



**EMN
ANNUAL POLICY REPORT 2011**

Developments in the Hungarian Migration and Asylum Policy

1 January 2011. – 31 December 2011.

Hungary

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ANNUAL POLICY REPORT 2011

Executive Summary

The Annual Policy Report 2011 provides an overview of the developments in Hungarian migration and asylum policy from 1 January 2011 to 31 December 2011. This report was drafted by the Ministry of Interior (MoI), the Hungarian National Contact Point in the European Migration Network (EMN).

Between 1 January and 30 June 2011, Hungary held the rotating presidency of the Council of the European Union for the first time. To ensure the continuity of the EU agenda, starting with 1 January 2010, the Lisbon Treaty has introduced the so called Trio Presidency. This means that the rotating presidencies group in groups of three, and they cooperate coherently in the long run in this context. Hungary formed a trio with Spain and Belgium.

Migration and asylum issues during the six months of the Hungarian Presidency have been the focus of attention due to the migration flows from the Southern neighbourhood towards some Member States (notably Italy and Malta) following the Arab Spring. The Hungarian Presidency put migration from the Southern neighbourhood on the agenda of the Justice and Home Affairs Council as early as February, following the first arrivals to Lampedusa, and dealt with the issue throughout its term.

The Hungarian Presidency successfully handled the political initiatives aiming at reforming the Schengen System and made significant progress towards the establishment of a Common European Asylum System.

The working group on integration dealt with the developments on EU level regarding integration policy. There was a permanent consultation on national position to the discussions on the Communication on the Agenda and in the Council.

On the 5th and 6th European Integration Forum Hungary was represented by two NGOs and the national contact point for integration. At the European website on Integration the Hungarian country sheet was updated several times during the year also with the input of the national contact point.

During the Hungarian Presidency the modification of the long-term residence Directive was adopted, which extended the scope of the above Directive to beneficiaries of international protection. Furthermore, during the trilogues concerning the Qualification Directive, a compromise was reached with the European Parliament, except for one horizontal political question, the correlation tables.

Another significant success of the Hungarian Presidency is the fact that the Justice and Home Affairs Council meeting held on the 9 June declared that Romania and Bulgaria are well prepared to fully apply the Schengen acquis, thus all necessary technical pre-conditions have been fulfilled to adopt council conclusion aiming at eliminating border controls. The enlargement of the Schengen Zone was equally supported by the European Parliament, which

has to be consulted on the issue. This means that only the last step, i.e. setting the date of fully fledged Schengen membership of the two aspirant countries, remained to be taken after the term of the Hungarian Presidency.

Significant progress was made in order to better ensure the freedom and security of EU citizens. Concerning the issue of fight against organized crime in Europe, we should note the Council conclusions adopted in February 2011 on the communication of the Commission on the Internal Security Strategy in Action as well as setting the EU's priorities for the fight against organised crime between 2011 and 2013. Within the framework of a project group (with the participation of several EU Member States) the Hungarian Presidency has promoted putting together a handbook collecting the best practices of EU Member States in the area of the fight against organized crime.

On 18 April 2011, the Hungarian Parliament adopted Hungary's new Fundamental Law, which was signed in a ceremonial event by the President of Hungary, on Easter Monday, 25 April 2011. The new Fundamental Law entered into force on 1 January 2012. The Hungarian new Fundamental Law states the basic rules and principles regarding the organization of asylum and migration policies in Hungary.

Regarding the irregular migration it can be stated, that in 2011 following the Arab Spring at the Schengen border section between Hungary and Serbia there was a constantly felt pressure of irregular migration. There were no major changes in policy towards illegal entry and stay in 2011.

In the field of border security, since 1 July 2011, there is a National Contact Point operating in Hungary which is to be in touch with specific FRONTEX units as part of the European External Border Surveillance System (EUROSUR) from the year 2012

In the field of return, the most important action was that two readmission agreement implementation protocols between the Government of the Republic of Hungary and the Government of the Republic of Serbia and between the Government of the Republic of Hungary and the Government of the Russian Federation entered into force in 2011.

As regards the international protection, legislative changes aimed at faster and more efficient asylum procedures, seamless compatibility with law on aliens, preventing the abuse of rights and the correction of technical errors.

Hungary introduced also significant changes related to unaccompanied minor asylum seekers in May 2011. Since then once it is established by the refugee authority that the asylum seeker is an unaccompanied minor, he/she is accommodated by the child protection services.

1. INTRODUCTION: PURPOSE AND METHODOLOGY FOLLOWED

The Annual Policy Report 2011 of Hungary aims at highlighting and summarizing the most significant developments that took place in the fields of migration and asylum. The reference period of the report goes from 1 January until 31 December 2011, unless stated otherwise because of the lack of the most recent data regarding migration.

1.1 Methodology

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

2. GENERAL STRUCTURE OF POLITICAL AND LEGAL SYSTEM IN HUNGARY¹

2.1 General structure of the political system and institutional context

Politics of Hungary takes place in a framework of a parliamentary representative democratic republic, whereby the Prime Minister of Hungary is the head of government, and of a multi-party system. Executive power is exercised by the government. Legislative power is vested in both the government and the parliament. Since the last elections, which were held on 11 April and 25 April 2010, the two-third majority of the seats in the Parliament belong to the Fidesz – Christian Democrats Party. The opposition parties are MSZP (Hungarian Socialist Party), Jobbik (Movement for a Better Hungary) and LMP (Politics Can Be Different). The Judiciary is independent from the executive and the legislature. Hungary is an independent, democratic and constitutional state, which has been a member of the European Union since 2004. Since the constitutional amendment of 23 October 1989, Hungary is a parliamentary republic. Legislative power is exercised by the unicameral Parliament that consists of 386 members. Members of the Parliament are elected for four years. In summer 2010, the government was established and Mr. Orbán Viktor became the new Prime Minister, while Mr. Pintér Sándor became the new minister of interior responsible for asylum and migration.

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

¹ EMN Annual Policy Reports 2010 was used for this chapter.

ICMPD and IOM also contribute to the work of the MoI with their expertise and close collaboration is maintained with them and with NGOs as well.²

2.2 General structure of the legal system

The Fundamental Law of Hungary was adopted on 25 April 2011, and entered into force on 1st January 2012, which replaced the Hungarian Constitution (Act XX of 1949).

In 2011, the basic and supreme law of the Republic of Hungary was the Constitution. The Constitution was a compilation and regrouping of the modifications of the earlier constitution into a coherent structure. Important stages in the process of drafting the Constitution were Act XXXI of 1989 and Act XL of 1990. The Hungarian Constitution regulated two classical constitutional areas: state administration (national government, local government, and organizations for the protection of rights) and the listing of the basic rights of citizens.

Important steps were taken in 2007 concerning legislation on immigration and asylum. On 1 July 2007, two new pieces of legislation with regard to immigration entered into force which replaced the previous single Act XXXIX of 2001 on the Entry and Stay of Foreigners (hereinafter referred to as previous Aliens Act). Act I of 2007 and its executing Government Decree regulate the entry and residence of persons enjoying the right to free movement and the entry and residence of their family members; whereas Act II of 2007 regulates the entry and residence of third-country nationals. The Act on Asylum, namely Act LXXX of 2007 entered into force on the 1 January 2008 and replaced the previous Act CXXXIX of 1997 on Asylum. The new act sets down the basic principles and the necessary provisions in order to transpose the relevant EU directions in the field of asylum. As regards the legislation on 2011 some changes were carried out in a number of stages. The new rules entered into force on 24 December 2010, 1 January 2011, 1 April 2011, 1 May 2011 and 20 May 2011, 1 August 2011.

3. GENERAL DEVELOPMENTS RELEVANT TO ASYLUM AND MIGRATION

Hungary is a country with approximately 10 million inhabitants. Compared to the total number of the population, the proportion of migrants and refugees is not as high as in some other EU Member States, as during the recent years it equals to only 1.8-2 % of the host population. Immigration is mainly a demand-driven, sub-regional labour migration, often based on seasonal or temporary employment.

The migration situation is also characterized by the fact that the majority of foreigners living in Hungary are ethnic Hungarians coming from neighbouring countries, however with Romania's and Slovakia's accession to the EU, their nationals are now EU citizens. Since immigration to Hungary in the 90s the population was mainly characterized by ethnic migration. The social integration of migrant groups was not extremely difficult, due to their already existing language skills and family relationships. The attitude of the host society and the legal background is also much more favourable for them than for other migrant groups.

² The Hungarian EMN NCP submitted the study on the „Organization of Asylum and Migration Policies”, therefore only a short summary was provided under this section and the most important actors are mentioned. More detailed information can be found in the study. This information was also provided in previous Annual Policy Reports. The abovementioned reports and studies can be found at <http://www.emn.europa.eu>

Generally Hungary can be still deemed mainly as a transit country, however, for certain groups of migrants Hungary is a destination country as well. Due to the visa policy of the early 90s, a significant number of economic migrants came from Asia to Hungary (especially from China, Vietnam and Mongolia).

3.1 General political developments

The development of Hungary's policy is largely influenced by the activities of the EU in this field, such as the European Pact on Immigration and Asylum, the Stockholm Programme and the implementation of some directives such as the Blue Card Directive, the Return Directive, the Sanctions Directive, etc.

As the last member of the Spanish-Belgian-Hungarian trio, between 1 January and 30 June 2011, Hungary held the rotating presidency of the Council of the European Union for the first time. The Hungarian Presidency was the main influencing factor in 2011, which caused the main developments, policy and legislative debates.

3.2 Main policy and/or legislative developments

The Government Decision of 22 December 2010 on the six-month programme of the Council of the European Union, defined the main goals of the Hungarian Presidency along four priorities:

- To facilitate the swift Schengen accession of Romania and Bulgaria.
- Working on strengthening FRONTEX and amending the Schengen Borders Code in order to reflect the experiences gained during the years of its implementation and to address the new challenges we must face.
- Continuing the work on the second generation of the Schengen Information System (SIS II), and the central part of the Visa Information System (VIS).
- Better management of migratory flows, reaping the full benefits of migration by source and destination countries alike, and the integration of migrants remain to be tasks of utmost importance. Drawing attention to the necessity of achieving a geographically balanced migration policy.
- Continuing the creation of a Common European Asylum System by 2012. Europe needs an asylum system that is predictable and provides the same level of protection to asylum seekers anywhere in the Union. It should clearly define responsibilities and be economically feasible, thus benefiting us all. Emphasizing the importance of genuine solidarity towards Member States under particular pressure, making use of the resources of the newly founded European Asylum Support Office.

3.2.1. Main policy and/or legislative debates within the national perspective

As a Member State of the European Union (EU), Hungary's migration and asylum policy has to be in conformity with the legislation adopted at EU level. Hungary transposed the EU legislation in the field of migration and asylum into its national law.

The above mentioned Hungarian laws and decrees were modified in 2011 in order to transpose the Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and

residence of third-country nationals for the purposes of highly qualified employment (EU Blue Card Directive)

Hungary also transposed into its legislation the Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (Sanctions Directive).

Hungary implemented the Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) and also the Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals.

Over the past 20 years, Hungarians living around the world and in the Carpathian Basin formulated the need, for a simplified naturalization procedure similar to the practice of other countries as a significant assistance in maintaining relations with Hungary and preserving their Hungarian identity. On 26 May 2010 the Hungarian National Assembly approved with an overwhelming majority the amendment of Act LV of 1993 on Hungarian citizenship and introduced a simplified naturalization procedure.

In 2011, 202.148 people submitted application for simplified naturalization. So far, about 103,000 people became a Hungarian citizen as a result of the simplified procedure.

From 1st May 2011 unaccompanied minor asylum-seekers shall be in a shelter of the Hungarian child-protection system instead of a separated facility of a reception centre operated by the asylum authority, where they were hosted formerly. The Unaccompanied Minor's Home was launched as part of the Károlyi István Children's Center (Károlyi István Gyermekközpont) in Fót.

3.2.2. Legislative Acts and Decisions adopted during the Hungarian Presidency in the field of asylum and migration³

Regulation of the European Parliament and the Council on amending the Council Regulation establishing an European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX)

The amendment aims to improve the effectiveness of the European border protection agency's (FRONTEX) operations and strengthen its capacities, thus contributing to the fight against illegal immigration, which has become an issue featured more prominently on the agenda of the Union following the recent revolutions in North Africa and the Middle East. The amendment will allow FRONTEX to station its own liaison officers in third countries, in line with the EU's new Neighbourhood Policy. The Member State contributions to FRONTEX operations will be better coordinated, and FRONTEX will be able to procure its own equipment. The inter-institutional negotiations successfully concluded on 21 June 2011.

Decision of the European Parliament and of the Council on the list of travel documents entitling the holder to cross the external borders and which may be endorsed with a visa

Each Member State of the European Union makes its own decision on the recognition of travel documents issued by third countries. In Schengen visa

³ This section is made on the basis of the [Summary of the work of the Hungarian Presidency](#).

procedures, it is important to know which travel document is recognized by which Member State. The decision provides the rules for establishing this list. The compromise reached at the triologue discussions was endorsed by Coreper on 29 June 2011.

Directive of the European Parliament and of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (recast Qualification Directive)

The Qualification Directive establishes the conditions upon which a person who applies for international protection shall be recognized as a refugee or a beneficiary of subsidiary protection, and sets out the rights and obligations of refugees and beneficiaries of subsidiary protection. The recast of the directive currently in force seeks to provide greater harmonization of the conditions of qualifying as a beneficiary of international protection in the European Union, in line with obligations under international law. The compromise reached at the triologue discussions was endorsed by Coreper on 29 June. One open question remained, that of correlation tables.

Directive of the European Parliament and the Council amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection

The amendment enables foreign nationals who are refugees or beneficiaries of subsidiary protection to become long-term residents, and enjoy the rights associated with this status. Previously they fell outside the scope of the directive. The directive was published in the 19 May 2011 issue of the Official Journal of the EU.

Regulation of the European Parliament and the Council amending Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network

The aim of the amendment is to make coordination between immigration liaison officers (ILOs) of different Member States up-to-date and more effective, and to clarify the role of the Union's external borders agency (FRONTEX) in the operation of the ILO network. The regulation was published in the 27 May 2011 issue of the Official Journal of the EU.

Council Directive on a single application procedure for a single permit for non-EU Member Country nationals to reside and work in the territory of a Member State and on a common set of rights for Non-EU Member Country workers legally residing in a Member State (single permit directive).

The aim of the proposal is to establish a single work and residence permit to be issued in a single procedure. Furthermore, it sets out the fields in which third country national employees shall enjoy equal treatment with the nationals of Member States. The one open question after the successful conclusion of inter-institutional negotiations on 22 June 2011 was that of correlation tables.

Council Conclusions on Borders, Migration and Asylum of 9 June 2011

The Council's document reacts to the communications, legislative proposals of the Commission on migration related issues. It touches upon strengthening of the Schengen system, on legal migration, external aspects of migration and asylum issues. This document served as a basis for the 24 June 2011 European Council's discussion on migration and it also states that relations Eastern and Southeastern neighbours of the Union shall continue to receive utmost attention.

Council Conclusions on the Management of Migration from the Southern Neighbourhood of 11 April 2011

The conclusions set out the means of handling migration originating from North-Africa, among others, humanitarian aid to the region, solidarity with the most affected countries, strengthening of the capacities of the EU border guard agency, quickly mobilizing financial resources and partnership with those countries of the Southern Mediterranean that cooperate in fighting illegal migration.

Council Conclusions Defining the European Union Strategy on Readmission of 9 June 2011

The EU agreements on readmission are important elements of its effective policy aimed at fighting illegal immigration. In its conclusions, the Council provided strategic guidance and recalled that the EU needs to work out a renewed, coherent readmission strategy which shall be closely linked to the general external relations policy of the European Union and shall employ a joint approach to the relations vis-a-vis the third states which do not cooperate in the readmission of their own nationals.

Council Conclusions on Completion of the Process of Evaluation of the State of Preparedness of Romania and Bulgaria to Implement all Provisions of the Schengen Acquis of 9 June 2011

The document states that the evaluation of the preparedness of the two candidate countries to apply the Schengen acquis came to an end, and all preconditions have been fulfilled for the Council's decision on the lifting of the control at the internal borders.. According to the conclusions the Council shall return to issue of the decision during the semester of the Polish Presidency.

4. LEGAL IMMIGRATION AND INTEGRATION

4.1. Economic migration

4.1.1 Specific context

One of the most important changes in the legislation was the implementation of the Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, thus from 1st of August 2011 the EU Blue Card has been introduced in Hungary.

The main national regulations transposing the Directive are the followings:

- Act CV of 2011 on amending laws on certain labour and other related matters for harmonization of laws
- Government Decree 168/2011. (VIII.24.)
- Decree of the Minister of Interior No. 27/2011. (VIII.24.)
- Decree of the Minister for National Economy No. 44/2011. (XII.16.)

According to Subsection (1) of Section 7 of Act IV of 1991 on the promotion of employment and the supplies for the unemployed, third-country nationals may only engage in work in Hungary in possession of a work permit or a permit issued for the purposes of highly qualified employment and residence (the EU Blue Card).

The EU Blue Card is valid to minimum one and maximum four years that may be extended to further four years maximally. If the period of employment is less than one year the validity of the permit is three months longer than the employment contract. The Blue Card is a complex document entitling its highly qualified third-country national holder to residence and to highly qualified employment.⁴The EU Blue Card is issued if third-country nationals are in the possession of valid passports, their employment is supported under considerations laid down by law as well as by domestic employment-policy interest, they qualify as insured for the full scope of health care services or they applied for such services for all period when, resulting from employment relationship, they are not qualified as insured. EU Blue Card holders issued by another Member State of the European Union are also entitled to enter into highly qualified employment in Hungary after eighteen months of legal residence in the Member State that issued the EU Blue Card, and if they meet the requirements for obtaining the EU Blue Card as stipulated by Hungarian law.

Differences from classic work permits

Compared to the classic procedure of employment authorization⁵ the EU Blue Card procedure comprises several new elements. The most significant shift is that highly qualified persons appear as clients in the procedure, therefore the EU Blue Card is issued into their hands and not to the employer, which is the case in the procedure of a regular work permit. Secondly, clients have to recourse to one single authority (this is called single-window administration), which is the regional directorate of the Office of Immigration and Nationality having competence at the applicant's place of accommodation. The procedure is conducted by the OIN as the main competent agency; however labour centers are involved as specialized authorities.

An additional new element in the procedure is that the employer and the third-country national conclude a preliminary agreement on the future employment for a period of four year, which qualifies as a mandatory offer. The preliminary agreement shall contain 1) the activity to be performed by the third-country national, the position (FEOR), 2) the higher qualification required for this work, 3) the payment, 4) the definition of the employment-related legal relationship, and 5) the duration of the employment-related legal relationship.

Labour centers acting as specialized authorities decide whether the employment of the highly qualified third-country national can be authorized or not. The employment is authorizable if the person concerned possesses higher education specialization necessary for the position and

⁴ Gov. Decree 168/2011. (VIII.24.) on the rules of the forming of the County (Metropolitan) Labour Centers' administrative opinion in relation to the issuance of the EU Blue Card, as well as on the amendment of certain migration-related and other government decrees.

⁵ Decree of the Minister for Social Welfare and Employment 16/2010. (V. 13.) on the authorization of the employment of third-country nationals in Hungary.

no authorization is needed for the employment of the third-country national in Hungary. In this case, labour centers do not examine if the employer has valid vacancy and whether workforce had been allotted to it. Labour centers also approve the employment of third-country national if all the following points are fulfilled:

- the third-country national possesses higher education specialization necessary for the position specified in the preliminary agreement,
- before the application for the EU Blue Card, the employer has valid vacancy in connection with the activity to be pursued by the third-country national,
- as of the reporting of the vacancy, there is no person who is a registered job-seeker and meets the employment criteria has been allotted to the employer, and
- the third-country national meets the employment requirements as provided by law as well as defined in the application for labour of the employer.

The application for labour is considered as valid if the request for EU Blue Card was submitted by the employer

- at least 15 days before, but no earlier than 60 days; or submitted earlier than 60 days but renewed at least in every 60 days and the latest renewal occurred no earlier than 60 days from the submission of the application, and
- the employer concluding the preliminary agreement notified the sub-office of the labour centre on the territorial competence of which the employment of the third-country national is taking place.

The OIN – after obtaining the opinion of the specialized authorities – decides on the request for the EU Blue Card within 30 days. The EU Blue Card is valid for a maximum period of four years and can be extended to four more years occasionally. The EU Blue Card entitles its holder, for two years as of its issuance, to employment by a specified employer in a specified position.

Special provisions

The EU Blue Card application shall be submitted to the regional office having competence at the place of accommodation. Preliminary agreement shall be attached to the application. It is important to stress that Directive 2009/50/EC prescribes that the EU Blue Card holder's salary shall be at least 1.5 times the average salary, in case of professions which are in particular need 1.2 times the average salary in the Member State concerned. Consequently, for the success of the application, the gross monthly salary set by the agreement shall reach or exceed this level.⁶ These are determined by competent minister taking into account the statistical data for the following year. Hungary applies the possibility of 1.2 times instead of 1.5 times in case of some health professions.

It has to be referred that the labour center acting as specialized authority in its opinion shall not support the issuance of the EU Blue Card if the competent authority in the country of residence of the third-country national unreasonably applies more difficult criteria in the authorization procedure to Hungarian employees' employment than to employees with other nationality (reciprocity),⁷ or if the health, professional, technical requirements of employment are not provided by the employer concluding the preliminary agreement, or if a strike

⁶ According to the statistics this amounts to 300.000 HUF.

⁷ Under specified circumstances the guidance provided by the Minister responsible for employment policy is authoritative.

concerning the activity to be performed by the third-country national is taking place at the employer concluding the preliminary agreement at the time of the submission of the application.

In relation to the suitability of the third-country national's professional qualification or education the labour center, before issuing its opinion, turns to the competent authority in relation to the recognition of diplomas and certificates, if the labour center does not possess the opinion of the authority competent for the recognition of qualifications.

As of 1 August 2011, Act C of 2011 on the recognition of foreign diploma and qualifications (Recognition Act) was amended together with a couple of other legal instruments. The situation of the holders of the EU Blue Card was regulated in Article 28 (d) of the Recognition Act. In essence it means that the holders of the EU Blue Card are treated equally in terms of recognition of diploma – and in several other fields – with the nationals of other EU Member States (just as family members of EU nationals, persons holding a permanent residence permit and persons who are resided in Hungary for the purpose of exercising research activities).

The Third Chapter of the Recognition Act – “Recognition under European Union law” – only applies if an Union citizen (or a person treated as such, like EU Blue Card holders) is applying for the recognition of a diplom or qualification that s/he obtained in an EU Member State. These two conditions shall be completed cumulatively, only in this case can the third-country national fall within the ambit of EU law, and only in this case the provisions of the Directive can bring an added value.

The EU Blue Card holder shall notify the immigration authority having competence in the place of accommodation on the termination of the employment-related legal relationship, the establishment of subsequent employment-related legal relationship within five days of its commencement or termination. The regional office informs the labour centre on the notification.⁸

Act CV of 2011 transposed the Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (Sanctions Directive), which entered into force on 1st August 2011. According to this Directive the employer is to ascertain no longer than the first day of the commencing of work whether the third-country national has a valid residence permit or other permit entitling residence as well as a permit for pursuing a paid activity. For the duration of the employment, the employer is bound to keep the copy of the valid residence permit or other permit entitling residence presented by the third-country national. The employer shall notify the immigration authority on the commencement of the third-country national's employment. The employer shall inform the aliens policing authority within five days if the third-country national does not commence work or if the employment terminates within the validity period of the work permit. The aliens policing authority may impose a public order fine proportional to the number of employed third-country national employees, if the employer does not perform its obligations.

The purpose of the Council Regulation (EC) No380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals is solely to set the security features and biometric identifiers to be used by the Member States in a uniform format of residence permit for third-country nationals.

Hungary has implemented this regulation. The relevant laws were modified, namely Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence as well as Act II of 2007 on the Admission and Right of Residence of Third-

⁸ Third-country national researchers' integration in Hungary, Handbook and conference report

Country Nationals. Hungary introduced the documents in ID 1 format, which contain storage elements (chip), as well as the digital facial image and fingerprints of the card owner. The previous paper-based sticker format permits have been replaced by the plastic-based chip cards which are suitable for storing biometric data.

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

Key statistics:

Changes in the number of applicants for residence permit

Purpose of residence	2010	Percent of all applications	2011	Percent of all applications	Change	Change in percent
Gainful activity	16 060	43,37%	13 187	39,41%	-2 873	-17,89%

Source: OIN

4.1.2 Developments within the national perspective

As a result of the modification of the legislation entered in to force on 24 December 2010, the satisfaction of third-country nationals must substantiate the business plan especially by attaching contract, mandatory contract, agreement, or sale, or procurement contract.

The most significant development of the year 2011 was the modification of Act II of 2007 on Admission and Right of Residence of Third-Country Nationals. The modified provisions came into force on 20 May 2011 as well as 1 August 2011.

The changes in the general definition of the content of employment, the employee and the purpose of gainful employment should be mentioned. Under the new rules, residence permit for gainful employment shall be granted for those third-country national whose residence purpose is to perform work actually on the basis of legal status for employment, in return for payment, and for others, as well as under the direction. With this rule, the immigration authority can consider whether the actual employment is achieved behind the documentary proof of employment.

According to the Sanctions Directive (you can find more information above) the employer is obliged to check the existence of the work permit and residence permit as well. In the case of failure, public order protection fine may be imposed on the employer. The employer shall ensure that the third-country-national has valid residence permit or other residence document, moreover permit for engaging in gainful employment no later than the date of entry into work. The employer shall keep the copy of the presented permit for the duration of employment.

The employer shall be discharged from the obligation to pay fine if he/she proves that he/she had complied with monitoring and notification.

4.1.3 Developments from the EU perspective

One of the Hungarian Presidency's priorities was the discussion of two draft directives, the Directive of the European Parliament and of the Council on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer {COM (2010) 378} and the Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment {COM (2010) 379}. Furthermore the Hungarian Presidency achieved political agreement on the EU's 'Single Permit Directive' (Directive 2011/98/EU), which was adopted during the Polish Presidency.

4.2 Family Reunification

Key statistics:

Changes in the number of applicants for residence permit

Purpose of residence	2010	Percent of all applications	2011	Percent of all applications	Change	Change in percent
Family reunification	4 678	12,63%	4 452	13,30%	-226	-4,83%

Source: OIN

4.2.2 Developments within the national perspective

New legislative changes were made in 2011 in the field of family reunification. As a general rule that has already been in force, employment of a family member of a third-country national holding a residence permit issued for the purpose of family reunification is subject to prior labour market examination and work permit obligation within the first year following the issuance of the residence permit. In case of those family members who resided legally for at least one year in the territory of Hungary, the same employment authorization rules apply as those applicable to the sponsor. By way of derogation from these rules, employment of a family member of an EU Blue Card holder is not subject to prior labour market examination as a result of the implementation of the Blue Card Directive in 2011.

In order to avoid reverse discrimination the definition of family members, who have the right to free movement and residence, was modified in a way that it includes the partner, who is a third-country national, with whom the Hungarian citizen has contracted a registered partnership before the relevant Hungarian authority, or the authority of another Member State of the European Union

4.2.3 Developments from the EU perspective

On 15 November 2011, the Commission launched a public debate on the right to family reunification of third-country nationals living in the EU (Green Paper). Depending on the outcome of the consultation, the Commission will decide whether any policy follow-up is necessary, such as setting up clear guidelines, modifying the current rules or leaving the legislation as it is. The Green Paper focuses on a number of questions arising from the application of Directive 2003/86/EC. Hungary took part in the informal Consultation organized by the Netherlands on the Green Paper held in Amsterdam on 13-14 December 2011.

In order to ensure proper implementation of Directive 2004/38/EC the definition of family members, who have the right to free movement and residence, was modified in a way that it includes the partner, who is a third-country national, with whom the EEA national has contracted a registered partnership before the relevant Hungarian authority, or the authority of another Member State of the European Union.

4.3 Other legal migration

Key statistics:

Changes in the number of applicants for residence permit breakdown by the purpose of stay

Purpose of residence	2010	Percent of all applications	2011	Percent of all applications	Change	Change in percent
Gainful activity	16 060	43,37%	13 187	39,41%	-2 873	-17,89%
Education	11 179	30,19%	10 236	30,59%	-943	-8,44%
Family reunification	4 678	12,63%	4 452	13,30%	-226	-4,83%
Other purpose	2 685	7,25%	2 465	7,37%	-220	-8,19%
Official	1646	4,44%	2218	6,63%	572	34,75%
Other purposes of residence	784	2,12%	907	2,71%	123	15,69%
Total	37 032	100,00%	33 465	100,00%	-3 567	-9,63%

Source: OIN

4.3.1 Specific context

See Annex.

4.3.2 Developments within the national perspective

Not applicable.

4.3.3. Developments from the EU perspective

Not applicable.

4.4 Integration

4.4.1 Specific context

Hungary does not have a complex strategy document on integration. The rights which enhance the integration of immigrants can be found in a mainstream way in different sectoral legislations. The Hungarian legislation which prescribes the conditions of entry and stay does not require a specific level of integration for the migrant (for instance basic level knowledge of the Hungarian language and knowledge about the society). Meanwhile the legislations relevant in the field of integration – the legislation on accommodation, on child care, and on social insurance and their personnel scope covers beside the Hungarian citizens most part of the migrants (primarily the immigrants who obtained immigrant status according to the former legislation, permanent residents or persons with the right of free movement and stay). Towards some target groups, for example towards recognised refugees and towards

beneficiaries of subsidiary protection we can find positive discrimination in the legislation as well.

The working group on integration (involving also strategic partners from the civil society, prescribed in the former Annual Policy Reports) addressed the developments on national and EU level (European Agenda for the Integration of Third-Country Nationals – the Commission’s Communication and the Councils Conclusions). Priorities for the national allocation of the European Integration Fund for next year and other financing possibilities were discussed in this group.

4.4.2 Developments within the national perspective

The Fundamental Law of Hungary was adopted on 25 April 2011, and entered into force on 1st January 2012. In relation to the former Constitution the main amendments did not touch the status and rights of migrants from third countries.

Regarding the voting rights Art. XXIII of the Fundamental Law of Hungary sets out that every adult person who is recognised as a refugee, who has an immigration or permanent residence permit in Hungary shall have the right to be a voter in the elections of local representatives and mayors.

Amendments concern citizens of other member states of the European Union, who are residing in Hungary: they shall have the right to be a voter as well as a candidate in the elections of local representatives, and from now they also can candidate as a mayor.

There is no obligation for Hungarian citizens in the Constitution to have a residence in Hungary and there is no obligation to be in the territory at the time of the elections.

4.4.3 Developments from the EU perspective

During the Hungarian Presidency of the Council of the European Union, an international conference titled “Promoting Migrant Integration through Media and Intercultural Dialogue” was organized on 16 – 18 May 2011 in Budapest, jointly by the Ministry of Interior and the International Organization for Migration. The conference was focused on the media response to migration and interculturalism issues in Europe and best practices in reporting on migration issues. It was highlighted why intercultural dialogue is important and the participants debated how to find the way forward.

The conference consisted of plenary meetings and 3 times workshop sessions took place in 4 topics:

- How to work with the media on migration related issues: Analysing how stakeholders working with migration issues can work best with the media to get their message across and to raise awareness among media professionals, students, and the public in general about the contributions migrants bring to society.
- Good practices in reporting on migration: Moral and ethical considerations in reporting about migration/migrants: Discussing the quality and fairness of media coverage of migration issues in the EU, how media professionals can present migration related issues in a responsible way, truthfully and objectively.
- Youth, new and community media and migration issues: Taking into account the wide range of “new mediums” the contribution of these new forms of expression to greater

diversity awareness was asked and analyzed how a voice to migrants and their communities can be given, especially concerning the youth.

- Intercultural dialogue: Concerning intercultural dialogue special aspects of life were discussed which can be understood as informal meeting and social opportunity between migrants and the host society on individual level.

The conference also showcased the winners of the Europe-wide competition for university students on articles and documentaries on migration and integration-related issues. The event had about 100 participants from overall Europe and 16 speakers from various countries. National Contact Points for Integration from all Member States, relevant stakeholders at the EU level, media professionals, media associations, NGOs involved in migration issues, and immigrants themselves were invited.

The conference report on the main aims and findings is available on the website of the MoI (<http://www.kormany.hu/download/4/29/40000/Integration%20Conference%20-%20Report.pdf>) and the IOM-project (www.mits-eu.org).

The working group on integration dealt with the developments on EU level regarding integration policy. There was a permanent consultation on national position to the discussions on the Communication on the Agenda and in the Council.

On the 5th and 6th European Integration Forum Hungary was represented by two NGOs and the national contact point for integration. At the European website on Integration the Hungarian country sheet was updated several times during the year also with the input of the national contact point.

The Annex concerning the Pact and the Stockholm Programme mentions other related developments including short description of some projects financed by the European Integration Fund.

4.5 Citizenship and Naturalisation

4.5.1 Specific context

Key statistics:

2011	
Case	Number of persons
Applications for naturalization, re-naturalization	1 174
- relating applications for modification of surnames	199
Statements of citizenship	83
Declarations of resignation	131
Declarations of nationality	7 165
whereof certificates of citizenship	2 212
Restitutions of nationality	1
Other cases respecting nationality	329
Total	11 294

Source: OIN

The Fundamental Law of Hungary was promulgated on 25 April 2011, which also affected the issue of the Hungarian citizenship. As of 1 January 2012, Article G of the Fundamental

Law declares the fundamental provisions of the Law LV of 1993 on Hungarian Citizenship of descent principles:

- (1) The child of a Hungarian citizen shall be a Hungarian citizen by birth. A cardinal Act may define other cases of the origin or acquisition of Hungarian citizenship.
- (2) Hungary shall defend its citizens.
- (3) No person may be deprived of Hungarian citizenship established by birth or acquired in a lawful manner.
- (4) The detailed rules for citizenship shall be defined by a cardinal Act.

According to amendment of the Citizenship Act (Act LV of 1993) the official former Hungarian version of the name of the ceded settlements from Hungary shall be indicated on the naturalization document. The primarily former Hungarian names of settlements should be included in the other documents and personal registers.

Moreover the Citizenship Act was modified also due to the changes in the in the Fundamental Act. However, these changes were mostly technical. The forms for citizenship application were modified because of the above-mentioned changes. (Government Decree 125/1993(IX.22.)). There were no significant judicial decisions or appeals in 2011.

4.5.2 Developments within the national perspective

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

Every non-Hungarian citizen is eligible for preferential naturalization if

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

To apply for citizenship is a matter of individual discretion.

Applications for naturalization may be filed with

- Any Hungarian registrar,
- Any regional directorate of the Office of Immigration and Nationality, or
- Any consular officer at Hungary's foreign diplomatic missions;
- Any integrated customer service centers.

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

The simplified naturalization procedure and the associated register processes have been further simplified by the Act LXVI of 1992 on The People's Personal Data and Address Registers, the Act LV of 1993 on Hungarian Citizenship as well as the Act XIV of 2010 on the Modification of the Act I of 2010 on the Register Process. The newly naturalized citizens, without any separate application will be introduced to the People's Personal Data and Address Registers, therefore after passing the oath or pledge the official address card is handed over automatically to the person concerned.

It should be mentioned in connection with the request for name amendment that the naturalization document already contains the Hungarian name and the place of birth– in principle - in Hungarian. Additionally it is possible to change the marriage family name and to indicate the mother's name of the applicant in Hungarian language. Furthermore right the same document contains the decision on naturalisation and the name modification.

The Croatian Democratic Community of Hungarians provides support (information, obtaining documents, assisting with booking date) to Hungarian ethnic group in order to facilitate the submission of applications for simplified naturalization. The assistance, similiary to the Transylvanian democracy centers, is based on a cooperation agreement with the Hungarian Government.

In 2011, 202.148 people submitted application for simplified naturalization, including 95.322 people requesting also name amendment. So far, about 103,000 people became a Hungarian citizen as a result of the simplified procedure.

4.5.3 Developments from the EU perspective

Hungary as Presidency of the Council of the EU in the first semester of 2011 and as a prominent state on statelessness strived to assist UNHCR in its endeavour during its commemoration process in order to jointly bring forward the plight of stateless people around the world.

5. IRREGULAR IMMIGRATION AND RETURN

5.1 Irregular migration

The report of the FRONTEX FRAN in 2011 confirms that at the Schengen border section between Hungary and Serbia there is a constantly felt pressure of irregular migration and the symptom is observed at the Romanian-Serbian and the Slovenian-Croatian borders but to lesser extent. In 2011 the migration pressure strengthened further and there was a report about the increasing numbers of irregular migrants aming at the common Slovenian-Croatian border. Several analysis showed that the citizens of Western Balkan countries (Serbian, Kosovar, and Albanian) using this route in this region. From Greece relatively high numbers of Afghan and Pakistan citizens start their travel towards the external land borders of the EU.

5.1.1 Specific context

EUROSUR (European Border Surveillance System) gradually introduces a mechanism enabling Member States' authorities carrying out border control to cooperate and share operational information with each other and FRONTEX in order to strengthen the Schengen area's external border control, especially in its southern and eastern part, as well as at its maritime and land borders, and increase fight against illegal migration and cross border crime. In 2011 the Hungarian National Coordination Centre was established within the premises of the National Police which has been continuously coordinating and ensuring analysis and transmission of border control related information.

5.1.2 Developments within the national perspective

The efficiency of the Hungarian border control system had been supported by the Austrian Police with heat mobile camera vehicles, guest officers and document experts, and by the Serbian Police with liaison officers. Furthermore, stable thermal cameras had been installed at the frequented stretches of the Ukrainian and Serbian border sections. During the reinforced controls the Hungarian and Serbian police provide joint services in the control room and the Serbian liaison officer leads the Serbian patrols by making use of thermal imager in order to intercept illegal migrants. As a result, many migrant groups were captured by the Serbian Police.

In August 2011 a new provision 45 / B was introduced to Act II of 2007 according to which: "The immigration authorities shall not return illegally staying third-country nationals who are readmitted by another Member State of the European Union according to the bilateral readmission agreement or other agreement concluded before the 13 January 2009."

Cooperation Agreements

The bilateral negotiations of the agreement as well as an implementing protocol between the Government of Hungary and the Government of Kosovo on the readmission of persons residing without authorisation have been successfully concluded. (The next step is the signing of the agreement and the protocol.)

The protocol between the Government of the Republic of Hungary and the Government of the Republic of Serbia on the implementation of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation, signed in Brussels on 18 September 2007 entered into force on 4 June 2011.

5.1.3 Developments from the EU perspective

The implementing protocol (signed in Sochi on 29. May 2011) between the Government of the Republic of Hungary and the Government of the Russian Federation on the implementation of the Agreement between the Russian Federation and the European Community on readmission of 25 May 2006 entered into force in 2011.

The bilateral negotiations of the implementing protocol between the Republic of Hungary and between the Republic of Bosnia and Herzegovina on the implementation of the Agreement

between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation are concluded. (The next step is the signing of the protocol.)

The bilateral negotiations of the implementing protocol between Hungary and between Georgia on the implementation of the Agreement between the European Community and Georgia on the readmission of persons residing without authorisation are about to be launched.

Council Conclusions on the Management of Migration from the Southern Neighbourhood of 11 April 2011

The conclusions set out the means of handling migration originating from North-Africa, among others, humanitarian aid to the region, solidarity with the most affected countries, strengthening of the capacities of the EU border guard agency, quickly mobilizing financial resources and partnership with those countries of the Southern Mediterranean that cooperate in fighting illegal migration.

Council Conclusions on the roadmap towards the Integration of Maritime Surveillance of 23 May 2011

Council conclusions were adopted about the integration of maritime surveillance, which would improve information exchange among various surveillance authorities of the Member States. This will lead to more efficient and coordinated action in case of maritime accidents, environmental hazards and to combat illegal immigration.

Council Conclusions Defining the European Union Strategy on Readmission of 9 June 2011

The Union's agreements on readmission are important elements of its effective policy aimed at fighting illegal immigration. In its conclusions, the Council provided strategic guidance and recalled that the EU needs to work out a renewed, coherent readmission strategy which shall be closely linked to the general external relations policy of the European Union and shall employ a joint approach to the relations vis-a-vis the third states which do not cooperate in the readmission of their own nationals.

5.2 Return

5.2.1 Specific context

The Hungarian border guard authorities shall initiate to take back mostly the apprehended irregular migrants in the Hungarian-Serbian border section in accordance with readmission agreement between EC and Serbia, which entered into force 1 January 2008 and the protocol between the Government of the Republic of Hungary and the Government of the Republic of Serbia on the implementation of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation, signed in Brussels on 18 September 2007. Hungary asks from the Serbian authorities the readmission of the third-country nationals.

5.2.2 Developments within the national perspective

The most important changes in 2011 in the field of return:

There may not be appealed if the immigration authority shall independently order the exclusion of a third-country national whose whereabouts are unknown or who resides outside the territory of Hungary, and:

- a) who must not be allowed to enter the territory of Hungary under international commitment; or
- b) who is to be excluded by decision of the Council of the European Union.

The immigration authority shall have powers to expel a third-country national holding an authorization issued by a Member State of the European Union offering a right to stay in the territory of that Member State from Hungary, primarily to the Member State that has issued the residence permit authorizing the third-country national to stay legally on its territory. A third-country national holding an EU Blue Card issued by any Member State of the European Union shall be expelled to the Member State having issued the EU Blue Card, even if the EU Blue Card has expired during the third-country national's stay in Hungary. If a third-country national holding an EU Blue Card has been expelled by any Member State of the European Union, he/she shall be allowed to return to Hungary even if his/her EU Blue Card has expired.

The immigration authority shall not order the expulsion of any third-country national residing unlawfully, who has been readmitted by another Member State of the European Union under a bilateral readmission agreement or other similar agreement signed before 13 January 2009. Return under the readmission agreement shall be decided by the immigration authority by way of a ruling that may be contested by the third-country national affected by lodging a complaint within twenty-four hours following the time of delivery of the ruling. Implementation of the ruling on the return order shall not be suspended upon receipt of the said complaint. The provisions on deportation measures shall also apply to return under readmission agreement.

The most relevant statistical data are the following:

Number of forced removals by air disaggregated by main citizenships				
Country of citizenship	2010	2011	Change	Change in percent
Kosovo	25	10	-15	-60,00%
Vietnam	8	14	6	75,00%
China	4	3	-1	-25,00%
Afghanistan	3	1	-2	-66,67%
Turkey	3	1	-2	-66,67%
Georgia	2	12	10	500,00%
Other	31	25	-6	-19,35%
Total	76	66	-10	-13,16%

Source: OIN

Number of expulsions ordered by the alien policing authority				
Country of citizenship	2010	2011	Change	Change in percent
Total	1 507	1 393	-114	-7,56%

Source: OIN

Number of expulsions ordered by court				
Country of citizenship	2010	2011	Change	Change in percent
Total	381	511	130	34,12%

Source: OIN

Number of forced removals disaggregated by main citizenships				
Country of citizenship	2010	2011	Change	Change in percent
Kosovo	225	311	86	38,22%
Serbia	107	117	10	9,35%
Romania	25	12	-13	-52,00%
Republic of Moldova	25	19	-6	-24,00%
Ukraine	20	6	-14	-70,00%
Other	161	273	112	69,57%
Total	563	738	175	31,08%

Source: OIN

Numbers of travels in framework of the agreement between the Ministry of Interior and the IOM				
Country of citizenship	2010	2011	Change	Change in percent
Kosovo	301	255	-46	-15,28%
Vietnam	20	17	-3	-15,00%
Mongolia	13	7	-6	-46,15%
Republic of Moldova	9	17	8	88,89%
Turkey	7	3	-4	-57,14%
Other	76	51	-25	-32,89%
Total	426	350	-76	-17,84%

Source: OIN

5.2.3 Developments from the EU perspective

Overview of the main developments and achievements in the field of illegal migration and readmission

During the Hungarian Presidency of the Council of the European Union, several documents in the field of illegal migration and readmission have been discussed, primarily within the framework of the Expulsion Formation of the Council Working Party on Integration, Migration and Expulsion. When needed, certain dossiers have also been discussed on higher levels. The Hungarian Presidency team consisted of employees of the MoI, the Office of Immigration and Nationality and the National Police Headquarters. Several of the discussed dossiers included in the agenda have already been dealt with during the Belgian Presidency, while some topics have only been placed on the agenda of the Hungarian Presidency. The following ones were included in the program of the Working Group chaired by Hungary:

Recommendations to facilitate the transit by land of illegally staying third country nationals choosing to return voluntarily (formulaire)

The dossier entitled “Recommendations to facilitate the transit by land of returnees” was among the top priorities of the Working Party on Integration, Migration and Expulsion during the six months of Hungarian Presidency. The Working Party-level discussions of this topic started during the Belgian Presidency. Even though the Return Directive puts emphasis on voluntary return, some practical questions are yet to be regulated – e.g. the question of how an expelled third country national can return home while entering the territory of several other Member States (for example an Ukrainian national expelled from Germany trying to leave the Schengen Area). This problem was first addressed within the framework of the Contact Committee on the Return Directive charging with the transposition of the Return Directive. During the Presidency the dossier was discussed on three Working Party meetings, and based on the compromises reached by the Member States taking part in the mechanism, the case was transferred to the Commission for them to close the dossier within the framework of the Contact Committee on the Return Directive. As this has happened, the non-binding recommendation can be found in Annex 39 of the Handbook of the Schengen Borders Code. The recommendation is actually a formulaire. After filling out its first part, the Member State ordering the return decision and allowing voluntary return contacts the possible countries affected to ensure transit through their territory. The requested Member State then responds by filling out the appropriate parts of the form.

Mapping the legal status of migrants not to be expelled, who are also subjects of the principle of non-refoulement

The Commission supported the initiative; however, apart from a dozen Member States the majority of delegations rejected the need of EU-wide harmonisation and argued for maintaining the current practice of national legislation. The Commission also drew attention to the need of in-depth examinations of the topic, its European dimension and its migration-related effects. Discussions of the matter began during the Belgian Presidency, but it was during the Hungarian Presidency that attention was being paid to the status of persons who could not be expelled due to the principle of non-refoulement. Based on responses from 11 Member States, the Hungarian Presidency team summarised the current national practices in

relation to the principle, but because of a lack of interest from the majority of Member States, the dossier was not discussed any further.

Discussion of the Commission's Communication evaluating readmission agreements of the European Union

Member States welcomed the Commission's evaluation of readmission agreements, but also voiced their criticisms of its recommendations. The most sharply criticised topics were the collection of statistical data, the necessity of a monitoring mechanism following expulsion, the role of NGOs, the idea of omitting the clause on the readmission of third country nationals, the Commission's recommendation on accelerated procedures and the human rights aspects of readmission agreements.

Council Conclusions on establishing the EU strategy on readmission

Adopting these conclusions of the Council can be considered one of the successes of the Hungarian Presidency in the field of justice and home affairs. Though no legal instrument was in question, almost all Conclusions of the Council taking into account the previously mentioned Communications of the Commission required extensive search for a compromise to approximate the often contradictory opinions of the Member States and the Commission.

The Conclusions state that the readmission agreement is an integral tool of the EU's fight against illegal migration. Besides the existing 13 agreements established by the EU, both the arrangement of further ones and the continuation of on-going negotiations should be pursued. The Conclusions confirm that bilateral agreements should only be used if they comply with EU-level regulations. According to the Commission, several Member States still only adopt bilateral readmission agreements instead of the EU-level agreement, and this weakens the effectiveness of the EU's actions in the field of illegal migration. As stated in the Conclusions, for the decision on with which third countries should negotiations on readmission agreements be started, the Council should take into consideration migration pressure originating from such a country and concerning Member States.

Should the Council decide to start negotiations on visa facilitation with a third country, negotiations on readmission agreements should also be started. During the negotiation process, in accordance with Article 218 of the TFEU, the Commission should continually consult with the Council's preparatory bodies (e.g. working groups) and provide all the necessary information. At the same time, Member States shall provide political and diplomatic support to the Commission during negotiations with third countries.

Bearing in mind a country's international legal obligation to readmit its own nationals, the cooperation of third countries in the field of readmission can be strengthened with incentives. These incentives can cover several areas: justice and home affairs (visa facilitation), but ones bearing no connection to migration can also be employed, such as trade policy. If needed, incentives can also be withdrawn when a lack of cooperation persists. However, international law should be taken into consideration in such cases (e.g. when suspending and/or terminating a commercial agreement). The obligation to readmit third country nationals and the possibility of accelerated procedure and transit operations continues to be a part of the agreements.

In accordance with the Commission's recommendations, these options should be included in the agreements only in exceptional circumstances. However, the Member States did not agree with this, which is reflected in the text of the Conclusions. The Conclusions highlight that the options of accelerated procedures and transit operations are to be incorporated in the

directives defining the Commission's negotiating mandate, as they should not be only recorded in the bilateral implementation protocols, which are considered purely technical in nature.

In line with the Conclusions, the so-called Joint Readmission Committees serve the purpose of monitoring the implementation of the EU's readmission agreements. From now on, the participation of outside actors in the sessions of these mixed committees can also be considered.

Follow-up of negotiations for the establishment of EU readmission agreements and the sessions of the Joint Readmission Committee

On this agenda topic, the Commission presented its report on the achievements of the Joint Readmission Committees assisting the implementation of readmission agreements in force and provided information about potential further sessions. It also reported on the current state of negotiations on readmission and difficulties responsible for stalled talks. The practice of regular reports of the Working Party, during which the representative of the Commission could be presented with questions were introduced by the Hungarian Presidency.

Supply of current data on illegal migration and readmission based on CIREFI indicators and in accordance with Article 5 and 7 of Directive 862/2007/EC – FRONTEX presentation

The representative of FRONTEX provided information in an orderly fashion on processes concerning illegal migration, such as illegal migration originating from North Africa or the arrival of pseudo-asylum seekers arriving from the Western Balkan.

Experiences and best practices of the Member States related to Article 6 (3) of the Return Directive

The Hungarian delegation presented domestic experiences, statistics and the best practices developed. The Commission also put forward its opinion on the topic, according to which the Directive provides a possibility for Member States to carry out handovers between themselves, but this should remain exceptional, since in case of third country nationals, dispatch to a transit country or the country of origin should be preferred. Apart from a few Central European countries presenting their own practices, no other Member States chose to speak.

Since 1 July 2011, there is a National Contact Point operating in Hungary which is to be in touch with specific FRONTEX units as part of the European External Border Surveillance System (EUROSUR) from the year 2012

5.3 Actions against human trafficking

5.3.1 Specific context

There were not any major changes in relation to the human trafficking situation, trends and modus operandi regarding Hungary in 2011. The main trends are as follows:

Hungary is a source and transit country for women and girls subjected to trafficking in persons for sexual exploitation and to a lesser extent a source country for men and women for trafficking for labour exploitation. The main countries of destination in terms of trafficking

for sexual exploitation remained the Netherlands and Switzerland. Lately signalisation has been received of the sexual exploitation of Hungarian women in Germany. Regarding trafficking in human beings (hereinafter: THB) for labour exploitation the main destination countries are UK, Spain and the United States.

Besides the transnational form THB exist in Hungary internally in the field of sexual and non sexual exploitation as well. Within the country the exploitation of victims is concentrated in the capital and its surroundings, around Lake Balaton and along the Austrian border.

The victims appear in agriculture and in the construction, which do not require professional skills. The victims' majority is adult and Hungarian nationals. Regarding the groups at risk of trafficking it can establish that the low educated young adults – mostly women –in East, North Eastern Hungary are the most vulnerable. They are easily trapped by false promises of very well paid easy jobs.

Regarding the perpetrators we can mention that they have a major informal relationship with the victims and in many cases a family relationship. They are often recidivist offenders. Regarding the modus operandi of recruitment false promises of the well paid job is much more common than drastic methods. THB prohibited in Hungary since 1999- All forms of trafficking are included in Section 175/B of the Hungarian Penal Code Criminal Code.

5.3.2 Developments within the national perspective

Hungary aims at strengthening its efforts in relation to the following aspects of countering human trafficking.

- Communication, awareness raising: a thematic anti trafficking website has been launched whereby up-to-date information relating to the Government's counter-trafficking efforts can be found. It also contains the list of indicators of human trafficking based on the UNODC document entitled „Human Trafficking Indicators”. Furthermore a checklist for persons planning to work abroad is also placed on the website. The awareness-raising elements are complemented by knowledge bank containing the most important national, European and international documents. The website address is www.thb.kormany.hu. We hope to make the website content available in English in the near future. We also strive for elaborating a standardised layout for the Government's efforts in order to strengthen our communication towards the public and other States. To this end an anti-trafficking logo has been designed which is planned to be placed on the website and the MoI anti trafficking publications in the future.
- Data collection: a national level data collection template has been developed in cooperation with the relevant Hungarian State and non-State organizations. The template aims at providing standardized data on a regular basis in relation to information on the victims, traffickers and the THB process.
- To strengthen cooperation in the Central Europe and Western Balkan Region: within the framework of our existing partnership with Austria we joined as project partner to the proposed project entitled “Identifying, Combating and Preventing all forms of Human Trafficking for Labour Exploitation”. The Commission's decision is being awaited. Furthermore we joined to the regional initiative entitled “Identification of victims of human trafficking in South-Eastern Europe”.
- To enhance combating trafficking for labour exploitation: Within the project “Integrated Approach for Prevention of Labour Exploitation in Origin and Destination Countries” a research, which aims at mapping out the labour exploitation situation and

the State's responses to it, is underway. The above mentioned Austrian project is also in line with our aim to enhance the combat against labour trafficking.

- To strengthen victims support: under the Action plan of the ISEC Framework Partnership a proposal was made to have calls for proposals published in relation to enhancing victim assistance at a theoretical and practical level in cooperation with all relevant players.
- To strengthen cooperation with NGOs: to address one of our main challenges, namely the cooperation with NGOs, a round table forum chaired by the National Coordinator was launched with the participation of all relevant Hungarian NGOs. The first meeting took place on 20 December 2011. The NGOs expressed their interest in a strong and active cooperation. To this end it was agreed that the Roundtable will meet at least once in every three months.

5.3.3 Developments from the EU perspective

Hungarian Presidency's outcome:

“Targeting developing forms of trafficking in human beings in the EU Member States” Council Conclusions

One of the priorities of Hungarian Presidency program was mapping the new forms of exploitation such as begging, forced labour and slavery etc. Our aim was to make a comparison between the regulatory and institutional system of the Member States and to share experiences. In an effort to get an overview we prepared a questionnaire. We received 26 responses out of the 27 MSs and we presented the results of the analysis. In the beginning of April 2011, we organized an expert seminar in Budapest to continue the debate on this issue. In the end of the event the delegates accepted a “Budapest Recommendations” which was a useful input to the draft Council Conclusions.

The Council adopted conclusions on targeting developing forms of trafficking in human beings in the Member States. The conclusions encourage Member States to increase data collection within their territory and in the EU on these forms of trafficking and to take the necessary steps to improve the quality of data, so that they can be used as a basis for policy planning and for outlining national and transnational trends in trafficking.

Furthermore, member states are invited to develop regular multidisciplinary training for professionals (social workers, labour inspectorates, trade unions and workers' organisations) likely to come into contact with victims, and to include information on trafficking in human beings, and on non sexual forms of exploitation, in the training tools used at all relevant levels of education.

Action-Oriented Paper (AOP) on strengthening the EU external dimension on action against trafficking in human beings

In the end of the year 2009 the Council of the European Union adopted an “Action Oriented Paper” in order to collect and update information concerning the external activities of Member States in the fight against trafficking in human beings. In order to implement this, the Commission of the European Union prepared a table together with the Hungarian Presidency. Member States were requested to provide and refresh their relevant information on such external actions in the fight against trafficking in human beings as from November 2009. The purpose of the table was to show whether there were from the above initial date any

operations, projects, agreements, investigations, trainings etc. in the fight against trafficking in human beings affecting the territory outside the European Union. Member States were requested to provide detailed information on the country of destination, region, the form and duration of the operation/action, the participation if any partners and the financial resources used for the activities. The document containing the delegations' answers was discussed by two relevant working parties and adopted by the Council in June.

6. BORDER CONTROL

The sudden events in North Africa and the Middle East called for efficient and quick crisis management, including a response to the influx of immigrants into Europe, with special regard to its effect on the Schengen System. While the events leading to the decision of the European Council on strengthening the Schengen area with the development of an “emergency mechanism” started to take shape, at the same time, the possibility of Romania and Bulgaria joining the Schengen Area also had to be secured.

In December 2010 the Franco- German ministerial letter made it clear for the Hungarian Presidency that those Member States found Schengen enlargement premature. As a result of the Presidency's efforts in building consensus in the question, the Justice and Home Affairs Council meeting held on 9 June declared unanimously that both countries fulfilled the conditions to join the Schengen Area, although the final decision on the date lifting of border controls was postponed.

6.1 Control and surveillance at external borders

6.1.3 Developments from the EU perspective

The Hungarian Presidency successfully handled the political initiatives aiming at reforming the Schengen System. In May 2011, the Commission issued a Communication on migration, an important element of which was to strengthen the current Schengen System. In the future system Member States, Commission and EU agencies would receive a major role in verifying the appropriate implementation of the Schengen acquis. Additionally, if the EU's external border faces extraordinary migratory pressure or, a State is unable to fulfil its obligation to control external borders, the new system would allow for the temporary reintroduction of internal border controls. In order to discuss those issues, the Presidency convened in May an extraordinary Council meeting and prepared the Council conclusions adopted in June. As a result, core principles supported by all Member States were laid down which served to avoid a heated debate at the June European Council meeting. In the view of the Hungarian Presidency, internal borders could be restored only as a last resort, according to precise criteria, following a decision based on the community method.

The Presidency managed to close the dossier on the strengthening of FRONTEX, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States. The Agency has gained a significant role in the field of fight against illegal immigration: deployed for the first time in Greece in 2010, the Rapid Border Intervention Teams effectively reduced the inflow of irregular migrants, while Operation Hermes, which was launched on the Mediterranean Sea in February 2011, played an essential role in keeping the migration flow coming from North Africa under control. Hungarian border

guards participated in both operations. Strengthening the agency's capacities and operational effectiveness were the aims of amending the regulation establishing the agency.⁹

6.2 Cooperation with respect to border control

6.2.2 Developments within the national perspective

Hungary implemented the Regulation on the Visa Code on 5 April 2010; the part of the Visa Code concerning legal remedy was implemented also on 5 April 2011. The VIS was introduced on 11 October, 2011. In parallel, at the OIN, the national authority responsible for the VIS, the national server has been set up.

Issuing visa at the borders:

In case of a visa applicant at the border the Police checks the conditions of the entry as well as the prerequisites of issuing visa at the borders. The Police take into consideration whether the applicant has not been in a position to apply for a visa in advance and registers electronically the supporting documents substantiating unforeseeable and imperative reasons. All these are forwarded to the OIN.

The Police is not entitled to justify the application itself, however, it may state its positions in order to facilitate the decision.

The OIN is obliged to make a decision within 3 hours and forward the result to the border crossing point. In case the OIN has agreed to issue a visa, the Police print the sticker. If the application is rejected, the Police shall hand over the form of the refusal which has been sent to the border by the OIN and printed by the Police and together with stamp and signature it is handed over to the applicant. In such cases the Police refused the entry of the person.

If the applicant states his/her intention to appeal orally or in a written form, the Border Policing Office (BCP) shall inform the OIN without delay.

All border crossings points are ready for the operation of the VIS. All together the BCP's have 116 stable document and fingerprint readers and the purchasing of further 145 stable and 81 mobile documents and fingerprint reader is under process.

Trainings on issuing visa and checking visa with the uses of VIS were held at central level for the multipliers. These mentors held trainings for the executive staff.

Visa issuing function of the VIS at the borders:

The necessary technical equipment is available at the BCP's. The present lines shall be used to forward data to the OIN where the national interface (NI VIS) is available. The national visa register is connected to the central VIS. Developments on the software programme are under process.

Consulting of the VIS database during border checks:

⁹ This section is made on the basis of the [Summary of the work of the Hungarian Presidency](#)

All border crossing points are ready to check visa holders in the VIS by the number of the visa stickers.

Cooperation along the internal Schengen borders

Based on international agreements, there are joint border patrol services organised along all internal Schengen borders, the tasks of which are the protection of public order and security, crime prevention and, within the framework of the latter, the detection and prevention of cross border criminal actions.

Slovakia: The level of cooperation with Slovakia is sufficient. There are joint contact service points at three places along the state border (Rajka-Cunovo, Slovenské Ďarmoty-Balassagyarmat and Sátoraljaújhely-Slovenské Nové Mesto).

Austria: Austria has, until now, temporarily reintroduced border control (under Article 23 of the SBC) on two occasions, during which there was close cooperation with Hungary. In the past few years, forensic cooperation has improved to a great extent. At the former border crossing of Hegyeshalom-Nickelsdorf, there is a joint contact service point in operation. Austria furthermore participates in the work of the Dolga Vas Centre for Law Enforcement Cooperation.

Slovenia: The Dolga Vas Centre for Law Enforcement Cooperation (four-lateral) operates in Slovenia. At the national level, there has been no forensic operational cooperation.

In 2011, the number of irregular migrants decreased to a lesser degree in comparison with the year of 2010. The immigration authorities of OIN took measures against irregular migrants in fewer cases. The main reason behind this trend is the visa liberalisation for Serbia, which resulted in a descending tendency in the number of asylum seekers from Serbia and Kosovo. Another reason of the decrease is the stricter and more consequent practices in the field of immigration policy, especially after the amendment of relevant legislation in late 2010.

Crossing the green borders on foot remains one of the most preferred ways to enter the country's territory illegally. However, for the illegal entry, the majority of third country nationals use the assistance of smugglers. According to the statements of the illegal migrants, it is common that smugglers transport the third country nationals to Serbia and after showing the direction of the green border they leave them on their own. After entering the border these illegal migrants are taken by human smugglers on motorways or other main traffic routes to the central regions of Hungary where human smugglers exchange the vehicle and continue the journey to the direction of Western Europe and leave the territory of Hungary at the internal borders.

Recently, hiding in freight trains or wagons used for rolling highways (RoLa) has once again become a preferred method of illegally entering the country.

A relevant area of misuse of visas is the use of false or falsified (travel) documents. The travel document may be a false or identity exchanged passport. The forgery of documents is especially common among nationals of African countries (Nigeria, Egypt), Middle Eastern countries (Iraq, Iran and Afghanistan) and Asian countries (China, Vietnam). However, it must be noted that the number of entries with the use of falsified documents has become more and more insignificant in recent years.

6.2.3 Developments from the EU perspective

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

7. INTERNATIONAL PROTECTION, INCLUDING ASYLUM

7.2 Developments within the national perspective

In connection with the Act on Asylum (Act LXXX of 2007) some changes were carried out in a number of stages in 2011. These new rules entered into force on 24 December 2010, 1 January 2011, 1 April 2011, 1 May 2011 and 20 May 2011.

Legislative changes which are made in 2011 aimed at faster and more efficient asylum procedures, seamless compatibility with law on aliens, preventing the abuse of rights and the correction of technical errors:

- introducing the concept of manifestly unfoundedness from the so-called Asylum Procedures Directive with the intention to make improper applications more detectable in the early stages of the procedure
- with the re-regulation of the legal institution of safe third countries, the effective application of the rules of extradition contained in the International Assistance in Criminal Matters Act has become possible and also, by expanding a range of causes of inadmissibility made the conduct of procedures easier
- the right to remain on the territory of Hungary was restricted to the time needed to examine first asylum requests (previously this was ensured for the time of two asylum procedures), which – with the changes in related immigration provisions – helps to minimise the abuse of rights and the effective expulsion of illegally staying foreigners not entitled to international protection
- the system of legal remedies changed, the exclusive jurisdiction of the Metropolitan Court of Budapest ceased, litigation in the field of asylum now takes place in four county-level courts to relieve the Metropolitan Court and to expedite procedures
- the possibility to request the continuation of processes, in cases when due to the absconding of the asylum-seeker the asylum procedure had been terminated also ceased – this way a legal institution that was the basis of several abuses of rights is no longer part of the asylum legislation. Instead of this, the option of judicial redress is still granted for those wishing to challenge terminating orders
- because of its ambiguousness, the possibility for asylum authorities to initiate the termination of immigration detention also ceased
- bearing in mind the best interests of minors and the effective enforcement of fundamental child rights principles, unaccompanied asylum seeker minors shall be placed in Hungarian child protection institutions

Because of the Greek situation from February 2011 Hungary suspended the implementation of Dublin transfers to Greece.

In the autumn of 2010 a governmental decision was made on that Hungary will launch a national resettlement programme. In 2011 the preparatory work took place, with the initial aim to resettle, as pilot project, approximately 10 refugees in the near future.

According to the declaration of commitment towards the European Refugee Fund (ERF), Hungary pledged in 2011 to resettle five refugees from a country or region designated for the implementation of a Regional Protection Programme in the calendar year 2012. In order to reach this aim an action aiming at the implementation of a selection mission was included in the ERF Annual Programme 2011 for Hungary.

7.3 Developments from the EU perspective

The Hungarian Presidency made significant progress towards the establishment of a Common European Asylum System. The European Asylum Support Office became operational, which is a primary asset in the coordination of cooperation between Member States in the field of asylum. The aim of the Common European Asylum System is to guarantee asylum procedures that ensure a high level of protection and at the same time are resilient to potential abuse are available in all Member States. This is a complex system, containing several legislative proposals (Reception Directive, the Dublin Regulation and Eurodac Regulations, Qualification Directive, Asylum Procedures Directive, and the Directive on long-term resident status). The amendment of the long-term residence Directive under the Hungarian Presidency was adopted, which extended the scope of the Directive to beneficiaries of international protection. During the informal dialogues concerning the Qualification Directive, the political compromise was achieved with the European Parliament, except for one horizontal political question, the correlation tables. The directive is a cornerstone of the common asylum package: it determines the criteria of qualifying as a refugee or beneficiary of subsidiary protection, and also the basic rights associated with those particular statuses. The Council Conclusions of the Justice and Home Affairs Council meeting and the European Council in June designated strategic directions for this legislative package according to which *inter alia* reconfirmed the 2012 deadline for the establishment of the Common European Asylum System.

Hungary offered eight experts to the expert pool of EASO.

In May 2011 the Hungarian Government adopted a decision on the establishment of an asylum solidarity program in relation to the North African situation. In the decision the Government expressed its solidarity with the countries of first asylum and the EU Member States under disproportionate pressure due to this situation. The Government called on the Minister of Interior to determine the details of this solidarity program.

Hungary also took part in the EUREMA project funded by the community actions of the European Refugee Fund. During 2011, in the framework of the EUREMA project two persons were relocated by Hungary from Malta. Since then, unfortunately, both of them voluntary returned to Malta.

8. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

8.2 Developments within the national perspective

Hungary introduced significant changes related to unaccompanied minor (UAM) asylum seekers in May 2011. Since then once it is established by the refugee authority that the asylum seeker is an unaccompanied minor, he/she is accommodated by the child protection services. Previously unaccompanied minor asylum seekers were accommodated at Bicske Reception Centre. Case guardianship in case of unaccompanied minor asylum seekers now rests with the

territorially competent child protection services which serve as both the UAM asylum seeker's legal representative and carer. Case guardianship can also rest with an employee of the child protection residential unit that is centrally responsible for the accommodation and care of the UAM asylum seekers since May 2011. Another important change also introduced in May 2011 is that the appointment of guardians for asylum seekers is concluded within a shorter period of time: 24 hours to 15 days after UAMs have been accommodated and interim care arrangements have been decided.

Another legislative change introduced is that in case of unaccompanied minor asylum seekers the refugee authority shall contact the competent child care institution, in order to ensure that minors who have been victims of rape, serious neglect, exploitation, torture or cruel, inhuman or degrading treatment or who have suffered trauma during armed conflicts receive the appropriate rehabilitation, mental healthcare and qualified counselling if needed.

As of 1 September 2011, a complex age assessment procedure was introduced in case of minor asylum seekers who claim themselves to be under 18, but this is disputed by the refugee authority. The complex age assessment includes an anthropological, a dental and an X ray examination as well and is conducted by qualified medical professionals. Since 1 September 2011 on, the Buda Health Centre has been appointed responsible to conduct age assessment examination in case of asylum seekers. This is a significant evolution compared to the previous practice which was criticised by various organisations, as in some cases the family doctor was held responsible for conducting the age assessment. The new practice allows for a more holistic approach and also makes age assessment examinations uniform in case of asylum seekers. The more up-to-date examination is faster, the results are ready within 8 days. A margin of error is envisaged for each exam applied, if the range includes the minor age, the person is considered to be a minor.

8.3 Developments from the EU perspective

No specific action in this field.

9. GLOBAL APPROACH TO MIGRATION

9.1 Specific context

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

9.2 Developments within the national perspective

Not applicable.

9.3 Developments from the EU perspective

After the chairmanship of Hungary of the Söderköping Process in 2010, Hungary continued to participate in the Process very actively in 2011 as well. The Process ensures bilateral and multilateral dialogue on asylum, migration and border management topics and to exchange experiences and cooperate on a specific set of issues. In 2011 the Process had several

meetings (national coordinators meetings, meeting on readmission/return/reintegration and legal migration as well as EAC issues etc.).

In 2010 the decision was made to work towards an integration of Söderköping Process activities into the Eastern Partnership's (EaP) multilateral cooperation, with the aim of enhancing dialogue and cooperation on the broader migration agenda within the EaP. At the EaP Platform 1 meeting held in Brussels in May 2011, it was proposed to establish a Panel on Migration and Asylum, with a view to incorporating relevant components, best practices and lessons learnt acquired through the Söderköping Process into the Eastern Partnership framework. This work was also endorsed in the Joint Declaration adopted at the Eastern Partnership Summit held in Warsaw on 29-30 September 2011. Finally the next EaP Platform 1 held in Brussels on 17 November 2011 adopted the Terms of Reference of the new Panel. The last High level meeting of the Process and the first meeting of the panel was held in Stockholm in December 2011. The meetings aimed at taking stock of the past ten years of cooperation within the Söderköping Process, the established network of national coordinators, the operational and practical outcomes of the cooperation (e.g. the web-portal (www.soderkoping.org.ua)) etc. The meeting served as an opportunity to discuss future cooperation within the framework of the new Panel on Migration and Asylum.

Regional Consultative Processes (RCPs) are important mechanisms for fostering inter -State cooperation and partnership on migration issues by bringing states together for informal, non-binding dialogue at the regional level. RCPs carry out a number of functions, including information exchange and the sharing of good practices by participating governments as well other stakeholders on effective migration management. The third Global RCP meeting was hosted by the Government of Botswana and was organized in collaboration with the International Organization for Migration (IOM) under the broad theme of Enhancing Cooperation on Migration through Dialogue and Capacity Building. The meeting underscored the importance of increased exchanges of experiences and sought to foster cross fertilization of good practices and effective approaches to migration management within and amongst RCPs. The meeting highlighted the value of promoting regional dialogue capacity development and international cooperation on migration through RCPs. Hungary also participated at this meeting representing the Söderköping Process as former chair.

The second Ministerial Conference on "Building Migration Partnerships", hosted by the Polish Presidency, was held in Poznań on 4 November 2011. The objective of the Conference was organised upon the initiative of the Czech Republic, Hungary, Poland, Romania and the Slovak Republic, to pursue, develop and reinforce the co-operation on migration and migration related issues launched by the first Ministerial Conference, which took place in Prague on 27-28 April 2009 (the "Prague process"). The Declaration adopted by the Prague Ministerial Conference identified a series of common priorities in the areas of the prevention of and fight against illegal migration, legal migration, migration and development. In order to implement the Prague Joint Declaration a number of concrete and operational activities have been developed and carried out, with the participation of the partners of the Prague process. Building on the experience achieved so far, the Poznań Ministerial Conference defined the priorities and the Action Plan of the Prague Process for the period 2012-2016. The draft Action Plan has also been considered in the framework of three preparatory meetings at Senior-official level, attended by both EU and non-EU partners of the Prague process, as well as by the other relevant stakeholders (international and regional organisations, EU agencies), which took place in Kiev on 15-16 March 2011, in Budapest on 30 and 31 May 2011 and in Moscow on 5-6 October 2011. Prior to the Conference, a fourth Senior Official Meeting with

all relevant stakeholders will be held in Poznań on 3 November 2011 to conclude the negotiations on the document submitted for adoption by the Ministers. For further information see <http://www.icmpd.org/Prague-Process-BMP.1557.0.html>

The 17th Senior Officials Meeting of the Budapest Process was held on 17 November 2011, followed by the 1st Intergovernmental Meeting of the Silk Routes Project on 18 November 2011 in Ankara, Turkey. The purpose of the Senior Officials Meeting on 17 November was to discuss the implementation of the third phase of the Budapest Process in its first year and the strategic outlook from now to 2013. The discussion included presentations by all three regional working groups on their priorities for 2012. The first Intergovernmental Meeting of the Silk Routes Project on 18 November, which was at the same time the launching event, aimed at the adoption of the work plan, coordination of the project activities and presentation of the first results.

The Global Forum on Migration and Development (GFMD) has remained as the largest and most comprehensive global platform for dialogue and cooperation on international migration and development. From Brussels (2007) to Manila (2008), Athens (2009) Puerto Vallarta (2010) and Geneva (2011), more than 160 governments have taken part in the annual meetings of the GFMD, which saw Roundtable discussions around central themes proposed by the host governments. Underpinning these annual themes is the common understanding that migration is a constant phenomenon, and that through dialogue and partnerships, governments and other stakeholders can help and learn from each other in order to maximize migration's developmental benefits while minimizing its negative impacts. In 2011 at the closing Annual Conference of the GFMD on 1-2 December 2011 (www.gfmd.org) Hungary offered a 10.000 USD contribution to Mauritius, the next chair of the Forum.

The Russian Federation and the European Union launched the Russia-EU Dialogue on Migration at the 14th meeting of the Russia-EU Permanent Partnership Council on Freedom, Security and Justice on 19 May 2011 in St. Petersburg. The PPC participants reiterated the importance of cooperation on migration and international protection issues in achieving a Common Space of Freedom, Security and Justice, recognising furthermore the relevance of migration to the EU – Russia Partnership for Modernisation. The Joint Statement adopted by the PPC emphasized the commitment of the Parties to seek out common approaches and joint solutions to shared challenges, improving the management of migratory flows in a spirit of partnership and cooperation.

The PPC Joint Statement identified the following priority areas of cooperation within the framework of the Dialogue: 1) Managing legal migration, 2) International protection, 3) Preventing irregular migration, 4) Links between migration and development.

The Work Plan for the Dialogue was adopted during the first meeting of the Dialogue in Moscow on 27 June 2011, and the implementation of the Work Plan already began in 2011 when on 14 December a Meeting on international protection took place in Moscow. The next meeting is scheduled to take place on 30 March 2012 in Budapest focusing on questions related to irregular migration.

A major intergovernmental event on 7-8 December 2011 took place in Geneva celebrating the anniversaries of the UNHCR and the Conventions. Hungary also participated at this memorable event and made several pledges in order to enhance the protection of refugees and those in need especially stateless people. For example Hungary pledged to continue the promotion of the UN Conventions relating to the status of stateless persons (1954) and on the reduction of statelessness (1961) as Hungary is one of the handful states of the world, which

are not only parties to both UN Conventions on statelessness but also have a formalized and operational statelessness determination procedure. In 2011 year we did not only celebrate the anniversary of the 1951 Geneva Convention but also the 1961 Convention. Statelessness is a global phenomenon which States strive to combat but the battle is long and challenging. As Hungary has gathered significant knowledge and expertise in this field, we wish to pledge these best practices and experiences. In this context Hungary also pledged to share its best practices, tools and experiences with all interested States in the framework of seminars or study visits. Several other Hungarian pledges were made.

The regular session of the IOM Council was held in Geneva from 5 to 7 December 2011. The Council convened for its 100th Session, which was also marked by the celebration of the Organization's 60th anniversary. The main items on the provisional agenda covered IOM governance issues, a high-level segment with keynote speakers; a panel discussion on the subject of "Making a Success of Migration"; and the launch of a special 60th anniversary edition of IOM's flagship publication, the World Migration Report. More details can be found at <http://www.iom.int/jahia/Jahia/about-iom/governing-bodies/council/100th-session>.

10. IMPLEMENTATION OF EU LEGISLATION

10.1 Transposition of EU legislation 2011

Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (Blue Card Directive)

- Transposition required by: 19 June 2011
- Status: Transposed through:
 - Act CV of 2011 on amending laws on certain labour and other related matters for harmonization of laws
 - Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals
 - Government Decree 168/2011. (VIII.24.)
 - Decree of the Minister of Interior No. 27/2011. (VIII.24.)
 - Decree of the Minister for National Economy No. 44/2011. (XII.16.)

Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (Sanctions Directive)

- Transposition required by: 20 July 2011
- Status: Transposed through:
 - Act CV of 2011 on amending laws on certain labour and other related matters for harmonization of laws
 - Act IV of 1978 on the Criminal Code
 - Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals
 - Act CV of 2011
 - Act CL of 2011

Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)

- Transposition required by: 5 April 2011
- Status: Transposed through:
 - Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence,
 - Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals
 - Government Decree 113/2007 (V. 24.) on the Implementation of Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence
 - Government Decree 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals

Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals

- Transposition required by: 20 May 2011
- Status: Transposed through:
 - Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence
 - Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals
 - Government Decree 113/2007 (V. 24.) on the Implementation of Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence
 - Government Decree 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals

ANNEX TO NATIONAL ANNUAL POLICY REPORT 2011 ON COMMITMENTS IN THE EUROPEAN PACT AND STOCKHOLM PROGRAMME

The Annex has been structured as a “Questionnaire,” including specific spaces to add text and statistics.

When providing information, it is important to emphasise that the content should be as concise as possible. Moreover, each commitment in relation to the Pact and Stockholm programme should be addressed, as the EMN's contribution shall be the only source of objective information at (Member) State level for the elements it deals with (independently from the (Member) States' political contributions). Also include concrete actions or measures which might be relevant (for example, the opening of a centre of information on immigration). If there has been no significant development then explicitly state it in the relevant section.

You should also foresee liaising, when relevant, with colleagues in your (Member) State who would be responsible for producing the "political" report (requested to be provided to the Commission in mid-November 2011).

Use should also be made of the Correspondence Table given in Annex B of the specifications which shows how the Pact and Stockholm commitments are related. This Table also provides the full text of the commitments. Reference is made in this Annex to the objectives of the Pact (Annex A of specifications) using the format: "I(a)" meaning objective (a) within Part I of the Pact. The objectives have been shortened for the present specifications, but their original wording should be read in order to have the complete description. Similarly, for the Stockholm Programme, the wording of the action has been shortened. Like last year, note that not all Pact commitments are given here, since these call on actions at Union level. The same applies to some of the Stockholm commitments.

What is needed in terms of the Pact contribution is an overview of the policy developments relevant to each objective, as well as some concrete elements of implementation of this commitment. To ensure consistency and to facilitate your work, examples of elements to consider in relation to each Pact objective are given. Note that the Pact section should only refer to what has been done by your government or public authorities (and not by civil society or NGOs, for example, which can be described in the National developments section). If considered necessary, reference may be given in the sub-sections of the Pact to your national legislation which is in conformity with the Pact's objectives but adopted prior to 2011.

Where the Pact objective is related to the implementation of EU legislation, provide details in the relevant parts of Sections 4 – 9 inclusive. Section 10, on the implementation of EU legislation can then be used for additional, more technical information relating to the transposition and implementation of EU legislation in the field of asylum and migration and not covered by the Pact.

The **key statistics** that will illustrate each topic of the Annex and be presented in the Commission's Annual Report on Immigration and Asylum will be generated by the Eurostat database, once available. These key statistics are in line with Council Regulation 862/2007 on Community Statistics on migration and international protection and will provide some

“headline” statistics in the area of migration, international protection and external border management.

In addition, EMN NCPs are requested to try to provide some statistics (even tentative) which are not available through Eurostat but are relevant for some of the Pact’s commitments and for the Stockholm Programme’s objectives. We would, therefore, request that you provide, where possible and even if tentative, statistics on any of the following:

- The unemployment rate of third-country nationals;¹⁰
- First residence permits, by reason;¹¹
- The number of third-country nationals regularised;¹²
- The number of third-country nationals being returned as part of forced return measures, the number of third-country nationals being returned voluntarily and, within these, number of third-country who returned as part of an assisted return programme;
- The number of third-country nationals receiving a residence permit as victims of human trafficking;
- The number of traffickers arrested and convicted;
- The number of visas issued (including the number of Schengen visas and national visas);
- The number third-country nationals reallocated and resettled;
- The number of border guards and the number of border guards receiving particular training on international protection; and
- The number of unaccompanied minors not applying for asylum.

Standardised Tables have been added in the [Annex](#) to the specification template to provide these statistics. In keeping with the practice of Eurostat, your data should be rounded to the nearest 5.

Please provide these additional (tentative) data initially for the first nine months of 2011, i.e. from January 2011 to September 2011 inclusive. Then, and if possible, provide data for the whole of 2011 at the time of submitting your Final and complete National Report. In addition, for all the additional data that you provide, give the reference for where the data are obtained.

By requesting all EMN NCPs to provide such data for the same time period, it will then be possible to provide an EU-27 overview, plus Norway, as well as better comparability between (Member) States.

¹⁰ Based on the ILO definition, Eurostat defines *unemployed persons* as *persons aged 15 to 74 who: (1) are without work; (2) are available to start work within the next two weeks; and (3) have actively sought employment at some time during the previous four weeks*. The *unemployment rate* is the *number of people unemployed as a percentage of the labour force*. The *labour force* is the *total number of people employed plus unemployed*. Current deviations from the definition of unemployment in the EU Labour Force Survey: Spain, Italy and United Kingdom: Unemployment is restricted to persons aged 16-74. In Spain and Italy the legal minimum age for working is 16. Employment data used for Italy includes also those above 74. Unemployment rate can be broken by groups of country of citizenship, age groups and sex.

¹¹ These data are generated by Eurostat, but are usually not available for the publication of the Commission’s Annual Report on Immigration and Asylum in May 2012.

¹² There is no current common (legal) definition of regularisation at EU level. EMN NCPs are therefore requested to specify their national definition when providing figures for both case-by-case and/or generalised regularisation and may use the EMN Glossary definition as a reference.

In specific cases, when one (Member) State report on figures related to other(s) (Member) State(s) (e.g. resettlement figures) and the figures provided by one (Member) State differed from those provided by another (Member) State, discrepancies will be discussed trilaterally, between the concerned EMN NCPs, the Commission and the EMN Service Provider, GHK-COWI.

In order to assist your gathering of the necessary information, and 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 Point on Integration).



LEGAL IMMIGRATION AND INTEGRATION

1. Economic migration

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

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

I(a) Implement policies for labour migration

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

Due to the implementation of Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, several new legislative measures were introduced. Employers have the obligation – since the entry into force of the new legislation – to report within five days to the third-country national policing authority, if the third-country national does not begin his work or if the work ceased to exist before the expiry of the residence permit.

According to the modification of the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals which amendments have entered into force on 24 December 2010 as well as on 1 August 2011 the applicant shall verify the economic efficiency of his/her business not only via submitting a business plan, but he/she is also required to support the content of the business plan by any reliable means verifying that the business will be able to produce profit sufficient enough to cover the applicants expenses or if the firm in question employs at least three Hungarian nationals or persons with the right of free movement and residence in full time employment, the employment has to exist continuously for at least 6 months prior to the application. With these measures the Hungarian authorities seek to prevent abusive acquisition of residence permit for the purpose of gainful employment.

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

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

Hungary has implemented Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. We have put much effort in creating a single procedure for acquiring EU Blue Card by the highly qualified workers, since such a 'one-stop-shop' system has not existed in the Hungarian system before.

The objectives of the project in the Integration of third-country national researchers in Hungary: the globalisation of the economy calls for greater mobility of researchers and highly qualified workforce. Fostering this kind of mobility is one of the present priorities of the European Union. The free movement of researchers and highly qualified persons were identified a "fifth freedom" on the Internal Market besides the four freedoms. Important areas such as better access to work, coordination of social security, portability of pension rights, flexible forms of work have been identified where further measures needed to encourage the mobility of researchers.

In order to make the European Union more attractive to the free movement of researchers and highly qualified persons from around the world and to boost its position as an international centre for research, directives were adopted. These aim at fostering the admission and mobility for research purposes and professional work of third-country nationals (such as 2004/114/EC, 2005/71/EC and 2009/50/EC). It is becoming more and more admitted that important areas are not covered by these legal instruments. Moreover, it seems that there are no appropriate terms, notions at national levels to understand, to determine the mobility of researchers, their rights and the importance of their presence. There is no special information targeted at third country researchers, there are no special measures focusing on them. This project has the goal to collect the rules and practices applicable to third country researchers in Hungary in the field of residence, access to work, remuneration, social security, housing and integration, and in turn, to provide for a forum for discussion and to identify areas where better conditions could be granted.

I(c) Do not aggravate the brain drain

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

The [Momentum Program](#) has been initiated by the Hungarian Academy of Sciences (hereinafter referred to as: HAS) President, József Pálinkás in 2009. The Momentum Program has a double goal: to stop the drain of Hungarian scientists' most precious brain, and to support scientific teams conducting research that promises tangible results. HAS' Momentum Program mobilizes excellent young scientists capable of creating their own school of thought, in order to vitalize national and international scientific communities by assembling their own research groups, while also contributing to the renewal of rigid institutional structures. The flexibility and success of Momentum stems from creative scientific excellence, the wisely conceived model providing predictable support, and from trackable and measurable productivity.

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

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

I(b) Improving skills recognition and labour matching

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

Compared to other EU Member States the employment rate in Hungary is very low (Based on the data of the Hungarian Central Statistical Office, the employment rate calculated for the age group 15-64 was 56,7 percent in the time period between September – November 2011). To solve the social and economical problems of Hungary, first we have to find a solution to raise this permanently low employment rate. The primary task is to increase the utilization of the domestic work force and to improve its employability. Especially in the current economic situation this is of primary importance, and currently there are no specific plans to support migrant workers.

1.3 Key statistics

First residence permits, by reason¹³					
	Total	Family reasons	Education reasons	Remunerated activities reasons	Other reasons
First permits	18 950	2 256	5 959	6 594	4141

Unemployment rates of Member State citizens versus third-country nationals residing in the (Member) State	
	Third-country nationals
Unemployment rate (%)	<i>There is no data collection regarding the unemployment rate of third country nationals in Hungary.</i>

2 Family Reunification

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

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

I(d) To regulate family migration more effectively

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

The new legislation having entered into force on 24 December 2010 (the modified Act LXXX of 2007 on Asylum) made it clear that family members of not only refugees but also of persons granted with subsidiary protection can also apply for residence permit for the purpose of family reunification. The family relationship for the purpose of reunification with a person with refugee status or subsidiary protection status may be verified by any reliable means – especially by DNA test.

When implementing Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, Hungary applied no criteria of integration regarding residence permits for the purpose of family reunification and the Hungarian legislation on residence permits still do not contain any of these measures.

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

¹³ Under the definition of the EUROSTAT

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

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

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

In relation to family reunification there were some activities funded by the European Fund for Integration and national budget which have to be mentioned. These are mainly targeting women: a project especially targeted pregnant migrant women, who were informed about their possibilities and rights connected to their status. To ensure the participation of women in integration programs services can be supported which include child care where this is ancillary to the main programme/service's subject. Language courses especially focused on vulnerable groups (such as persons authorised to stay and within them, women). Some projects among the next year's activities also focus on women and families. A four weekend-long festival will be organized in 2012 in five Hungarian cities where third-country migrants and Hungarians could engage in conversation, spend time together and get closer to each other. Films will be shown, exhibitions and concerts featuring immigrants take place and topics especially interesting for women and families will be addressed. Language courses and training-related child care is kept in focus. Migrant children are also in focus; furthermore they are targeted by special educational initiatives.

3 Other legal migration

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

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

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

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

We made use of the possibility to ask questions to other Member States regarding their practice concerning abuse in family reunification cases with the assistance of the European Migration Network (EMN ad-hoc queries).

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

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

Activities aimed at providing special services to third country national, like providing information on the possibilities and conditions of legal migration, interpretation and translation. Such activities will continue in 2012. Besides the existing websites providing information, for the next year creating a new website by the International Organization for Migration will be supported, to contribute to rendering admission procedures and information about important aspects of everyday life in Hungary more accessible to migrants,

pre/post-travel, and to establish a valuable additional resource for professionals and experts working with migrants.

The EU Immigration Portal was launched in November 2011. The Portal serves as a first point of entry to reliable, practical and up-to-date information on immigration issues. It provides useful basic information written in user-friendly language, and gives rapid and direct access to relevant external websites for further details.

The EU Immigration Portal is addressed to prospective migrants wishing to obtain information on migration to the European Union. The content is therefore written in user-friendly language that is easy to read, and that avoids jargon and technical terms as far as possible.

The content of the Portal is updated by the Commission with the help of the EMN National Contact Points for those sections concerning national immigration policies and procedures.

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

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

4 Integration

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

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

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

The common basic principles may be found in the JHA Council Conclusions of 19 November 2004, [doc. 14615/05](#),¹⁴ as well as the Commission Communication [COM\(2005\) 389](#).¹⁵

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

Hungary implements the Common Basic Principles expressively with the help of the European Fund for Integration (EIF). As a sign of its commitment to promote the integration of third-country nationals the Ministry of Interior continued to co-finance the projects with 25 % which means that project beneficiaries do not have to provide financial contribution when applying for the EIF. In 2011 Hungary made use of the allocation disposable under the Annual Programme 2010. For the first priority which aims at implementing the Common Basic Principles 1 554 297 Euros were allocated. Within the framework of this priority following activities were supported: improving the education of migrant children, language training for third country nationals, measures enabling intercultural dialogue, awareness-raising activities and special programs and services targeting migrants (for instance with legal counselling, with interpretation and translation service, social work for groups and for individuals, or consultation about labour market and employment possibilities in Hungary).

¹⁴ Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/82745.pdf.

¹⁵ Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0389:EN:NOT>.

Some other initiatives which are not targeting specifically the third country nationals, may also serve the aims mentioned above, such as the European Social Fund which is also an essential resource in this field.

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

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

During the reference year 2011 the working group on integration was operational. (The working group was described in the previous Annual Policy Reports). The working group on integration held a meeting and its members contacted with each other via phone and e-mail many times. The web-site “migransintegracio.hu” which was set up in 2009 was operational as well and it made the information exchange between the relevant organizations dealing with integration easier and it provided information about application possibilities for allocations, about news related to immigration and about professional developments on the field of immigration.

On the 5th and 6th European Integration Forum Hungary was represented by two NGOs and the national contact point for integration.

At the European website on Integration the Hungarian country sheet was updated several times during the year also with the input of the national contact point.

On 16 – 18 May 2011 an international conference titled “Promoting Migrant Integration through Media and Intercultural Dialogue” was organized in Budapest, jointly by the Ministry of Interior of Hungary and the International Organization for Migration (hereinafter referred to as: IOM). The conference was focused on the media response to migration and interculturalism issues in Europe and best practices in reporting on migration issues. It was highlighted why intercultural dialogue is important and the participants debated how to find the way forward.

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

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

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

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

Hungary does not have a complex migration strategy. The rights which enhance the integration of immigrants can be found cross-cutting in different sectoral legislations.

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

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

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

NGOs are also members of the above mentioned working group on integration and they regularly take part in the meetings too. With their expertise and knowledge they can be strategic partners in specifying of the annual priorities and actions of the EIF

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

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

Intercultural dialogue programmes and forums were prioritized which enable third country nationals and Hungarian nationals to interact with each other and which contribute to better understanding. A film (On Every Day of Allah Horses Run) highlighted the life of Muslim inhabitants of Budapest. A documentary film (in progress) is supposed to display joint Sunday lunches of Hungarian and migrant families and a related cookbook will be published. Children are specially targeted by different activities: thematic nursery activities, programmes at the "Children Island". A theatre performance also touched the topic of migration and multiculturalism.

ILLEGAL IMMIGRATION AND RETURN

5 Illegal Immigration

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

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

II(a) only case-by-case regularisation

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

According to the Section 145 of Act XXIX of 2004 (came into force: 1 May 2004) on the legislative changes in relation to the EU accession illegally staying third country nationals had right to get legal status. On the basis of this provision, 1128 persons were given legal status.

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

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

The implementing protocol (signed in Sochi on 29. May 2011) between the Government of the Republic of Hungary and the Government of the Russian Federation on the implementation of the Agreement between the Russian Federation and the European Community on readmission of 25 May 2006 entered into force in November 2011.

The protocol between the Government of the Republic of Hungary and the Government of the Republic of Serbia on the implementation of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation, signed in Brussels on 18 September 2007 entered into force on 4 June 2011.

The bilateral negotiations of the implementing protocol between the Republic of Hungary and between the Republic of Bosnia and Herzegovina on the implementation of the Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation are concluded. (The next step is the signing of the protocol.)

The bilateral negotiations of the implementing protocol between Hungary and between Georgia on the implementation of the Agreement between the European Community and Georgia on the readmission of persons residing without authorisation are about to be launched.

The bilateral negotiations of the agreement as well as an implementing protocol between the Government of Hungary and the Government of Kosovo on the readmission of persons residing without authorisation have been successfully concluded. (The next step is the signing of the agreement and the protocol.)

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

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

From 2009 Hungary has taken part in joint return flight operations. In 2011 Hungary implemented joint operations in cooperation with Poland to Georgia with military charter flight and with the Netherlands to Iraq with Holland national charter.

Hungary also cooperates with the Core Country Group Member States in the field of joint return operations.

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

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

The Employer Sanctions Directive is already implemented in form of an amendment to the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals. The new provisions entered into force on 1st August 2011.

Employers shall be required to ascertain before the employment of a third-country national that the third-country national affected has the permit prescribed in third-country national policing act for engaging in gainful employment. Any employer who fails to satisfy this obligation shall be subject to a penalty – specified under specific other legislation – for the protection of public policy.

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

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

The scheme elaborated under the COM recommendation “Transit by land of returnees” (Annex 39 of the Handbook on the Schengen Borders Code) is a development in this regard. It is a non-binding instrument and Member States has been applying it on a voluntarily basis since September 2011. So far 12 Member States apply this scheme, Hungary included.

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

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

4(j) more effective action against illegal immigration and trafficking in human beings and smuggling of persons by developing information on migration routes as well as aggregate and comprehensive information which improves our understanding of and response to migratory flows

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

Recently, in order to take more efficient actions against illegal migration, the police authorities of Austria and Hungary agreed on taking further actual cooperation measures in August 2011. These are: the establishment of joint analyzing and evaluating teams (with 2-3 members from either party) in order to take actions against human smuggling. The competent authorities have regular bilateral meetings; they mutually inform each other about daily captures related to human smuggling, involving the Serbian authorities on request. An agreement was reached on mutual checks by Hungarian and Austrian police officers along the borders and in the in-depth areas in order to avoid redundant inspections and on sharing the information on the spot.

The main threat is the illegal migration related to the Balkans Route. Most of the illegal immigrants have accessed Hungary on this route in the past years. In the first half of 2011 Hungary took the fifth place on the list of Frontex's report about the number of captured illegal migrants between the border crossing points. Hungary was overtaken only by countries having a maritime border (IT, EL, ES, MT). After Greece, Hungary is the second most threatened country in migration actions on the mainland related to green border.

The most popular migration route to Hungary comes from direction of Serbia. Principally Turkish, Libian, Pakistani, Afghan, Tunisian and Iraqi national migrants arrive illegally to Hungary from Serbia with the assistance of human smugglers or they also can be the victims of human trafficking.

4(k) increased targeted training and equipment support

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

No specific actions were taken in this field.

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

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

Illegal migration is related to international organized crime in several points, therefore, we must pay special attention to international criminal information exchange, primarily with neighbouring countries, information gathering and analysis that is obtained during

uncovering illegal entry and establishment. If necessary, liaison officers can be sent to the countries that are affected by illegal migration.

In countries in relation to which Hungary faces a great risk of illegal migration, immigration liaison officers (ILO) are employed at the diplomatic/consular missions (e.g. Egypt, Turkey, Vietnam, China). These officers are experts in the field of migration; they work closely together with the immigration authorities of the receiving State and with European agencies such as FRONTEX. The consuls and the immigration liaison officers are responsible to prepare annual reports on the migration issues, features and trends of receiving state.

As to the Hungarian Liaisons Officer Network, one government official has been designated as a national focal point for coordination of the Ministry of Interior.

The Office of Immigration and Nationality (hereinafter referred to as: OIN) has also posted specialised consular officers to the Hungarian Embassy in Kiev and the Consular Offices in the following cities: Moscow, Beijing, Chisinau, Istanbul, Damascus, and Teheran. The specialised consular officers are subordinated to the Ministry of Foreign Affairs, although they are reporting regularly to the OIN.

The Ministry of Interior itself has internal affairs attachés deployed at the Hungarian Embassy in Moscow and Kiev.

The Hungarian National Police posted on 1st October 2011 a police liaison officer to Belgrade (Serbia), who has competence also to contribute to the fight against illegal migration. In his work, he is professionally subordinated to the Police (although belonging to the staff of the Ministry of Foreign Affairs). The Police have also a liaison officer in Wiesbaden, who is tasked with cooperation in the fight against illegal migration with the German authorities. As from October 2012, the Police plans to post 1-14 document experts to Istanbul and Chisinau (as immigration liaison officers).

5.3 Key statistics

<i>Third-country nationals regularised</i>	
Third-country nationals regularised	<i>Not applicable</i>

6 Return

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

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

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

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

Type of readmission agreement	Third countries involved	Main purpose of the agreement
(EU or bilateral)		
<i>Implementing protocol between the Government of Hungary and the Government of the Russian Federation of 19 May 2011 on the implementation of the Agreement</i>	<i>Russian Federation</i>	<i>Readmission</i>

<i>between the Russian Federation and the European Community on readmission of 25 May 2006.</i>		
<i>The protocol between the Government of the Republic of Hungary and the Government of the Republic of Serbia on the implementation of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation, signed in Brussels on 18 September 2007 entered into force on 4 June 2011.</i>	<i>Republic of Serbia</i>	<i>Readmission</i>
Negotiations		
<i>Bilateral negotiations of the implementing protocol between the Hungary and between the Republic of Bosnia and Herzegovina on the implementation of the Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation. (The next step is the signing of the protocol.)</i>	<i>Republic of Bosnia and Herzegovina</i>	<i>Readmission of persons residing without authorisation</i>
Negotiations		
<i>Bilateral negotiations of the implementing protocol between Hungary and between Georgia on the implementation of the Agreement between the European Community and Georgia on the readmission of persons residing without authorisation</i>	<i>Georgia</i>	<i>Readmission of persons residing without authorisation</i>
Negotiations		
<i>Bilateral negotiations of the implementing protocol between the Government of Hungary and the Government of Kosovo on the readmission of persons residing without authorisation. (The next step is the signing of the protocol.)</i>	<i>Kosovo</i>	<i>Readmission of persons residing without authorisation</i>

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

II(f) To devise incentive systems to assist voluntary return and to keep each other informed

Please describe (planned) measures to promote voluntary return, assistance provided in voluntary return, provision of information to other (Member) States on person returned.

The Division of Coercive Measures and Repatriation for Directorate of Aliens Policing of the OIN, as the competent authority to organize illegal migrants' return to the country of origin, works in cooperation with the IOM in all cases in which an illegally staying third country national applied for voluntary return assistance by IOM.

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

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

The OIN has common performances with IOM in detention centres and community shelters. Posters and brochures have released in order to promote the assisted voluntary return and reintegration programmes.

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

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

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

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

Hungary significantly contributes to the implementation of the bilateral and EU readmission agreements, which is shown by the data in the table below:

Transfer															
	<i>Own nationals</i>					<i>Third-country nationals</i>						<i>The other party did not take over</i>		<i>Take back from other party</i>	
	<i>Simplified (Police)</i>	<i>Simplified (OIN)</i>	<i>Ordinary Police)</i>	<i>Ordinary (OIN)</i>	<i>All</i>	<i>Simplified (Police)</i>	<i>Simplified (OIN)</i>	<i>Ordinary Police)</i>	<i>Ordinary (OIN)</i>	<i>All</i>	<i>Patient</i>	<i>Simplified procedure</i>	<i>Ordinary procedure</i>	<i>As Hungarian nationality</i>	<i>As Third-country nationals</i>
<i>All:</i>	739	38	123	99	999	2471	90	57	33	2651	4	336	156	-	-

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

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

No specific actions were taken in this field.

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

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

During their own immigration procedure the OIN and the Police procure the travel documents (laissez-passer) from the embassies in order to identify their nationals' citizenship. The competent authority within the Police is the National Police Headquarters, General Directorate of Law Enforcement, Department of Border Policing, Division of Aliens Policing. For the clients of the OIN travel documents are procured by the OIN Directorate of Aliens Policing, Division of Coercive Measures and Return. All travel documents – which are used during readmission procedures (according to readmission agreements) – are procured by the Police, for the client of OIN, too.

Most embassies are cooperative, but some embassy (e.g. Iraq) asks the client's valid documents for the identification. It is impossible because the requests include that these persons do not possess any document. Some embassies do not answer for the authority's request (e.g. Morocco, Libya). In some cases of Ukrainian nationals – who do not possess any document (or copy) – the Embassy of Ukraine to Budapest issues travel document after few weeks, sometimes it takes months.

Joint return flights have never organized by Hungary, but we have attended Frontex joint flights several times. See more information to III (d).

6.3 Key statistics

Third-country nationals ordered to leave and returned			
	Returned as part of forced return measures	Returned voluntarily	Within the third-country nationals returned voluntarily, number of third-country nationals returned as part of an assisted return programme
Third-country nationals	66 (by air) 88 (part of air) 738 (by land)	56	350 (under the cooperation agreement between the Ministry of Interior and IOM)

7 Actions against human trafficking

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

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

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

Please describe any (planned) actions at national level to fight human trafficking and incorporation of third countries within them, awareness raising actions in third countries addressing communities at risk, etc. Please only refer to cooperation with regard to combating human trafficking. Information on other types of cooperation will need to be provided in other sections of the report (e.g. Sections 10 and 13).

Hungary is a source and transit country for women and girls subjected to trafficking in persons for sexual exploitation and on a lesser extent a source country for men and women for trafficking for labour exploitation. The main countries of destination in terms of trafficking for sexual exploitation remained the Netherlands, Switzerland, Austria, and Spain. One of the priorities of Hungarian Presidency program was mapping the new forms of exploitation such as begging, forced labour and slavery etc. Our aim was to make a comparison between the regulatory and institutional system of the Member States and to share experiences. In an effort to get an overview we prepared a questionnaire. We received 26 responses out of the 27 MSs and we presented the results of the analysis: in order to encourage Member States is necessary to make optimal use of existing international cooperation mechanisms between law enforcement and judicial authorities, using the experience and expertise of EUROPOL and EUROJUST and facilitating and promoting the establishment of Joint Investigation Teams (JITs), as well as to develop referral mechanisms and specific assistance services for all victims of trafficking with special attention to the victims of different forms of exploitation and victims with special needs, in particular children. It must also be emphasised that appropriate assistance and support should be available to victims both in destination countries and in their countries of origin. Cross-border cooperation, including exchange of information must be enhanced; minimum standards of Referral Mechanisms are to be reinforced and tightened in many Member States. At the beginning of April we organized an expert seminar in Budapest to continue the debate on this issue. In the end of the event the delegates accepted a “Budapest Recommendations” which was a useful input to the draft Council Conclusions. The first Transnational Seminar of the project namely “Enhancing Transnational Cooperation on Trafficking Cases in South-Eastern Europe (TRM-II)” took place on 16-18 March 2011 in Budapest. Over a hundred anti-trafficking officials and experts representing a variety of governmental non-governmental and international institutions attended the seminar. The seminar concluded the first phase of the TRM-II project and focused on discussion about enhanced information exchange between countries of origin, transit and destination.

Hungary has participated in the “Integrated Approach for Prevention of Labour Exploitation in Origin and Destination Countries” project, co-financed by the European Commission and implemented by NAATP (Romanian National Agency against Trafficking in Persons) in partnership with Greece, Bulgaria, Cyprus, FYROM and Hungary. General objective: to decrease the dimension of trafficking in persons for labour exploitation in origin, transit and destination countries. The first Steering Committee held on 22-23 February 2011 in Bucharest.

The Regional Seminar on the Identification of Victims of Human Trafficking in South Eastern Europe, organised by France, was held in Zagreb on 6 and 7 October 2011. Experts from 15 countries in the region (Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, FYROM, Hungary, Kosovo, Moldova, Montenegro, Romania, Serbia, Slovenia, Turkey and Ukraine) attended the seminar, together with French experts and representatives of the international organisations concerned (OSCE, European Union, etc.).

Concerning the deadline for implementation of the Directive 2011/36/EU of the European Parliament and of the Council, the responsible ministry has started preparing the legislative harmonization. Main challenges are the following: a.) to elaborate the regular,

multidisciplinary trainings for professionals; b.) to develop the national data collection mechanisms with better use of existing indicator systems; c.) to broaden the cooperation with the governmental and non-governmental organizations.

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

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

7.3 Key statistics

<i>Third-country nationals receiving a residence permit as victims of human trafficking</i>	
Third-country nationals	0

<i>Traffickers arrested and convicted</i>		
	Arrested / otherwise involved in a criminal proceeding	Convicted
Traffickers	<i>Not applicable</i>	<i>Not applicable</i>

BORDER CONTROL

8 Control and surveillance at external borders

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

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

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

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

With financial support of the External Borders Fund, the staff of the Police serving at the external borders took part in methodological, document knowledge and foreign language trainings. Relying on the External Borders Fund, the border policing section has worked out a new, comprehensive further education system for police staff deployed in border policing. Trainings on issuing and checking visa with the use of VIS have been held at central level for the multipliers. These mentors held trainings for the executive staff.

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

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

During the period of 2010-2011 the external border section with Serbia and Ukraine was equipped with 8 stable thermo camera systems, 3 mobile ground-based sensor systems and 6 heartbeat detectors in order to increase the effectiveness of the border control.

Since 31 October 2011 the Visa Information System has been used by all border crossing points in Hungary. Altogether the border crossing points have 116 stable document and fingerprint readers and the purchasing of further 145 stable and 81 mobile documents and fingerprint reader is under process.

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

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

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

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

Under the 2007-2008 annual programme of the External Borders Fund the Police began the preparatory work for the procurement of document and fingerprint reading equipment, and workstations necessary for the checks, and will conclude the full provision of border crossings as part of the annual programmes for 2010 and 2011, using the experiences gained in the CEUVIS project. Preparations have begun for the Border Control and Registration System, and financing for this is secured from the 2010-2011 annual programme of the External Borders Fund. Further training of staff involved in issuing visas or in controlling border traffic is in progress according to the schedule of the National Police.

8.3 Key statistics

<i>Visas issued</i>			
	Total Visas	Schengen Visas	National Visas*
Visas	<i>324 191</i>	<i>52 342</i>	<i>271 849</i>

*LTV=limited territory visas

9 Cooperation with respect to border control

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

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

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

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

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

Hungary implemented the Visa Code on 5 April 2010 the part of the Visa Code concerning legal remedy was implemented on 5 April 2011. The VIS went go-live on 11 October 2011. In parallel, the OIN, the national server has set up.

All border crossing points have ready for the operation of the VIS. Border crossing-points have 116 stable document and fingerprint readers and the purchasing of further 145 stable and 81 mobile documents and fingerprint reader is under process.

Trainings on issuing and checking visa with the use of VIS have been held at central level for the multipliers. These mentors held trainings for the executive staff.

The necessary technical equipment for visa issuing function of the VIS is available at the border crossing-points. The present lines shall be used to forward data to the OIN where the national interface (NI VIS) is available. The national visa register is connected to the central VIS. Developments on the software programme are under process.

All border crossing points have ready to check visa holders in the VIS by the number of the visa stickers.

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

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

Good cooperation has been developed with Serbia both in border checks and in border surveillance. Serbian border police officers regularly take part, as observers, in joint operations organised by Frontex in Hungarian territory.

Regarding border control, the level of cooperation is sufficient and has been constantly improving. In joint operations organised by FRONTEX in Hungarian territory, Ukrainian border police officers take part as observers.

Hungary took part in joint operations of FRONTEX, namely the Poseidon (Greek-Turkish border), the Jupiter (EU's eastern boundary) as well as the Neptune (the southern border of the EU). Hungary assumed a prominent role in the summary of the results of the MITRAS operation, and also the "Demeter" operation has completed. The Focal Point Office in Záhony, Röske and Kelebia are working continuously thought the focus point actions.

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

Please list any new or planned agreements, and other forms of bilateral and multilateral cooperation with third countries, specifying which countries, specifically in order to strengthen the control of external borders and to combat illegal immigration. This could include the provision of border equipment, etc. Please note that wider / more comprehensive agreements are to be described under section 13 addressing the Global Approach to Migration.

The border traffic agreement between the Government of Hungary and the Government of the Republic of Serbia is waiting for signature, which is expected after the inclusion of the proposed legislation on the border crossing points in Ásotthalom.

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

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

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

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

See answer to III (b)

ASYLUM

10 International Protection

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

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

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

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

Hungary offered eight experts to the expert pool of EASO. In May 2011 the Hungarian Government adopted a decision on the establishment of an asylum solidarity program in relation to the North African situation. In the decision the Government expressed its solidarity with the countries of first asylum and the EU Member States under disproportionate pressure due to this situation. The Government called on the Minister of Interior to determine the details of this solidarity program. Hungary also took part in the EUREMA project funded by the community actions of the European Refugee Fund.

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

During 2011 in the framework of the EUREMA project two persons were relocated by Hungary from Malta. Since then, both of them voluntary returned to Malta.

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

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

In the autumn of 2010 a governmental decision was made on that Hungary will launch a national resettlement programme. In 2011 the preparatory work took place, with the initial aim to resettle approximately 10 refugees in the near future.

According to the declaration of commitment towards the European Refugee Fund, Hungary has undertaken to implement a resettlement selection mission in 2012, and to resettle five refugees from a country or region designated for the implementation of Regional Protection Programme.

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

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

Measures have been taken to offer special border management studies in police secondary schools as part of the curriculum in a single module. This module within a 2-year period includes 4 hours training on national legislation on international protection and border policing procedures connecting to international protection. The professional needs have been put into words. This step ensures the proper training of the new generation of border guards. The basic level police education is available in a police secondary school. There is a Central Programme with professional and exam requirements approved at ministerial level.

With the support of the External Borders Fund, the border policing section has worked out a new, comprehensive further education system for police staff deployed in border policing.

The border policing section devotes special attention to foreign language training, the core of which is the English language. We have provided language training for 983 members of the staff in 2011. Furthermore in the framework of a Methodological Training Project funded by External Border Fund 400 persons received training on handling specific situations, which contained training on handling international protection cases. This is to be considered as vocational training for border guards.

There are ongoing mentor basic trainings and further trainings organised also for persons delegated by border policing offices. Within the framework of a project implemented by the National Law Enforcement Regional Integrated Training Centre, pilot trainings based on the development of mentoring were launched in the period of 21-24 February 2011.

The border guards receive training on asylum legislation and asylum procedures at the Police Academy. In 2011 71 persons graduated at the Police Academy, therefore all of them received this kind of training on international protection.

10.2 Key statistics

Third-country nationals reallocated and resettled to your (Member) States			
	Total	Reallocated	Resettled
Third-country nationals	2	2	0

Training of border guards on asylum		
	Total number of border guards	Border guards who received training
Border guards	3300	71 persons who graduated at the Police Academy in 2011 400 persons in the framework of the vocational training project

		<i>funded by External Border Fund all the students graduating at police secondary school (no aggregated data for 2011 available)</i>
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UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

11 Unaccompanied Minors (and other vulnerable groups)

11.1 European Pact on Immigration and Asylum

No specific commitments are included.

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

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

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

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

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

Under Act LXXX of 2007 on Asylum if the person seeking recognition is an unaccompanied minor, the refugee authority shall, without delay, provide for the appointment of a guardian serving to represent the minor. It is not obligatory to appoint a guardian if the minor fill the 18 years during the proceedings. In case of an unaccompanied minor asylum-seeker, the completion of the asylum procedure shall have priority.

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

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

under the asylum procedure. In cases of unaccompanied minors who are not asylum-seekers, Hungary collects separate statistical data on the number of residence permits issued for non-asylum-seeker unaccompanied minors from April 2011. According to the registers 59 unaccompanied minors have submitted asylum application during the first 11 months of 2011. 13 residence permits have issued for unaccompanied minors outside asylum procedures from 1th January 2011 to 30 November 2011 by OIN.

11.3 Key statistics

<i>Unaccompanied minors</i>	
Number of unaccompanied minors	72

GLOBAL APPROACH TO MIGRATION

12 External cooperation / global approach to migration

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

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

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

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

In order to combat the phenomena of illegal migration, we aim at concluding bilateral readmission agreements, and deepening the cooperation with the countries of origin and transit in the framework of the Global Approach of Migration. We have started the negotiations with Kosovo on this topic in 2011.

The bilateral protocols with Moldova, Albania and Serbia implementing the EU readmission agreements entered into force in 2010 and 2011. We have successfully completed the negotiations with Russia on the bilateral implementing protocol, which entered into force in 2011.

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

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

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

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

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

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

In the second half of 2011 the number of illegal migrants rose significantly in Hungary and in Austria. These illegal migrants approach the borders of the EU via Turkey, Greece and Serbia. Hungary and Austria addressed a joint letter to the Commission asking for a coordinated EU response. At the same time bilateral actions were developed between the Hungarian and Austrian authorities, and meetings took place with the Serbian authorities as well to increase data transfer and to enhance cooperation. In October 2011 the ministers of interior of Hungary, Austria and Serbia signed a trilateral Joint Declaration on joint actions and cooperation measures.

In the first half of 2011, in the period of the Hungarian EU Presidency several high level visits took place to the region of the so called “Arab spring” in North Africa. In Tripoli – as well as other Hungarian representations in the region – the Hungarian embassy coordinated the EU nationals’ consular and evacuation tasks, at the same time also fulfilled the representation of the EU and other third countries (such as the USA). Hungary provided a civil aircraft to assist Hungarian and European nationals aiming at leaving Libya. Hungary also provided a charter plane to transfer third-country nationals to Chad.

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

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

In autumn 2010 a governmental decision was made on Hungary’s launching a national resettlement programme. The legal basis for resettlement already exists in the Hungarian Asylum Act. In response to the “Arab spring” this year a Governmental Decision (No. 1139/2011) was adopted on the launch of an asylum solidarity programme in relation to the situation in the North-African area. On the basis of this Government Decision, Hungary shall

focus its resettlement commitment to the North-African region. As a first national resettlement operation, it is considered a pilot programme. The outcome will be assessed as well as the whole process (from the beginning till the end including integration) in order to develop a good model program on the basis of which we will be hopefully able to extend our resettlement efforts in the future. We will closely cooperate with UNHCR in developing and conducting this pilot resettlement programme. On one hand taking into account the pilot nature of our first resettlement programme and the recent economic situation as well as the limited capacities of Hungary on the other hand, Hungary aims at continuing the implementation of the resettlement programme in the framework of the asylum solidarity programme aiming at resettling one family in 2012-2013.

Hungary has continued to be involved in the Mobility Partnership established with the Republic of Moldova, which constitutes a new political framework for comprehensive dialogue and cooperation on migration by bring added value both to the EU and the third country on the management of migration flows. In this framework meetings took place where Hungary shared its best practices and experiences regarding statelessness as well.

Hungary has been actively participating in the Building Migration Partnerships Project (Prague Process,) under which Hungary has taken part in the missions with Azerbaijan, Belarus, Georgia, Uzbekistan and Russia. Furthermore, Hungary made preparations in order to continue the activities of the Building Migration Partnerships project initiated by the Czech Republic in 2008. The respective Prague Process Action Plan was adopted in November 2011 in Poznan, Poland. The principal aim of the continuation is to help countries of origin, transit and destination already taking part in the cooperation improve migration management and to facilitate building of migration partnerships through exchange of good practices.

Hungary participates in the Budapest Process which is a consultative forum of 50 countries and associated organizations involving both EU Member States and countries from the region neighbouring EU in the East and South-East aiming at exchanging information and experiences on legal and illegal migration, asylum, return, readmission, visa, trafficking in human beings, smuggling of migrants and border management issues.

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

Hungary continuously took part in the Söderköping Process during 2011, having as principal objective to facilitate cross-border cooperation between new EU Member States and the Western NIS (Belarus, Moldova and Ukraine) on asylum, migration and border management issues. In 2011 Armenia, Azerbaijan and Georgia also participated in the activities, several workshops and meetings took place. Measures taken in order to incorporate the Söderköping Process into the EU initiative Eastern Partnership were successful as the Process continues as the Migration and Asylum Panel.

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

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

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

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

Not applicable.

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

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

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

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