to the country from which they entered the territory of Hungary. During a state of crisis caused by mass immigration, illegal immigrants could be escorted back to the transit zone from any point in the territory of the country not only from inside an 8 km band along the borderline: this solution should ensure that all applications are adjudicated as part of a procedure conducted at the border. The proposal ensures that asylum seekers staying at a location designated as their mandatory place of stay may only leave the area with the approval of the authority. Any failure to abide by this rule is tantamount to committing an offence punishable by detention.

The Hungarian Government decided to continue reinforcing the Police's border patrol action department with new police officers.

A new technical border protection system was built out as the second line of the border fence were installed along the Hungarian-Serbian border section. Electric system and complementary technical solutions were installed on it (movement detector lights and cameras, which turns automatically to the direction of the detected movement).

There have been several major developments in 2017 to support border surveillance tasks on the Hungarian-Serbian border section:

- manoeuvre/service road was built along the border fence*
- construction of roads towards the border fence has finished by the Hungarian army,*
- developments financed by the Internal Security Fund (ISF) will be continued in 2018,*
- command centres (in Mórahalom and in Bácsalmás) were established for the complex border defence system related to the border fence,*
- technical devices were installed on the border fence as part of the DAHUA project,*
- thorough check of cargo trains entering Hungary at Kelebia railway border crossing point was ordered in order to prevent illegal entries.*

5.1.2. *Activities to improve the effectiveness of controls at external borders*

Please describe any new or planned policies / measures to ensure more effective control of the external borders, such as reinforcing border control staff, providing training, increasing overall resources, introducing action plans or protocols, etc.

In 2017 several measures were introduced, the most important are;

- special trainings were held to increase the number of passport controllers,
- planning works of the manoeuvre road along the Hungarian–Croatian border started, observation posts were set up and isolated along the Hungarian external border,
- Hungarian–Austrian–German and Hungarian–Slovakian joint patrols on international trains are working permanently.

5.1.3. *Preventing and combatting irregular immigration by ensuring reinforced cooperation with third countries in the area of border management.*

Please list any 2017 or planned agreements, and other forms of bilateral and multilateral cooperation with third countries with an objective to strengthen the operational capacity in combatting irregular migration and controlling of external borders.

| Title of agreement (where relevant) | Third country (countries) with whom the cooperation exists | Description (e.g. provision of border equipment, training of border guards, etc.) |
|-------------------------------------|--|---|
| | | |

5.2. Preventing and tackling of misuse of legal migration channels

5.2.1. *Irregular migration as a result of visa liberalisation*

Please describe any new or planned policies / measures introduced to prevent irregular migration as a result of visa liberalisation.

Nothing to report.

5.2.1.1. *Effects of visa free regimes*

Please describe any new or planned policies / measures introduced to monitor the effects of visa free regimes in your (Member) State.

Lately there has been an increase in visa requests from holders of diplomatic passports from Jemen. This is due to the worsening security situation in the country. Hungary currently is considering the suspension of the bilateral (partial) visa free travel arrangement in order to contain the effects of this rising trend.

5.2.1.2. *Key findings of monitoring activities*

Please describe the results/key findings of these monitoring activities – especially in relation to impact on the number unfounded asylum applications registered in your (Member) State.

Nothing to report.

5.2.2. *Irregular migration as a result of misuse of legal migration channels*

5.2.2.1. *Misuse of legal migration channels by third-country national workers*

Please describe any new or planned policies / measures to tackle misuse of legal migration channels by third-country national workers.

Nothing to report.

5.2.2.2. Misuse of legal migration channels by third-country national students and researchers

Please describe any *new or planned* policies / measures to tackle misuse of legal migration channels by third-country national students and researchers.

Nothing to report.

5.2.2.3. Misuse of family reunification migration channels

Please describe any *new or planned* policies / measures to tackle misuse of family reunification migration channels.

Nothing to report.

5.2.3. False travel documents

Please describe any *new or planned* policies / measures to prevent, identify and/or investigate fraudulent acquisition and use of false travel documents.

Document expert liaison officers have been deployed to China (Shanghai) and to Nigeria (Abuja) financed by the Internal Security Fund in order to disclose false and forged documents.

5.2.4. Irregular migration caused by the misuse of free movement rights by third-country nationals and preventing the fraudulent acquisition and use of free movement rights by third-country nationals

Please describe any *new* activities implemented during 2017 to prevent the fraud and misuse of free movement rights.

Third-country national family members of both EU/EEA nationals as well as Hungarian nationals are involved in a rising number of abuses, where a typical case is that a Pakistani citizen marries a UK-Pakistani or Irish-Pakistani citizen, and alleges that they intend to travel to Hungary for holiday or business purposes. Those applicants do not have any visa or travel references, have never been abroad before. The explanation to this phenomenon might be the so called ‘Surrinder Singh Route’.

Another growing area of abuses is the more typical “sham- marriages” between Hungarian nationals and third-country nationals (where the abuse of the freedom of movement for family members between MSs is not directly involved however, if the third country national involved in the relationship of convenience does actually obtain the visa, in the overwhelming majority of cases leaves Hungary and settles elsewhere in the Schengen area):

Hungarian women make acquaintance on internet (facebook, youtube, dating sites) or during a holiday with a much younger third-country national. Women are in average 10-20 years older than their future husbands. Most of such marriages are concluded in Egypt, Tunisia, Algeria, Pakistan, Morocco according to the local religious regulations. Many times marriage is concluded at the first meeting, which happens a few months after the – alleged! – first talk. In fact, as these dates are not verifiable, they probably allege a much former acquaintance date than the actual one. The women act mostly in good faith, they usually are unaware of fraud in visa issues. Other cases, when money exchange happens in the background, they are unaware of their own responsibility, and/or that this action is penalized in Hungary.

These male “spouses” are without exception undereducated, have no real estates or other significant assets, no jobs or do work in a “family business”. All the travel expenses are entirely covered by the wives. Unlike the traditions in those regions, these men seem to prefer their wives’ job instead of their own, therefore they cannot imagine living elsewhere than in their wives’ country.

Parallel interviews show that most of such cases the spouses have basically no knowledge about each other concerning their personal characteristics, lives, jobs, educations, families and present circumstances.

5.3. The fight against facilitation of irregular migration (‘smuggling’) and prevention of irregular stay

5.3.1. *Combatting facilitation of irregular migration (smuggling)*

Please provide information on any *new or planned* policies / measures aimed at preventing and combatting facilitation of irregular migration (smuggling), including facilitation of unauthorised entry.

Nothing to report.

5.3.2. *Prevention of irregular migration*

Please describe any *new or planned* policies / measures responding to the objective of prevention of irregular migration (for example, through unsafe routes) from third countries of origin and transit (information campaigns, websites, projects with grass-roots NGOs or involving the diaspora, etc., with the exception of cooperation activities with third countries to be reported in section 5.3.4).

- Hungarian police contingents were deployed to Macedonia (30 police officers) and Serbia (15 police officers) in order to support border surveillance tasks of host countries. The deployments will be processed in 2018.

- Hungary passed a new law in March 2017 (Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas). According to the new law - in state emergency situation – asylum seekers will be required to remain in one of the transit zones for a final ruling on their asylum requests, migrants of unclear status will not be allowed to enter the territory of Hungary and the EU without authorisation.

The objective of the new law is to stem illegal immigration, to close down the Balkan migration route, to avoid the uncontrolled influx of third country nationals entering the territory of the EU, and to reduce the security risk by protecting Europe’s external borders.

Procedure in state of crises caused by mass immigration:

The aim of the legal amendments is to guarantee the widespread applicability of border procedures by making it possible to escort those third country nationals that are illegally staying in Hungary, through the gate of the facility established for the protection of the order of the state border. The objective of this measure is to eliminate the pull factor for illegal border-crossings.

The general rules governing the border procedure do not apply in state of crises caused by mass immigration. In such a crisis the new law provides “special rules”: it is possible to examine the asylum requests on their merits while the migrants are required to remain in one of the transit zones. As a result, migrants of unclear status are not allowed to enter the territory of the EU without authorisation.

5.3.3. Prevention of irregular stay

Please provide information on any *new or planned* policies / measures aimed at preventing and combatting facilitation of irregular stay, including disincentives and sanctions.

Beside the new law which passed in March 2017 (Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas) there is no other measure/policy to report.

The Immigration Office has intensified its cooperation with police, tax and customs authorities, and labour authorities and was able to conduct investigations in a wider scope in order to identify and locate third-country nationals who are staying and/or working in Hungary without the necessary permits.)

5.3.4. Cooperation with third countries to prevent irregular migration:

Please describe any specific cooperation activities developed in 2017 in your (Member) State to prevent irregular migration in relation to the specific regions outlined below:

- a) the Western and Southern Mediterranean countries (i.e. Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Mauritania Palestine*, Syria and Tunisia);
- b) the Eastern Partnership countries (i.e. Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine);
- c) the Western Balkans countries (i.e. Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia);
- d) Countries in the African Atlantic coast (e.g. Gambia, Ghana, Nigeria, Democratic Republic of Congo, Ivory Coast etc.).

There is no specific cooperation activities developed in 2017 by the Immigration and Asylum Office to prevent irregular migration.

5.3.5. Monitoring and identifying irregular migration routes

Please describe any *new or planned* policies / measures to identify, monitor and aggregate information on irregular migration routes and please explain how is this information used to develop your (Member) State's response to migratory flows?

6. RETURN

6.1. Enhancing return migration management including cooperation among EU Member States on return practices

PLEASE NOTE THAT THIS SECTION 6.1 OF THE SYNTHESIS REPORT WILL CONSIST OF THE FOLLOWING

- 6.1.1. *Summary of the EMN REG return and reintegration activities developed during 2017 (To be drafted by the EMN Service Provider)*
- 6.1.2. *Summary of the Frontex Return Implementation Framework, including Joint Return Operations (JTOs) (To be provided by Frontex)*
- 6.1.3. *Maximising the potential of a common EU approach in the field of return, both voluntary and forced in compliance with existing EU acquis (To be drafted by COM)*

6.2. Main national developments in the field of return

6.2.1. *Swift, sustainable and effective return*

6.2.1.1. *Overarching policy developments in the area of return*

Please describe any new or planned policies / measures to develop swift, sustainable and effective return.

Hungary notified the European Commission on 27 July 2017 about the exception specified in Article 2(2)(a) of the Return Directive.

6.2.1.2. *Issuing Return decisions*

Please describe and new or planned policies / measures with regard to issuing return decisions.

Nothing to report.

6.2.1.3. *Issuing Entry bans*

Please describe any new or planned policies / measures with regard to issuing entry bans.

Nothing to report.

6.2.1.4. *(Assisted) voluntary return*

Please describe any new or planned policies / measures with regard to (assisted) voluntary return.

see 3.4.

6.2.1.5. *Use of (alternatives for) detention in return procedures*

Please describe any new or planned policies / measures with regard to the use of detention and alternatives to detention in return procedures.

Nothing to report.

6.2.1.6. Recording of entry bans in the SIS and exchange of information

Please describe any *new or planned* policies / measures with regard to recording entry bans in the SIS and facilitating the exchange of information on entry bans.¹¹

Nothing to report.

6.2.1.7. Operation of national forced return monitoring system

Please describe any *new or planned* policies / measures with regard to the operation of the national forced return monitoring system (established in accordance with Article 8 (6) of the Return Directive).¹²

Nothing to report.

6.2.1.8. Other actions related to swift, sustainable and effective return

Please describe any *new or planned* policies / measures related to the field of return not covered above.

Nothing to report.

6.2.2. Return of rejected asylum seekers

Please describe any *new or planned* policies / measures regarding the **return of rejected asylum applicants** (including measures in relation to reception measures and supports, (alternatives) to detention, etc.). Please specify if there are any specific measures for unaccompanied minors and other vulnerable groups¹³.

Nothing to report.

6.2.3. Return of irregular migrants

Please describe *any new or planned* policies / measures to ensure the accelerated and swift return of persons, to be overstaying permissions to stay or otherwise misusing legal migration channels. Please specify if there are any specific measures for unaccompanied minors and other vulnerable groups.

Nothing to report.

6.2.4. Evidence of the effectiveness of the measures to ensure return

Please provide information regarding the effectiveness of the above-mentioned measures in ensuring return.

Hungary organized as a leading member state for the first time a joint return operation to Afghanistan, Kabul, under the umbrella of the 'Joint Way Forward on migration issues between

¹¹ This category of measure relates to the commitments of the Stockholm Programme specifically.

¹² Directive 2008/115/EC

¹³ This group includes minors, disabled people, elderly people, lesbian, gay, bisexual, transgender and intersex (LGBTI) people, pregnant women, single parents with minor children, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

Afghanistan and the EU' document, with the coordination and finance of FRONTEX. Based on the II. part, 2. Article of the JWF the competent Afghani authorities have 4 weeks to issue a travel document, dating from the submission of the request for identification and the issuance of the travel document. In case the competent Afghani authorities do not issue such travel document, the possibility to issue an EU standard travel document (EU Laissez Passer) arises. The Hungarian clients have been returned with EU Laissez Passers issued by the Hungarian authorities.

In 2017 Hungarian police ordered 715 person's expulsion, and executed 686 effective returns (effectiveness: 96 %). All of them were implemented in the frame of readmission agreements (EU or bilateral).

6.3. Strengthening cooperation with third countries of origin and transit on return and reintegration management

6.3.1. *Involvement of third countries in return measures*

Please describe any *new or planned* policies / measures regarding return activities implemented – or to be implemented- in cooperation with third countries:

Signing bilateral (Hungarian-Ukraine) Implementing Protocol of the EU-Ukraine Readmission Agreement is under preparation.

6.3.2. *Ensuring implementation of all EU readmission agreements to their full effect*¹⁴

Please report on activities undertaken to support the implementation of EU readmission agreements (implementing protocols, cooperation (including diplomatic pressure) with third countries to encourage implementation) by completing the table and providing any additional relevant information in the box below:

| EU Readmission agreement (country) | National development (i.e. implementing protocol, cooperation) | Date of agreement (if relevant) |
|---|---|--|
| Montenegro | signed implementing protocol | 24. February 2017 |
| Ukraine | implementing protocol has been prepared | will be signed early 2018 |

6.3.3. *Reintegration measures implemented in cooperation with third countries, e.g. countries of origin.*

Measures to support return may include developing a rights-based framework for re-integration and for temporary and circular migration.

Please describe any *new or planned* measures regarding **reintegration activities** implemented – or to be implemented- in cooperation with countries of origin.

¹⁴ Norway is invited to report on any National agreements in place.

Nothing to report.

7. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

This Section should be completed in the context of the "EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)"¹⁵ and you should liaise with your National Rapporteur on Trafficking in Human Beings or Equivalent Mechanism (NREMs).

Please note that the scope of this section refers only to third-country national victims of trafficking.

NREMs share information with the Commission (via the informal EU Network of NREMs) on a biannual basis on developments relevant to their national legal and policy framework. This information can be used for this reporting exercise too. All information is uploaded accordingly to the EU Anti-Trafficking Website under the section of national pages.¹⁶

7.1. National strategic policy developments

Please describe any new or planned policies / measures regarding the prevention and/or the fight against trafficking in human beings of third-country nationals (e.g. national action plans or national strategies introduced during 2017)

National Strategy

On 29 May 2013 the Hungarian Government adopted a national strategy for the period 2013-2016 (the "4-Year Plan Document Related to the Directive against Human Trafficking and the European Strategy towards the Eradication of Trafficking in Human Beings and Replacing the National Strategy against Human Trafficking 2008-2012"). Due to financial planning delays on behalf of the European Commission, the implementation of several activities of the strategy had to be delayed, and thus the implementation period of the national strategy was extended until the completion of those projects that are related to the afore-mentioned activities (until mid-2018 with regard to some projects). Added to the above, given that the European Commission has not yet adopted its new Strategy document on the priorities and policy proposals for the upcoming period, adoption of the national strategy is postponed in parallel. The next national strategy on anti-THB are to be phrased and filled with content that is coherent with the principles of the EU's Strategy and the domestic measures determined for due implementation are to be outlined in accordance with the EU Guidelines. The timetable for developing a new national strategy is therefore also subject to the adoption of the EU-level strategic document.

Relevant legislative development

In order to help the wider identification of trafficking victims the group of organizations cooperating in the identification was extended with the legal aid services and the probation services from 1 January 2018 (amendment of Government Decree No. 354/2012 (XII.13) on the Identification Order of Victims of Trafficking in Human Beings). The legal aid officers will play an important role in the identification of the trafficking victims in the transit zones.

7.2. Improving identification of and provision of information to third-country national victims of human trafficking

7.2.1. *Provision of information on assistance and support to third-country national victims*

Please describe any new or planned policies / measures for the improvement of **provision of information on assistance and support to third-country national victims (including child victims and applicants for asylum)**. Please describe the information according to:

¹⁵ <http://ec.europa.eu/anti-trafficking/>

¹⁶ http://ec.europa.eu/anti-trafficking/member-states-0_en

a) Legislative changes/policies;

*I. The Ministry of Justice **opened the first Victim Support Center** in Budapest on 21 June 2017. The aim of the center is to support victims whose life has changed owing to crimes or offences against property, to provide customized psychological and emotional support as well as information required for the enforcement of interests of those concerned. Trafficking victims have special rights to get victim support.*

Pursuant to the Victim Support Act, if the victim of trafficking in persons is a third-country national then the following additional support is provided:

1. additional guidance: apart from general information the victim is provided with additional information covering the following:

the victim is given a 1 month reflection period to decide whether he/she is willing to cooperate with the authorities investigating the crime. For this period of time the victim is entitled to a certificate of temporary stay;

in case the victim is willing to cooperate with the authorities, he/she is entitled to a residence permit for the period of cooperation with the authorities;

2. the Victim Support Service initiates the issuance of a certificate for temporary stay at the immigration authority (Immigration and Asylum Office).

If the crime was committed in Hungary, the trafficking victim may be entitled to both victim support and state compensation (subject to further conditions).

In 2017, no third-country nationals qualifying as victims of trafficking received a temporary or permanent residence permit or an exemption from deportation who would otherwise receive punishment or retaliation after being deported to their countries.

The victim support activities also include the Victim Support Line (+36 80 225 225), a free 24/7 victim support call center (maintained by the Ministry of Justice) which primarily aims to ensure that victims can get personalized information and advice about available services anytime.

b) Training and awareness raising measures;

1. The National Police implemented the ISF-funded project "Organization of victim protection training related to the fight against human trafficking", in the context of which a total of 9 training courses were organized by the Police for a total of 278 participants in 2017. The aim of the project is to organize trainings for experts in crime detection, investigation, victim protection, victim assistance, concentrating on non-law enforcement professionals. The project will be implemented until 30 June 2018, and during this period, a minimum of 600 persons will be reached with the trainings.

2. A recommendation was prepared in the framework of the Electronic Public Crime Prevention Information System (ELBIR) on the topic of human trafficking, working abroad, and prostitution. The newsletter was distributed among local governments, schools, partner organizations, civilian police, NGOs and the public.

3. In 2016, the National University of Public Service submitted a proposal to the Internal Security Funds call in the topic "Enhancement of Human Resource: Training". The proposal was based on performing research on the phenomena of bringing minors illegally abroad and developing a training system which can train passport control officers into specialists in border checks on minors and detecting trafficking or other abduction of children during Schengen border checks. It was successful, and the project started as BBA-2.4.2-2015-00003, co-financed by the European Union (75% of costs) and the Hungarian Government (25% of costs plus in-kind contribution by seconding 240 officers and covering transportation costs of the seconded officers as well as

project management costs). A 52% of the total project budget was spent on training activity. The training was organized in 6 courses, 40 hours training for 40 participants in each course. The curricula covered:

- regulatory framework on minor status and guardian rights (including cross-national and cross-cultural families)
- cooperation possibilities in the field of prevention of cross-border trafficking of minors, especially with focus on NGOs, but also covering international, interagency and intra-agency cooperation
- first line and second line border check best practice
- detection of victims and related reporting system
- psychological training
- raising awareness and sensitization
- a gamified case solving training

The project started in 2016 and ends with a final conference and exhibition starting on 21st March, 2018. An 8-hour, blended learning version of the training package is under accreditation into the mandatory continuous training system of the Hungarian Ministry of Interior (BMKSZF) enabling re-training and making the course available to all MoI personnel in Hungary. **Project participants are considering a Horizon 2020 proposal to develop a European version of the training package, based on a repetition of the research, extended to EU level.**

c) Measures on cooperation between national authorities;

d) Measures on cooperation between (Member) States.

1. An investigator of a bureau held a lecture for Dutch prosecutors and judges at a sensitizing training on human trafficking in Rotterdam on 15 September 2017.

2. In order to deepen the practical experience in international cooperation and to increase efficiency, an investigator of the NBI took part in hospitation training at the Europol Hungarian Liaison Office in The Hague between 1 July 2017 and 30 September 2017.

7.2.2. Identification of victims

Please describe any *new or planned* policies / measures for the improvement of **the identification of victims (including child victims and applicants for asylum)**. Please describe the information according to:

a) Legislative changes/policies;

Amendment of Government Decree No. 354/2012 (XII.13) on the Identification Order of Victims of Trafficking in Human Beings: In order to help the wider identification of trafficking victims the group of organizations cooperating in the identification was extended with the legal aid services and the probation services from 1 January 2018. The legal aid officers will play an important role in the identification of the trafficking victims in the transit zones.

b) Training and awareness raising measures;

1. The Ministry of Justice implemented a project under the ISF entitled "Creation of a Web-based System Monitoring the Management Mechanism of the Victims of Trafficking and the Trafficking Trends" (thereafter referred to as EKAT). The BBA funded call aimed to promote the development of an IT background that, on the one hand, assists the identification and support of victims in a smoother way than it was experienced in the past, on the other hand, aims to enable the statistical data collection to become an actually operating mechanism in practice, providing a broader toolkit against trafficking in persons both for the Ministry of Interior and for the participants of criminal proceedings.

The project involved the collaboration of the Ministry of Interior, Ministry of Foreign Affairs and Trade, Office of the Prosecutor General, National Office for the Judiciary, National Police Department, Immigration and Asylum Office, Hungarian Baptist Aid, Családbarát Ország Nonprofit Közhasznú Kft., White Ring Public Benefit Association, Halfway Foundation, Kék Vonal (Blue Line) Child Crisis Foundation, Chance for Families 2005 Foundation, Anonymus Ways Foundation, Segítő Kéz (Helping Hand) 2003 Social Union, Salvation Army Hungary, as well as Nők a Nőkért Együtt az Erőszak Ellen (NANE – Women’s Rights Association). On 27 July 2017 the Ministry of Justice held a presentation for government offices in Budapest and in the counties on the EKAT system designed to support the identification of trafficking victims. 40 colleagues attended the event. In spring 2018 further training courses will be held for EKAT users. In April 2018 the Ministry of Justice will organize a training course for the officers of legal assistance and probation services. The training course will mainly focus on trafficking victim identification and related tasks. The completion of the development of the EKAT system was marked by a conference on 6 September 2017 which was attended by the representatives of organizations involved in the identification of trafficking victims (50 persons in total). In addition to the EKAT system, another highlighted subject of the conference was the role of OKIT in combating trafficking in persons as well as the 2017 experience in the operation of children protection signal system.

Following this the program was put into operation on 30 September 2017. As from spring 2018, trainings are organized for officers involved in the identification process by the Ministry of Justice.

2. The Immigration and Asylum Office ensured the preparation of its staff in the project "Successful Identification of Victims of Trafficking in Human Beings in the Procedures of the Immigration and Asylum Office". The project is funded by the Internal Security Fund. The period of implementation of the project is from 1 January 2017 until 31 January 2018. During this time, the training of 120 officers in daily contact with the Immigration Office’s clients took place (the number of asylum officers receiving the training is 57). During the course of 2018-2019, additional training sessions of up to 50-100 members of staff are expected to take place.

In addition to further training courses, the Office provides a professional brochure for its staff, giving them a comprehensive overview of the phenomenon of trafficking in human beings and the legal environment of combating trafficking, familiarizing them with the recommended techniques of victim identification and victim referral measures, and gaining insight into the domestic system of victim protection.

3. In August 2017 the Ministry of Interior was present at the Sziget Festival for the sixth time with its tent ‘Fight against Human Trafficking’. During this period 1013 – mainly young – persons were reached directly and provided information about the phenomenon of human trafficking. Its aim was to make them aware on the phenomenon of human trafficking, domestic violence and provide them information about preventive measures. The Ministry invited the National Police Headquarters, the White Ring Public Benefit Association, the Anonymous Ways Foundation, IOM, the Ministry of Justice, the National Bureau of Investigation and OKIT to take part in the awareness-raising program.

c) Measures on cooperation between national authorities;

A project entitled "Cooperation with the relevant public, non-governmental actors, international communities, organizations and agencies in order to enhance fight against human trafficking" was implemented by the National Police Headquarters and provided the opportunity to organize local forums 8 times in 2017. The project is funded by the ISF. The aim of the project is to invigorate the cooperation and communication at the regional and county level as a part of the mechanism that supports the victims of human trafficking. Law enforcement agencies, courts, prosecutors, immigration authorities, labour organs, public education institutions, municipalities, victim

counsellors, child welfare and family support staff, civil society organizations and churches take part in the work of forums at the local level.

d) Measures on cooperation between (Member) States.

During the summer of 2017, the endpoint of SIENA, the protected channel of Europol was established in Hungary, making information exchange quicker and more efficient.

7.2.3. Cooperation with third countries

Please describe any *new or planned* policies / measures involving cooperation with third-countries on the prevention and fight against trafficking in human beings.

a) Training and capacity building measures;

1. The Ministry of Foreign Affairs and Trade requires all preparing Hungarian diplomats to complete a tailor-made training plan before assuming their position at one of Hungary's foreign representations. Sensitizing on human trafficking is one part of this training plan, and future diplomats also complete a compulsory training program organized by the Department of Consular Affairs and Nationality. After the first module in 2016, a panel focusing on human trafficking was again part of the training plan in 2017. In July, several members of the Ministry of Interior's National Coordination Mechanism and NGO Roundtable (namely the Ministry of Interior itself, the Ministry of Justice, the National Bureau of Investigation, the International Organization for Migration (IOM), National Crisis Management and Information Service (OKIT), the Chance for Families 2005 Foundation) presented several aspects of the issue to about 30 preparing consular officers. The participants and the Ministry of Foreign Affairs and Trade considered the training beneficial, since besides learning about the phenomenon, it provides an opportunity to establish good working relationships with the relevant organizations. The Ministry of Foreign Affairs and Trade is planning to continue this series of trainings, especially with regard to countries most affected by human trafficking in Europe.

2. Within the framework of the ISF, IOM Budapest has successfully implemented a project entitled "Swiss-Hungarian Transnational Cooperation on the Referral of Victims of Trafficking" since its official launch in April 2017. Three study visits have been organized (one to Switzerland and two to Hungary) in participation with the most relevant Swiss and Hungarian counter-trafficking actors. The aim of the project was to create a reliable network of stakeholders and to establish the cornerstones of the Swiss-Hungarian transnational referral mechanism. Considering that Hungary is one of the main countries of origin of victims of human trafficking identified in Switzerland, the long-term result of the project will be the enhanced cooperation with concomitant increase in the number of case referrals.

b) Joint investigation teams;

c) Information and prevention campaigns

8. MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

8.1. Progress towards mainstreaming migration in development policies

Please describe any *new or planned* relevant activity to mainstream migration in development policies. For example: studies, development of approaches to make migration an integral part in sectoral policies (e.g. agriculture, health, education etc.), solidarity development projects, etc.

International Development Cooperation Inter-ministerial Committee, established in 2014, regularly discusses migration related issues. The most important challenge is the illegal migration crisis - the international development policy plays a key role in dealing with it, including addressing the root causes locally. In this regard, economic development must be guaranteed for the regions and countries where the most illegal migrants come from. With international development and humanitarian programs, the international community can create appropriate living conditions in these countries, this way not to force millions of people to leave their homes. In line with the before mentioned, Hungary is becoming increasingly active in international development and international humanitarian aid efforts to address the migration crisis. In order to promote the visibility of the support, Hungary Helps Program (HHP) was established in 2017.

8.1.1. *Cooperation with partner / third countries for economic migration*

Please note that this section will be completed with an updated overview on the (Member) States' involvement in EU Mobility Partnerships, provided by the European Commission.

In addition to the EU Mobility Partnerships, please indicate if your (Member) State has planned or implemented bilateral agreements linked to economic migration (including circular migration) during the reporting period (2017)

8.1.2. *Efforts to mitigate 'brain drain'*

Please describe any *new or planned* policies / measures to mitigate brain drain. For example: awareness rising actions, development of data and indicators on this phenomena, prevention, list of countries and professions subject to brain drain.

There were no new or planned relevant changes concerning efforts to mitigate 'brain drain'.

8.2. Migrants' Remittances

Please describe any *new or planned* policies / measures with regard to remittances. For example measures to facilitate remittance flows or improve access to banking and financial services in developing countries.

No changes in this field.

8.3. Working with Diasporas

Please provide information on *new or planned* policies / measures for involving third-country diaspora groups in development initiatives and supporting third-country diaspora groups in their efforts to enhance development in their countries of origin. Including for example:

- a) Promotion of transnational entrepreneurship;
- b) Cooperation on trade between countries of origin and stay

c) Others (e.g. education).

There were no new relevant changes.

ANNEX 1

STATISTICS ANNEX 2017

CONTRIBUTING TO COMMISSION AND EASO ANNUAL REPORTS

The key statistics requested in this Statistics Annex are in line with Council Regulation 862/2007 on Union Statistics on migration and international protection and will provide some “headline” statistics in the area of migration, international protection and external border management.

Please note that the complete Statistical Annex APR 2017 will be published later in the year separately to the ARM 2017 Synthesis Report which will provide only statistics which are available by the time of publication, including where available quarterly statistics.

In addition, EMN NCPs are requested to provide statistics which are not available through Eurostat, but are relevant for topics covered under the Commission’s Annual Report. We would, therefore, request that you provide, where possible, statistics on any of the following on or before the submission date of **30th April 2018**:

- First residence permits granted, by reason¹⁷, including:
 - Applicable fees according to the type and length of the residence permits;
- The number of visas issued in 2017 (including the number of Schengen visas and national visas);
- The number of third-country nationals being returned to their home country as part of forced return measures, the number of third-country nationals being returned voluntarily and, within these, the number of third-country who returned as part of an assisted return programme and, if available, the number of persons among the returned (forcibly or voluntarily) who had applied for international protection and were served with a final negative decision;
- The number of third-country nationals relocated to your (Member) State;
- The number of third-country nationals resettled in your (Member) State (unless provided to Eurostat);
- The number of unaccompanied minors (UAMs), differentiating between those applying and those not applying for asylum;
- The number of third-country nationals requested/granted a reflection period / residence permit as victims of trafficking in human beings, and the number of traffickers arrested and convicted.

PLEASE NOTE that your national data provided for the Statistical Annex shall be submitted in the Excel file that has been made available

The Tables in the Statistics Annex are designed to collect these statistics in a standardised format. Please provide, if possible, statistics for the whole of 2017 within the same timeframe as set out in your final and complete National Report Part 2: i.e. by

¹⁷These statistics are compiled by Eurostat from the national statistical institutes (NSIs), but are usually not available for the publication of the Commission’s Annual Report on Immigration and Asylum.

the **30th April 2018**. In addition, for all the additional statistics that you provide, please give the source.

By requesting all EMN NCPs to provide such statistics for the same time period (1st January 2017 to 31st December 2017), it will then be possible to provide an EU-28 overview, plus Norway, as well as better comparability between (Member) States. Denmark (not participating in the EMN) is invited to submit a report.

In view of taking into account the gender dimension of EU policies, we kindly ask EMN NCPs to distinguish, to the extent possible, or relevant, between men/women, boys/girls both in their National Reports and also in the statistics tables, to enable conclusions to be drawn on gender specific challenges. EMN NCPs are therefore asked to provide, in the tables that follow, all totals, and to the extent possible separate statistics by gender. Where relevant, a breakdown by age should also be provided.

In specific cases, when one (Member) State reports figures related to other(s) (Member) State(s) (e.g. resettlement figures) and the figures provided by one (Member) State differ from those provided by another (Member) State, discrepancies will be discussed trilaterally, between the concerned EMN NCPs, the Commission and the EMN Service Provider. In order to assist your gathering of the necessary statistics, if needed, each EMN NCP is encouraged to make contact with your relevant Ministry(ies) and other relevant entities (e.g. your corresponding National Contact Points on Integration (NCPI), EASO NCP, national Frontex risk analysis Network (FRAN) member etc.

ANNUAL REPORT 2017
ON MIGRATION AND ASYLUM POLICY (PART 2)
IN HUNGARY

Executive Summary

The Annual Policy Report 2017 provides an overview of the developments in migration and asylum policy in Hungary for the time period from 1 January 2017 to 31 December 2017. The present report was drafted by the Hungarian National Contact Point of the European Migration Network (EMN) seated within the Ministry of Interior of Hungary.

Legal Migration and Mobility

The directive (EU) 2016/801 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing was implemented by Hungary in 2017 and the new measures came into force on the 1st January 2018.

International Protection including Asylum

As a result of Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas, from 28th March 2017 asylum applications shall only and exclusively be made and lodged in personally to the authority in the transit zones, unless the applicant is under the effect of a measure restricting personal freedom of subject to a criminal sanction or under the effect of a previously ordered alien policing measure restricting personal freedom; or the conditions for ordering asylum detention are met, or the applicant is lawfully residing in Hungary and does not request placement in a reception center. All necessary information is given to the applicants when they submit their application in front of the asylum authority in the transit zones.

A new legal framework was created which is applicable in crisis situation caused by mass immigration. New rules on the field of the judicial review has been made. The procedural rules hasn't changed. The authority examines the applications according to the general rules.

Unaccompanied Minors and other vulnerable groups

The new regulations regarding unaccompanied minors distinguish those minors who hasn't got legal capacity from those who has. In case of minors above 14 the regulations for crisis situations will be applicable as in the asylum procedure, but legal capacity is granted to asylum seekers between the age of 14 and 18.

Integration

No significant developments took place in the policy area.

Irregular Migration

Hungary passed a new law in March 2017 (Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas).

According to the new law asylum seekers are required to remain in one of the transit zones for a final ruling on their asylum requests, migrants of unclear status are not allowed to enter the territory of Hungary and the EU without authorisation.

The objective of the new law is to stem illegal immigration, to close down the Balkan migration route, to avoid the uncontrolled influx of third country nationals entering the territory of the EU, and to reduce the security risk by protecting Europe's borders.

Return

Hungary notified the European Commission on 27 July 2017 about the exception specified in Article 2(2)(a) of the Return Directive.

Implementing Protocol between Hungary and Montenegro has been signed (24.02.2017) and the Hungarian – Ukraine agreement has been negotiated and will be signed early 2018.

Actions against trafficking in human beings

The next national strategy on anti-THB are to be phrased and filled with content that is coherent with the principles of the EU's Strategy and the domestic measures determined for due implementation are to be outlined in accordance with the EU Guidelines. The timetable for developing a new national strategy is therefore also subject to the adoption of a new EU-level strategic document (following the implementation period of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016.)

In order to help the wider identification of trafficking victims the group of organizations cooperating in the identification was extended with the legal aid services and the probation services as from 1 January 2018 (amendment of Government Decree No. 354/2012 (XII.13) on the Identification Order of Victims of Trafficking in Human Beings). Legal aid officers will play an important role in the identification of the trafficking victims in the transit zones.

Maximising development impact of migration and mobility

Hungary is becoming increasingly active in international development and international humanitarian aid efforts to address the migration crisis. The Hungary Helps Program established in 2017 provides an excellent opportunity to ensure our visibility and promote our geographically broad activities, including EU development, humanitarian and law enforcement contribution, as well as our support in the field of military and civil crisis management and education.

1. INTRODUCTION

The EMN Annual Policy Report 2017 of Hungary aims to highlight and summarize the most significant developments that took place in the various fields of migration and asylum in the given period of time for its national audience. The reference period of the present Report extends from 1 January to 31 December 2017.

In Hungary, the Ministry of Interior is in charge of policy-making in the field of migration and asylum, as well as it is in charge of related EU matters. It works in close cooperation with other relevant ministries such as the Ministry of Foreign Affairs and Trade, the Ministry of Justice, the

Ministry of National Economy, and the Ministry of Human Resources. Further, the most important executive authorities of the Ministry of Interior of Hungary are the OIN and the Police. In addition to government bodies, relevant international organisations such as UNHCR, ICMPD, IOM, as well as local and national civil society organisations also contribute to the work of the Ministry of Interior.

The present Report is compiled by the Hungarian National Contact Point of the EMN (**EMN HU NCP**) seated within the Department of European Cooperation of the Ministry of Interior (**MoI**) of Hungary. The EMN HU NCP collected information from the Immigration and Asylum Office and Nationality (**IAO**), a subordinated governmental body and various divisions of the Police, a separate entity, both in charge of the implementation of legislation relevant to migration and asylum. Reports and analysis of relevant non-governmental and civil society organizations (**NGOs**) were also taken into account when drafting the present Report. Statistical data were drawn from databases maintained and presented by the IAO, the Police and the Ministry of Foreign Affairs and Trade.

2. OVERVIEW OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS

In Hungary, the asylum and migratory situation further stabilized throughout 2017. Nevertheless, due to the unprecedented irregular and/or mixed migration pressure faced by Hungary in 2015, combatting irregular migration still the utmost priority. This overarching goal serves as the basis for the comprehensive approach towards all fields relating to migration such as border management, law enforcement, return and readmission and asylum issues.

Based on the above, Hungary puts a great emphasis on international and cross-border cooperation by taking active part in international processes where most relevant stakeholders (such as countries of origin, countries of transit and also countries of possible destinations) are duly represented (e.g. Prague Process, Budapest Process).

In 2017 the Hungarian authorities reported the number of registered asylum applications were 3 397 in total. The Immigration and Asylum Office has made decisions in 6 220 cases; final decisions have been made in 4 171 cases, as the rest of the procedures have been terminated because before they could be completed asylum seekers have left for unknown destinations. From the 4 171 decisions, 2 880 were negative. The recognition rate was 21% within the period (positive decisions/all decisions).

In total, 1291 people have been granted international protection, i.e. this is the number of migrants who have been recognized as refugees, persons granted subsidiary protection or persons permitted to stay temporarily.

| Decisions made by Asylum Authorities | |
|---|-------------------------------------|
| Type of Decision | Number of the decisions made |
| Beneficiary of Refugee Status | 106 |
| Beneficiary of Subsidiary Protection | 1110 |
| Beneficiary of Non-refoulement | 75 |

| | |
|---|-------|
| Termination of Procedure | 2 049 |
| Rejection | 2 880 |
| Pending Cases (as of 31 December 2017) | 678 |

During the year 1432 applicants came from Afghanistan, 812 from Iraq and 577 from Syria. Other significant countries of origin were Pakistan (163), Iran (109) and Algeria (62).

Hungary's position has been clear and explicit right from the beginning: Hungary is pursuing a policy which seeks to counter the process of mass migration flows. We take the view that migration is a process which cannot be adequately managed and controlled, and must be brought to an end.

3. LEGAL MIGRATION AND MOBILITY

The directive (EU) 2016/801 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing was implemented by Hungary in 2017 and the new measures came into force on the 1st January 2018.

As a result of the amendments of legislation in 2017 the following changes are relevant in 2018:

Applicants can submit their appeal against the rejection of a visa application verbally or in writing at the competent consulate. Illiterate applicants shall appear personally at the consulate where their appeal will be recorded and all pages of the document will be signed by the applicant.

If the annulment or the revocation of a visa was made by the consular officer, the applicant will have the opportunity to appeal at the competent consulate within three days.

If the annulment or the revocation of a visa was made at the border, the appeal shall be submitted at the Police after the notification of the decision but no later than three days after the notification. The second instance body of the Police will decide about the appeal within eight days.

If the annulment or revocation of a visa was made by one of the Regional Directorates of the Immigration and Asylum Office, the appeal should be lodged at that Regional Directorate. The regional Directorate will forward the appeal to the Head Office. The Head Office will decide on the appeal within eight days.

If a warrant of an annulled or a revoked visa document shall be issued by the regional directorate and the decision about the annulment or the revocation has been made by the consular officer or the Minister of Foreign Affairs or the Police, the warrant shall be registered by the Regional Directorate in the place of residence of the applicant, which information was given by the applicant, according to the information of the authority which has taken the decision.

Major planned changes in the visa process are the following:

The cost of the use of mother tongue in the notification of the decision shall be paid by the applicant.

In the procedural activities where the appearance in person of the applicant is required, electronic communication by the applicant to the consulate is not allowed.

4. INTERNATIONAL PROTECTION

As a result of Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas, from 28th March 2017 asylum applications shall only and exclusively be made and lodged in personally to the authority in the transit zones, unless the applicant is under the effect of a measure restricting personal freedom of subject to a criminal sanction or under the effect of a previously ordered alien policing measure restricting personal freedom; or the conditions for ordering asylum detention are met, or the applicant is lawfully residing in Hungary and does not request placement in a reception center. All necessary information is given to the applicants when they submit their application in front of the asylum authority in the transit zones.

From 28th March transit zones Tompa (250) and Röszke (450) operate with upgraded capacity. Both zones are set up with 4 different accommodation areas separately for families, single men, single women, unaccompanied minors between 14-18 yrs. Unaccompanied minors under 14 years are not accommodated in transit zones. Besides living containers other containers are in use for office, storage and other purposes, including dining, community/sport/religious activities, social and medical care. All living areas have their separate dining, community, storage and social areas, only the medical care area is shared by all residents. There are no changes to previous provisions available to asylum seekers, all provisions are provided on site (food, housing, etc) same as in reception centres, specialist medical care is provided in neighbouring towns with transport and escort by the Police.

During the crisis situation extraordinary rules are effective, therefore the terms of the crisis situation is defined by law. A crisis situation caused by mass immigration can be declared if the number of foreigners arriving in Hungary and seeking recognition exceeds five hundred people a day as a month's average or seven hundred and fifty people per day as the average of two subsequent weeks or eight hundred people per day as a week's average. It can be declared also when the number of people staying in the transit zones in Hungary exceeds one thousand people per day as a month's average, or one thousand five hundred people per day as the average of two subsequent weeks or one thousand and six hundred people per day as a week's average. In addition to the instances specified in paragraphs a) and b), a crisis situation can be declared in the following cases as well: the development of any circumstance related to the migration situation directly endangering the protection of the Hungarian border corresponding to Section 2. of the Schengen Borders Code or directly endangering the public security, public order or public health of territory of Hungary within 60 meters from the Hungarian border corresponding to Section 2. of the Schengen Borders Code, as well as of any settlement, in particular the breakout of unrest or the occurrence of violent acts in the reception center or another facility used for accommodating foreigners located within or in the outskirts of the settlement concerned.

5. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

In the year 2017, no central measure was taken nor planned for raising the number of child protection professionals providing care or legal representation for unaccompanied minors applying for international protection placed in the child protection system. Thematic training of professionals was organized by the International Organization for Migration (IOM) and similar trainings are also planned in the future.

Act 20 of 2017 amending certain laws related to the tightening of the procedure in the border area Act and Related Implementing Regulations has been amended in such a way by 28 March 2017 that the legislation on the placement and care of unaccompanied minors who are at least 14 years of age and who are asylum seekers are placed in the transit zone during a mass immigration crisis.

Accordingly, unaccompanied minors over the age of 14 do not enter child protection service until their application for refugee status is handed down (they are not covered by the Child Protection Act) and therefore do not have a child protection status, which means that no child protection guard can be ordered. Concerning the Decree of the Government 149/1997. (IX. 10.) on Child Protection and Guardianship Procedures, a temporary guardian will be seconded. In the case of unaccompanied minors over 14 years of age, as a temporary guardian, a law enforcement officer acting on their legal assistance duties may be seconded to a state official in the transit zone to ensure that the seconded legal representative is accessible to the unaccompanied minor in the transit zone.

6. INTEGRATION

No significant developments took place in the policy area.

7. IRREGULAR MIGRATION INCLUDING SMUGGLING

Hungary passed a new law in March 2017 (Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas). According to the new law - in state emergency situation – asylum seekers will be required to remain in one of the transit zones for a final ruling on their asylum requests, migrants of unclear status will not be allowed to enter the territory of Hungary and the EU without authorisation.

The objective of the new law is to stem illegal immigration, to close down the Balkan migration route, to avoid the uncontrolled influx of third country nationals entering the territory of the EU, and to reduce the security risk by protecting Europe's external borders.

Procedure in state of crises caused by mass immigration:

The aim of the legal amendments is to guarantee the widespread applicability of border procedures by making it possible to escort those third country nationals that are illegally staying in Hungary, through the gate of the facility established for the protection of the order of the state border. The objective of this measure is to eliminate the pull factor for illegal border-crossings.

The general rules governing the border procedure do not apply in state of crises caused by mass immigration. In such a crisis the new law provides "special rules": it is possible to examine the asylum requests on their merits while the migrants are required to remain in one of the transit zones. As a result, migrants of unclear status are not allowed to enter the territory of the EU without authorisation.

8. RETURN

Hungary notified the European Commission on 27 July 2017 about the exception specified in Article 2(2)(a) of the Return Directive.

Hungary organized as a leading member state for the first time a joint return operation to Afghanistan, Kabul, under the umbrella of the 'Joint Way Forward on migration issues between Afghanistan and the EU' document, with the coordination and finance of FRONTEX. Based on the II. part, 2. Article of the JWF the competent Afghani authorities have 4 weeks to issue a travel document, dating from the submission of the request for identification and the issuance of the travel document. In case the competent Afghani authorities do not issue such travel document, the possibility to issue an EU standard travel document (EU Laissez Passer) arises. The Hungarian clients have been returned with EU Laissez Passers issued by the Hungarian authorities.

In 2017 Hungarian police ordered 715 person's expulsion, and executed 686 effective returns (effectiveness: 96 %). All of them were implemented in the frame of readmission agreements (EU or bilateral).

9. COUNTERING TRAFFICKING IN HUMAN BEINGS

The next national strategy on anti-THB is to be phrased and filled with content that is coherent with the principles of the EU's Strategy as well as the Commission Communication, and the domestic measures determined for due implementation are to be outlined in accordance with the EU Guidelines.

In order to help wider identification of trafficking victims the group of organizations cooperating in the identification was extended with the legal aid services and the probation services as from 1 January 2018. Legal aid officers will play an important role in the identification of third-country national trafficking victims in the transit zones.

The Immigration and Asylum Office ensured the preparation of its officials and staff under the project "Successful Identification of Victims of Trafficking in Human Beings in the Procedures of the Immigration and Asylum Office" for more efficient identification of third-country national victims. The project was funded by the Internal Security Fund. In addition to further training courses, the Office provides a professional brochure for its staff, serving them a comprehensive overview of the phenomenon of trafficking in human beings and the legal environment of combating trafficking, familiarizing them with the recommended techniques of victim identification and victim referral measures, and gaining insight into the domestic system of victim protection.

In the framework of a further project Hungary organised eight local forums¹ gathering officers of the local branches of law enforcement agencies, courts, prosecutors, immigration authorities, public education institutions, municipalities, victim counsellors, child welfare and family support staff, civil society organizations and churches. The aim of the project is to invigorate the cooperation and communication at the regional and county level as a part of the mechanism that supports the victims of human trafficking.

Given that Hungary is one of the main countries of origin of victims of human trafficking identified in Switzerland, IOM Budapest developed the project "Swiss-Hungarian Transnational Cooperation on the Referral of Victims of Trafficking", in participation with the most relevant Swiss and Hungarian counter-trafficking actors. The aim of the project was to create a reliable network of stakeholders and to establish the cornerstones of the Swiss-Hungarian transnational referral mechanism.

10. MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

International Development Cooperation Inter-ministerial Committee, established in 2014, regularly discusses migration related issues. The most important challenge is the illegal migration crisis - the international development policy plays a key role in dealing with it, including addressing the root causes locally. In this regard, economic development must be guaranteed for the regions and countries where the most illegal migrants come from. With international development and humanitarian programs, the international community can create appropriate living conditions in these countries, this way not to force millions of people to leave their homes. In line with the before mentioned, Hungary is becoming increasingly active in international development and international

¹ The project entitled "Cooperation with the relevant public, non-governmental actors, international communities, organizations and agencies in order to enhance fight against human trafficking" was implemented by the National Police Headquarters.

humanitarian aid efforts to address the migration crisis. In order to promote the visibility of the support, Hungary Helps Program (HHP) was established in 2017.
