



Annual Report on Asylum and Migration Statistics 2009

Annual Report on Migration and International Protection Statistics for

Hungary

Reference Year: 2009



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1. INTRODUCTION

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

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

The **Free Movement Act** and its implementing Government Decree implement the Council Directive 2004/38/EC and regulate the entry and residence of persons enjoying the right to free movement and residence and the entry and residence of their family members. With certain differences Hungary extended the scope of these favourable rules on the third-country national family members of Hungarian citizens, as well. The Free Movement Act entered into force on 1st July 2007.

The new **Aliens Act** and its implementing Government Decree regulate the entry and residence of third-country nationals (except the family members of persons enjoying the right to free movement) and also entered into force on 1st July 2007. With our full Schengen membership on 21st of December 2007, the New Act on Aliens was modified and the system of long-term visas and residence permits were significantly changed. Previously those third-country nationals who wished to stay in Hungary, had to apply for a so-called residence visa at the Hungarian consulate in their country of origin. These visas were valid for up to one year. After 21st of December 2007, third-country nationals can only apply for a residence permit at the consulate. If the permit is granted, third-country nationals can travel to Hungary

in the possession of a special visa (visa entitling its holder to acquire a residence permit), and obtain their residence permit in the territory of Hungary.

Those, who can travel to Hungary without a visa can apply for a residence permit in Hungary, at the OIN.

As regards the institutional aspect and the main actors involved, it was the Ministry of Justice and Law Enforcement that is responsible for setting the policy guidelines and for carrying out legislative tasks in the area of migration and asylum in 2009. In Hungary, the **immigration records reveal a stable pattern of immigrants** arriving from key countries in the region. In 2009, the overwhelming majority of immigrants were of European origin, and the rest of them came from Asia. The **legally-resident population** in the Republic of Hungary **has slightly dropped** during the period in question reaching 1,0031 million in January 2009. Regarding **immigration flows a decrease** can be observed from 2005 to 2009.

In 2009, the **number of asylum applications** amounted to 4672, which compared to 2008 (3118 applications) can be considered as a significant increase.

Regarding the number of **Dublin transfers amounted to 934**, which compared to 2008 (334) can be considered as a significant increase. During 2009, the Police conducted proceedings against 9888 illegal migrants, which can be considered as an increase of 30 % compared to the data of 2008. In 2008 after the Schengen accession illegal migration towards Austria decreased, while this tendency refuted in 2009, as a significant increase (85 %) has been experienced.

2. METHODOLOGY

This report presents a comprehensive analysis of statistical trends in immigration, international protection, refusals, apprehensions, residence permits and returns occurred at the national level in the reference year 2009. The specifications of this report have been developed by the European Commission in cooperation with the EMN national contact points. As compared to the previous years, the methodology has changed – while during the previous year the European Commission has sent empty tables to the contact points and the contact points had to obtain statistical data themselves, complete the tables and thereafter send them to the European Commission, then this year the European Commission forwarded the Eurostat data to the EMN national contact points and the contact points had to approve or supplement/update the data in cooperation with the national statistics specialists.

This report is mainly based on figures extracted from the database of the European Statistical Office Eurostat. This procedure is considered appropriate within the context of EMN, since the political organs of the EU tend to satisfy their information requirements regarding statistical data increasingly by consulting the Eurostat databases rather than by taking recourse to national sources on an ad-hoc basis. Since the EMN Statistical Report also serves to provide information to policy-makers at EU level, it is important to achieve a maximum level of data consistency rather than circulating differing figures stemming partly from European databases and partly from national sources. In past years, the editors of the statistical report frequently needed to use national data as the statistics provided by Eurostat were often incomplete or incorrect.

The majority of the data supplied in this national report have been supplied by relevant national data providers to Eurostat, specifically the Office of Immigration and Nationality (hereinafter referred to as: OIN), the Central Statistical Office and the Hungarian Police. Other sources used for this report include published sources, such as the annual report of the OIN given that these reports contain reliable analyses of migration and asylum trends.

3. LEGAL IMMIGRATION AND INTEGRATION

3.1 International Migration, Usually Resident Population and Acquisition of Citizenship (Article 3)

3.1.1. International Migration Flows

According to the data supplied by the Central Statistical Office the number of migrants coming to the territory of Hungary in 2009 decreased with 35.4% in comparison to the data given in 2008, which was caused by the economic crisis and also the changes to migration legislation in the end of 2007, which had caused a significant increase in 2008. This also explains why a number of indicators show a remarkable decrease in 2009.

However, concerning immigration flows a slight decrease can be observed from 2005 to 2009 as well as a slight increase in emigration flows from 2004. Therefore the net migration rate increased from 2002 to 2009.

	2002	2003	2004	2005	2006	2007	2008	2009
Legally resident population (31 December)	10.142.362	10.116.742	10.097.549	10.076.581	10.066.158	10.045.401	10.030.975	10.014.324
Overall immigration	19.885	21.327	24.298	27.820	25.732	24.361	37.521	27.721
Overall Emigration	3126	3122	3820	3658	4314	4500	4821	6124

Source Hungarian Central Statistical Office

3.1.2 Usual Residence

Hungary became an EU Member State on 1 May 2004. This development prompted many changes in the country's migration policy. In recent years migration has drawn political and media attention, most frequently in connection with the EU accession process. This attention has prompted new administrative and legal measures with regard to migration. It has also been a determining factor in connection with measures and statements on the issue of illegal migration, stricter border controls but also visa requirements with neighbouring countries. On 15 November 2007 the European Parliament approved the accession of Hungary and 6 other countries to the Schengen area. On 21 December 2007, the permanent border control ceased

at the Hungarian-Slovenian, Hungarian-Slovakian and Hungarian-Austrian borders. As Hungary became the “gate” to the EU, its external borders (to Croatia, Romania, Serbia and the Ukraine) were significantly reinforced; Hungary intensified the in-depth-checks, the border monitoring and the patrolling activities. From the end of March 2008, the Schengen rules entered into force at the airport borders too.

	2008	2009
Total Population (31 December)	10.030.975	10.014.324
Nationals	9.844.610	9.814.319
Other EU Member States (excluding nationals)	109.804	118.875
Non-EU countries	76561	81130
Countries out of EU-27, EFTA and Candidate countries, of which:	72887	76679
Highly developed non-EU countries	31647	33857
Most important third country nationals:		
Ukraine	17.614	17.246
China	10.719	11.187
Serbia	3936	10.172
Former Serbia and Montenegro	6349	1.290
Former Yugoslavia	3989	5933
Vietnam	3282	3056

Source: Hungarian Central Statistical Office

The number of **foreigners who stay in Hungary** for more than a year has been stable at **around 1.1 to 2.0 percent** of the native population over this decade. In Hungary, the immigration records reveal a stable pattern of immigrants arriving from key countries in the region. In 2009, the overwhelming majority of immigrants are of European origin, and the rest of them come from Asia. Immigration from other parts of the world is marginal.

The migration flows of third country nationals have been **dominated by returning ethnic Hungarian minorities from neighbouring countries**, and as a result of this in the recent years policy debates have focused on simplified visas and facilitated naturalization procedures for these preferred groups.

3.1.3 Acquisition of citizenship

In the field of citizenship no organizational changes were made. Neither were modifications carried out in Act LV of 1993 on Hungarian citizenship and regarding the rules of naturalization. There were only minor, administrative changes in Government Decree 125/1993. implementing the Act. The procedure of naturalization was influenced by the

changes of the related rules (Act XII of 1998 on travelling abroad and Act CXL of 2004 on the general rules of the procedure and services of the administrative authorities). The number of applications for certificates of nationality increased due to the introduction of the second generation of biometric passports. Three members of the Parliament presented a bill to amend the Act on Hungarian citizenship on 12th October 2009 (N° T/10896.). The bill focuses on a procedure that makes the acquisition of citizenship quick and facilitated for those who or whose ascendants were Hungarians. The future of the bill can be followed on the www.parlament.hu website. The media did not take up yet directly the questions affecting the naturalization process. This special field was affected primarily only by the newspapers in concrete cases, however the requirement of the exact and true to nature was unfortunately not always taken into consideration. Since the bill was presented this field is continuously among the main topics in the written and electronic media. However, on 3rd November 2009 the bill was withdrawn before being referred to plenary session, so the legal regulation has not changed in this field. Regarding citizenship cases the most updated statistics can be downloaded from the homepage of the Office of Immigration and Nationality (www.bevandorlas.hu).

Concerning statistics, the number of citizenship applications decreased from 9633 in 2008 to 9373 in 2009. This latter includes the number of applications for naturalization and repatriation, the number of declarations aiming at acquiring Hungarian citizenship, the number of declarations renouncing Hungarian citizenship, the number of applications determining citizenship and a few number of other cases. The number of applications for naturalization and repatriation shows decrease (9.3%) from 4143 in 2008 to 3849 in 2009. The number of applications determining citizenship was 5 047 in 2009 which shows a slight increase of 9, 8 % in comparison to the previous year when it was 4958. The number of declarations aiming at acquiring Hungarian citizenship has not changed in comparison to the previous year. The number of declarations renouncing Hungarian citizenship increased from 69 in 2008 to 99 in 2009.

Top 10 citizenship of naturalization from third countries

	2008		2009
Ukraine	857	Former Serbia and Montenegro	672
Former Serbia and Montenegro	758	Ukraine	558
Belarus	167	Belarus	127
Russia Federation	156	Russia Federation	119
Vietnam	95	Vietnam	39
Croatia	34	Croatia	25
China	29	China	20
Syrian Arab Republic	17	Islamic Republic of Iran	18
Afghanistan	15	Mongolian	14
Turkey	13	Syrian Arab Republic	11

Source: Hungarian Central Statistical Office

3.2 Residence Permits and Residence of Third-Country Nationals (Article 6)

Residence permit can be issued on the request of a foreign national staying in Hungary under a valid extended stay visa to extend the period of stay. The residence permits of members of diplomatic and consular representations in Hungary are issued and renewed by the minister. The validity of residence permits can be for the duration specified in the application within a maximum period of two years and may be extended for an additional two years. Residence permits requested for the purpose of employment or other gainful activity may be issued for a period of maximum four years when issued for the first time. The validity period of residence permits issued to foreign nationals participating in vocational training or academic training shall be for the period of studies and may not exceed one year, and may be extended with one year at a time.

The types of visas for a validity period for longer than three months issued in the reference period were the following:

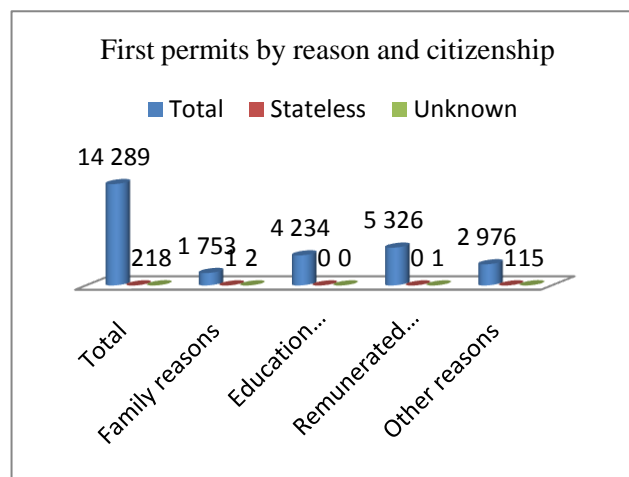
- **visa entitling the holder to receive a residence permit**, which is valid for a single or multiple entry, and entitles its holder to stay in the territory of the Republic of Hungary for a period of longer than three months;
- **seasonal employment visa**, which is valid for single or multiple entry and entitles its holder to stay for a period of longer than three months and maximum for a period of six months for the purpose of seasonal employment,

- **national visa**, which is valid for single or multiple entry and entitles its holder to stay in the territory of the Republic of Hungary for a period of longer than three months under international agreement.

(a) *The number of residence permits issued to persons who are third-country nationals*

(i) *First permits by reason and citizenship*

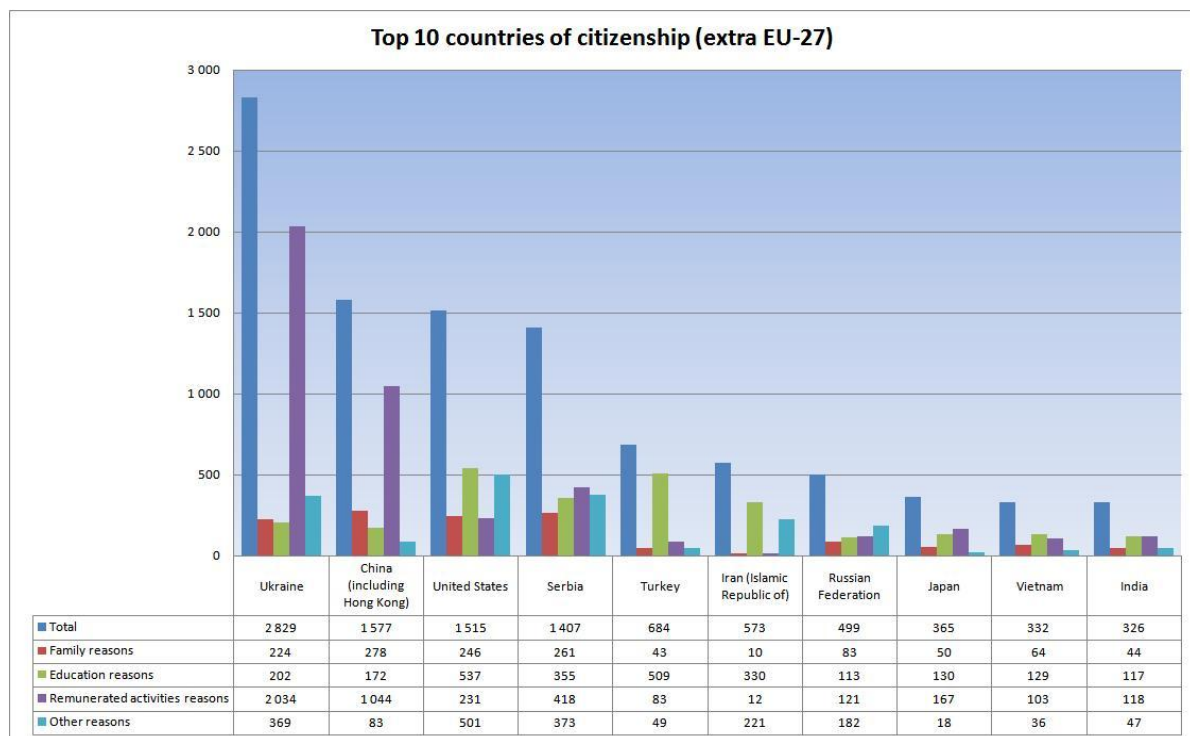
	Total	Family reasons	Education reasons	Remunerated activities reasons	Other reasons
Total	14 289	1 753	4 234	5 326	2 976
Stateless	2	1	0	0	1
Unknown	18	2	0	1	15



Looking at the total number of residence permits issued to persons who are third-country nationals in 2009 (14 289), we can observe a decrease of 30,5 % compared to the total number of first residence permit in 2008 (20 539).

(i) First residence permits, by main countries of citizenship and reason

	Total	Family reasons	Education reasons	Remunerated activities reasons	Other reasons
Ukraine	2 829	224	202	2 034	369
China (including Hong Kong)	1 577	278	172	1 044	83
United States	1 515	246	537	231	501
Serbia	1 407	261	355	418	373
Turkey	684	43	509	83	49
Iran (Islamic Republic of)	573	10	330	12	221
Russian Federation	499	83	113	121	182
Japan	365	50	130	167	18
Vietnam	332	64	129	103	36
India	326	44	117	118	47



The table above contains the number of residence permits issued for the first time. The data supplied in the table refers to third-country nationals issued with a residence permit that entitles its holder to stay for a limited, duly defined period of time in the territory of Hungary. The table does not include the number of applications for visas, permanent residence permits

or residence cards and permanent residence cards issued to third country national family members.

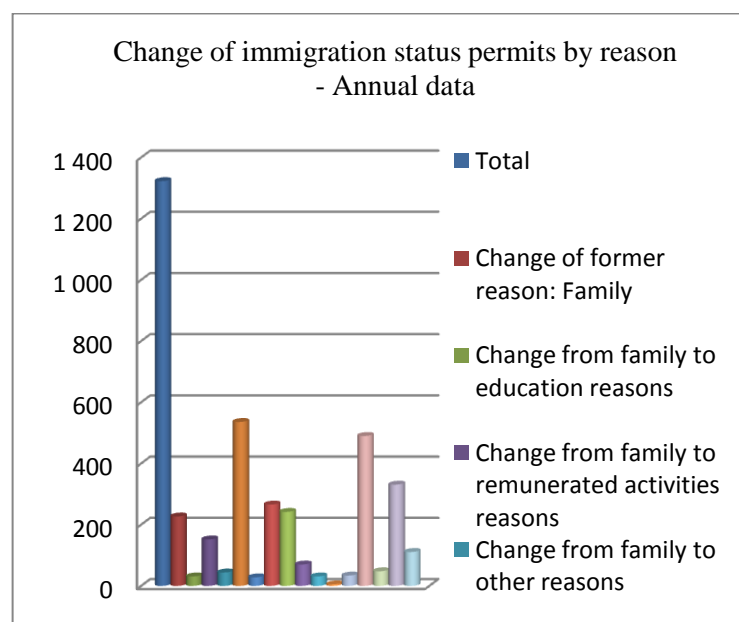
In 2009, the top ten countries of origin of persons issued residence permit for the first time were the Ukraine (19.7%), China (11%), the USA (10.6%), Serbia (9.8%), Turkey (4.7%), Iran (4%), the Russian Federation (3.5%), Japan (2.5%), Vietnam (2.3%) and India (2.2%).

In comparison with the 2008 statistical data, we can observe a **significant drop** in numbers of Israeli, Korean, Mongolian and Croatian citizens. Concerning statistics, the number of Ukrainian applicants decreased from 4645 in 2008 to 2829 in 2009. The other top 10 countries do not show any relevant changes compared to the statistics in 2008.

(ii) *Changes to immigration status permits, by reason*

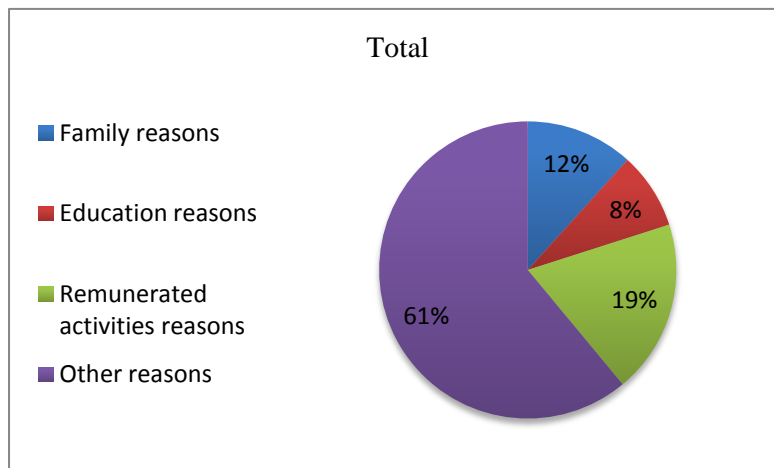
<i>To reason</i>				
<i>From reason</i>	Family reasons	Education reasons	Remun-erated activities reasons	Other reasons
Family reasons		31	152	44
Education reasons	28		266	242
Remunerated activities reasons	31	5		34
Other reasons	48	331	111	

Total	1 323
Change of former reason: Family	227
Change of former reason: education	536
Change of former reason: remunerated activities	70
Change of former reason other reasons	490



As regards the **trends** compared to 2008, we can notice a significant rise in the number of changes to immigration status permits, especially in changes from other reason to educational reason with 80% and vice versa with 75 %.

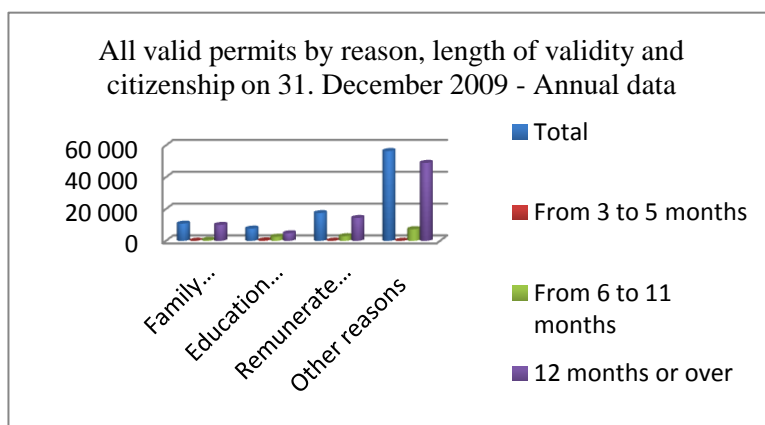
(iii) *Valid permits at the end of 2009*



The total number of residence permits valid at the end of the year (31. December 2009) was 92 518, out of which 10 845 (11,7 %) was issued for family reasons, 7 719 (8,3 %) was issued for educational reasons, 17 484 (18,9 %) was issued for the purpose of performing remunerated activities and 56 470 (61 %) was issued for other reasons.

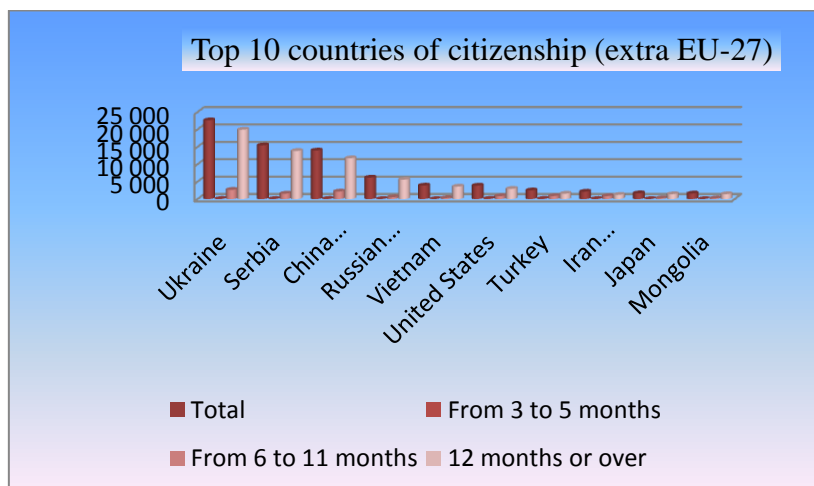
All valid permits by reason, length of validity on 31 December 2009

	Total	From 3 to 5 months	From 6 to 11 months	12 months or over
Total	92 518	611	13 625	78 282
Family reasons	10 845	96	671	10 078
Education reasons	7 719	312	2 624	4 783
Remunerated activities reasons	17 484	122	2 964	14 398
Other reasons	56 470	81	7 366	49 023



Top 10 countries of citizenship (extra EU-27) concerning all valid permits by reason, length of validity on 31 December 2009 (table and diagram)

	Total	From 3 to 5 months	From 6 to 11 months	12 months or over
Ukraine	22 648	59	2 649	19 940
Serbia	15 438	42	1 565	13 831
China (including Hong Kong)	13 961	62	2 168	11 731
Russian Federation	6 172	35	536	5 601
Vietnam	3 891	12	292	3 587
United States	3 872	98	832	2 942
Turkey	2 498	73	869	1 556
Iran (Islamic Republic of)	2 138	44	878	1 216
Japan	1 669	13	242	1 414
Mongolia	1 615	11	193	1 411

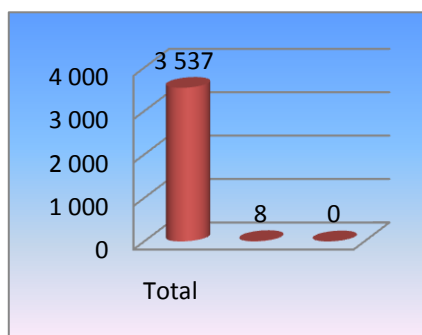


In 2009, the top ten countries of all valid residence permits were Ukraine (24,5 %), Serbia (16,7 %), China (15,1%), Russian Federation (6,7 %), USA (10.6%), Vietnam (4,2 %), Turkey (2.7%), Iran (2,3 %), Japan (1,8 %) and Mongolia (1,7 %).

Concerning statistics, the number of all valid permits decreased from 101 194 in 2008 to 92 518 in 2009, which is 9,5 % drop.

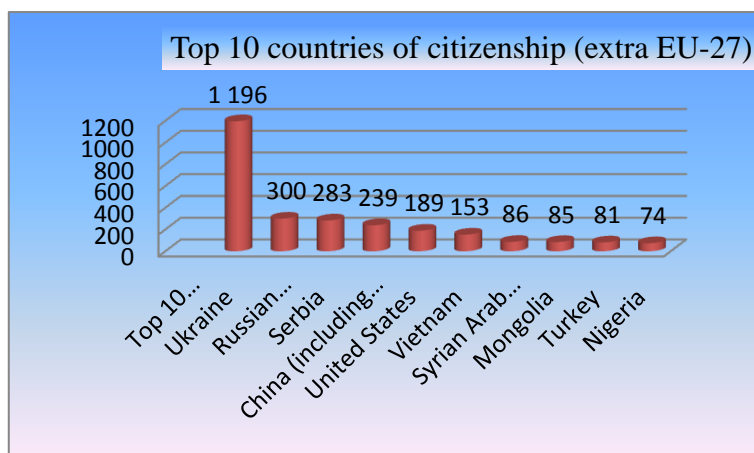
(b) the number of long-term residents at the end of the reference period, disaggregated by citizenship.

Long-term residents by citizenship on 31 December 2009 - Annual data



Total	3 537
Stateless	8
Unknown	0

Top 10 countries of citizenship (extra EU-27) concerning long-term residents by citizenship on 31 December 2009



Ukraine	1 196
Russian Federation	300
Serbia	283
China (including Hong Kong)	239
United States	189
Vietnam	153
Syrian Arab Republic	86
Mongolia	85
Turkey	81
Nigeria	74

The largest groups with long-term residence permit were traditionally constituted by the nationals of the Ukraine, the Russian Federation and Serbia. As for the share of the different citizenships, no significant changes occurred compared to the previous period.

The data provided in 2009 are not comparable to the figures provided in the previous year given. The data from 2009 has two distinct components: number of EC permanent residence permit and number of permanent resident card.

4. ILLEGAL IMMIGRATION AND RETURN

The Hungarian legal background on illegal migration and return is fully harmonized with the EU acquis, all relevant EU legislation has been transposed into national law.

During 2009, the Police conducted proceedings against 9888 illegal migrants, which can be considered as an increase of 30 % compared to the data of 2008. In 2008 after the Schengen accession illegal migration towards Austria decreased, while this tendency refuted in 2009, as a significant increase (85 %) has been experienced.

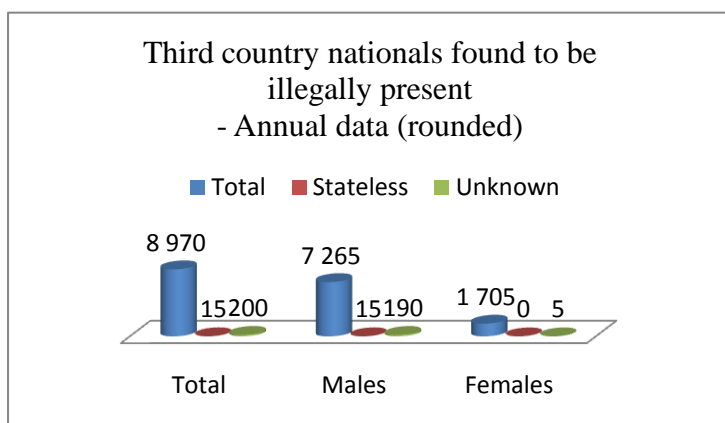
In the course of 2009, a growing number of acts related to illegal migration have been uncovered at the external border sections, with the Ukrainian and the Serbian border sections being the most heavily affected. The Hungarian National Police is strengthening its border control with the support of the External Borders Fund 2007-2013 allocations for developments at the external borders.

4.1 Prevention of illegal entry and stay – Apprehensions (Article 5.1 b)

The relevant Hungarian authorities were not able to collect data on the number of apprehensions of illegally resident third-country nationals, disaggregated by age in 2009.

The number of apprehensions of illegally resident third-country nationals decreased with 10% from 2008 to 2009. In 2009, the main countries of origin of the apprehended aliens illegally present in the territory of Hungary were Serbia (28%), Afghanistan (19%), Kosovo (9.5%), Ukraine (6%) and Moldova (4%). The increase of the apprehended Serbian, Afghan and Kosovar illegally present in the territory of Hungary in comparison to the previous year is also considerable.

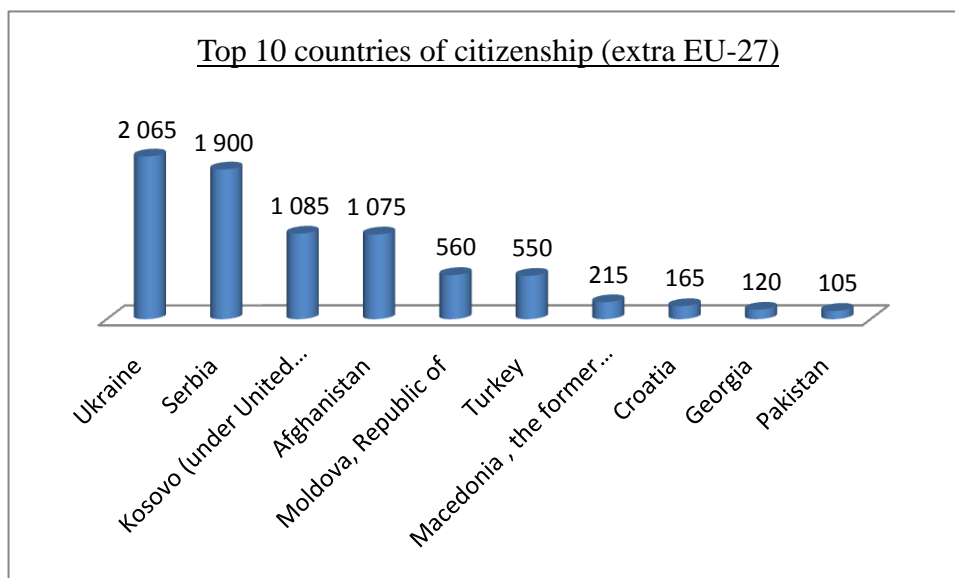
Third country nationals found to be illegally present breakdown by sex - Annual data (rounded)



	Total	Males	Females
Total	8 970	7 265	1 705
Stateless	15	15	0
Unknown	200	190	5

Top 10 countries of citizenship (extra EU-27) concerning third country nationals found to be illegally present (table and diagram)

	Total
Ukraine	2 065
Serbia	1 900
Kosovo (under United Nations Security Council Regulation 1244)	1 085
Afghanistan	1 075
Moldova, Republic of	560
Turkey	550
Macedonia , the former Yugoslav Republic of	215
Croatia	165
Georgia	120
Pakistan	105



4.2 Returns (Article 7)

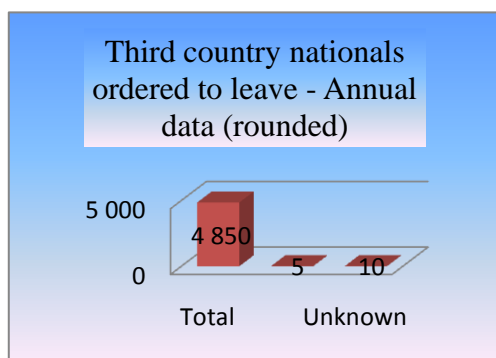
With reference to Article 7 of the Migration Statistics Regulation, the Member States supply to the EU Commission statistics relating to:

the number of third-country nationals found to be illegally present in the territory of the Member State who are subject to an administrative or judicial decision or act stating or declaring that their stay is illegal and imposing an obligation to leave the territory of the Member State, disaggregated by citizenship of the persons concerned;

the number of third-country nationals who have in fact left the territory of the Member State, following an administrative or judicial decision or act, also disaggregated by the citizenship of the persons returned.

The submission of data does not comprise third-country nationals transferred to another Member State under the Dublin Regulation (see Section 6.3.).

Third country nationals ordered to leave - Annual data (rounded)



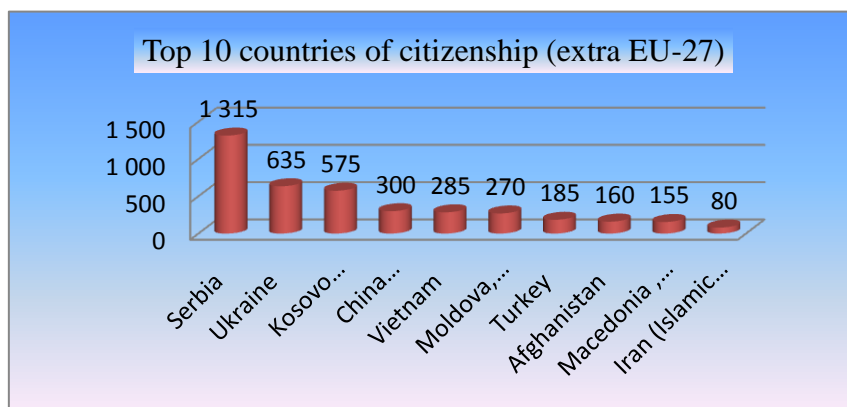
Total	4 850
Stateless	5
Unknown	10

In 2009, 4850 third-country nationals were subject to an administrative or judicial decision or act stating or declaring that their stay is illegal and imposing an obligation to leave the territory of Hungary and 2245 persons returned following an order to leave. The main countries of origin of third-country nationals ordered to leave were Serbia (27,1 %), Ukraine (13,1 %), Kosovo (11,9 %), Afghanistan (6,2 %), the former Yugoslav Republic of Macedonia (5,9 %) Moldova (5,6 %), Turkey (3,8 %), Albanian (3,3 %), Vietnam (3,2 %), and Croatian (1,6 %).

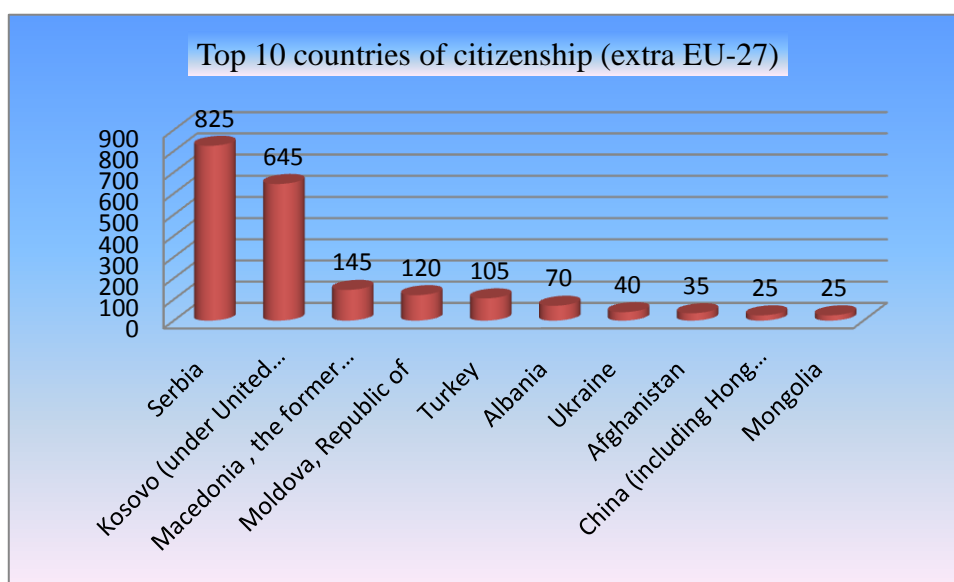
Top 10 countries of citizenship (extra EU-27) concerning third country nationals ordered to leave

Serbia	1 315
Ukraine	635
Kosovo (under United Nations Security Council Regulation 1244)	575
China (including Hong Kong)	300
Vietnam	285
Moldova, Republic of	270
Turkey	185
Afghanistan	160
Macedonia , the former Yugoslav Republic of	155
Iran (Islamic Republic of)	80

Looking at the number of third-country nationals who were subject to an administrative or judicial decision or act stating or declaring that their stay is illegal and imposing an obligation to leave the territory of Hungary in 2009 (4850), we can observe an increase of **203 %** compared to the previous year's data (1599).



Third country nationals returned following an order to leave - Annual data (rounded)



Total	2 037
Stateless	0
Unknown	5
Serbia	825
Kosovo	645
Macedonia	145
Moldova, Republic of	120
Turkey	105
Albania	70
Ukraine	40
Afghanistan	35
China (25
Mongolia	25

The number of third-country nationals who have in fact left the territory of Hungary following an order to leave increased with 40% from 2008 to 2009. The main countries of origin of persons returned following an order to leave were Serbia (36,7 %), the former Yugoslav Republic of Macedonia (28.7%), Kosovo (6,4 %), Turkey (5,3 %), Moldova (4.7%), and Albanian (3,1 %). It is

remarkable that less than 25 Ukrainian nationals returned following an order to leave from 635 Ukrainian nationals who were subject to an administrative or judicial decision or act stating or declaring that their stay is illegal and imposing an obligation to leave the territory of Hungary.

With the financial support of the European Return Fund, IOM, in partnership with the Office of Immigration and Nationality, organized two voluntary return programmes in the course of 2009. Altogether 170 persons took part in the programmes. The Office of Immigration and Nationality implemented one voluntary return programme in the framework of which a group of Bosnian nationals (19 persons) returned to their home country. (optional data)

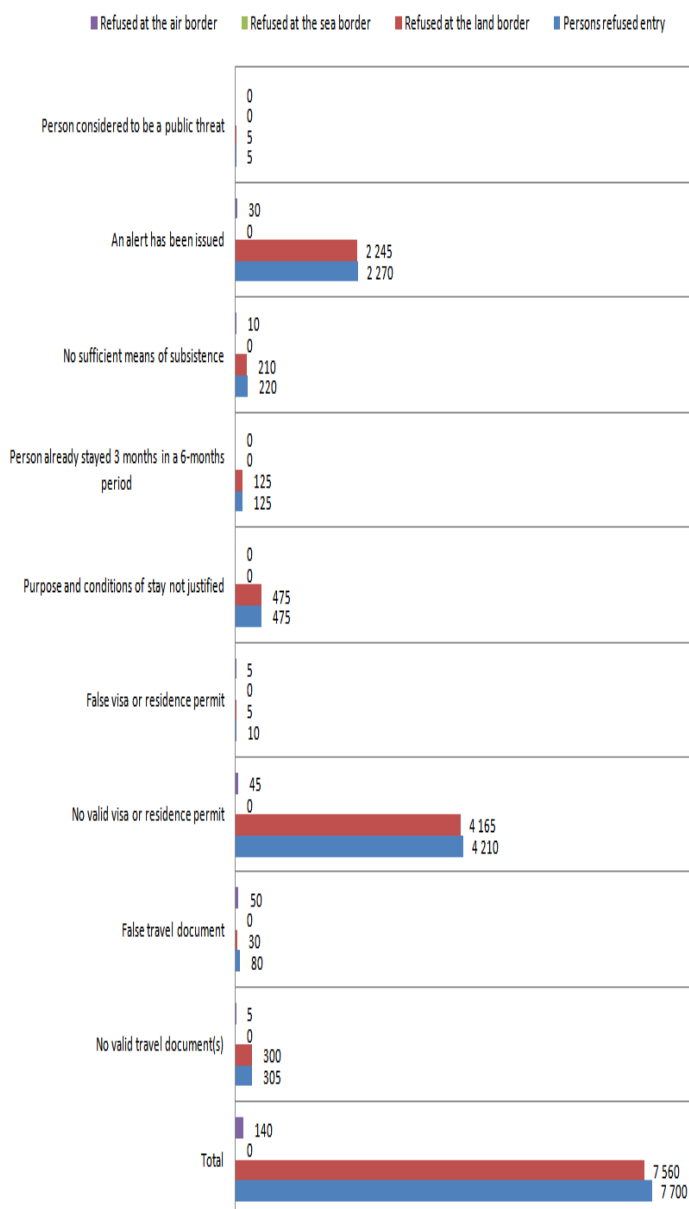
5. BORDER CONTROL

5.1 Prevention of illegal entry and stay – Refusals (Article 5.1a)

The relevant Hungarian authorities were not able to collect data on the number of persons refused entry, disaggregated by age and sex in 2008. Most of the persons were refused at the land borders. The number of aliens who were not allowed to enter into the territory of Hungary and were refused increased significantly with 48.5% from 2008 to 2009.

Third country nationals refused entry at the external borders - Annual data (table and diagram)

Third country nationals refused entry at the external borders - Annual data (rounded)

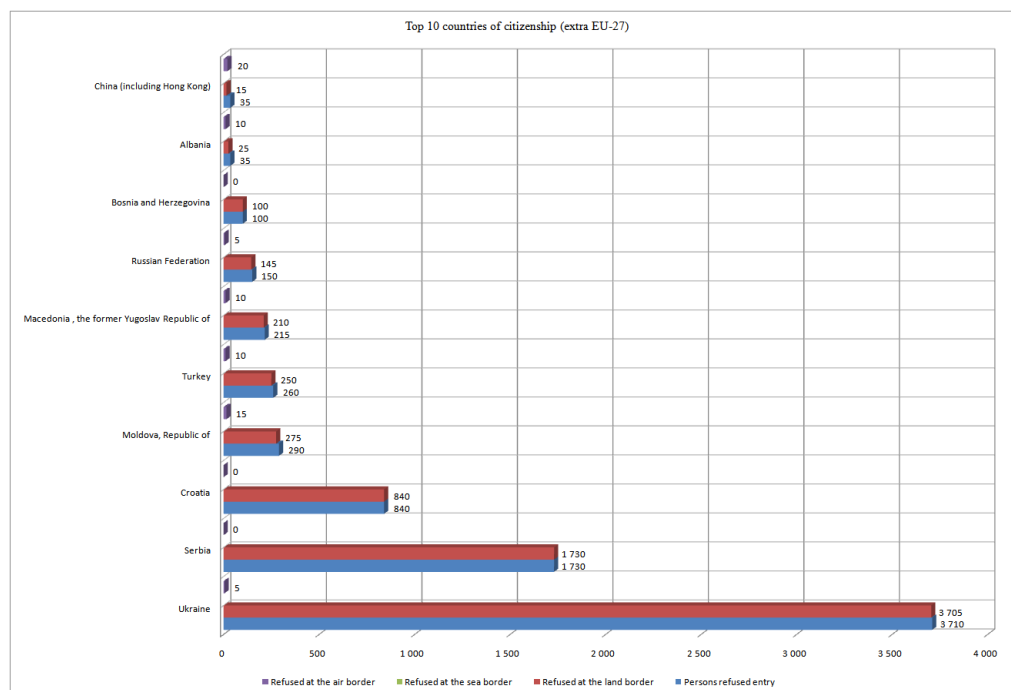


	Persons refused entry	Refused at the land border	Refused at the sea border	Refused at the air border
Total	7 700	7 560	:	140
No valid travel document(s)	305	300	:	5
False travel document	80	30	:	50
No valid visa or residence permit	4 210	4 165	:	45
False visa or residence permit	10	5	:	5
Purpose and conditions of stay not justified	475	475	:	0
Person already stayed 3 months in a 6-months period	125	125	:	0
No sufficient means of subsistence	220	210	:	10
An alert has been issued	2 270	2 240	:	30
Person considered to be a public threat	5	5	:	0

In 2009, the main countries of origin of the refused aliens were Ukraine (48%), Serbia (22%), Croatia (11%), Moldova (4%) and Turkey (3%). Possible explanation for the composition of refused aliens could be that Hungary has a relative long border with Serbia, Ukraine and Croatia.

Top 10 countries of citizenship (extra EU-27) concerning third country nationals refused entry at the external borders (table and diagram)

	Persons refused entry	Refused at the land border	Refused at the sea border	Refused at the air border
Ukraine	3 710	3 705		5
Serbia	1 730	1 730		0
Croatia	840	840		0
Moldova, Republic of	290	275		15
Turkey	260	250		10
Macedonia , the former Yugoslav Republic of	215	210		10
Russian Federation	150	145		5
Bosnia and Herzegovina	100	100		0
Albania	35	25		10
China (including Hong Kong)	35	15		20



Source: ORFK (Police)

5.2 Relationship between refusals, apprehensions and returns

The categories of apprehended and removed third-country nationals are closely interlinked. The most frequent nationalities in both categories are mostly the same. It can be observed that in all cases Ukrainian, Serbian, Kosovar, Moldovan and Turkish nationals constitute the main nationalities of illegal migration. The appearance of Kosovar nationals and the increase in the number of Serbian and Moldovan citizens in all categories is remarkable compared to the previous years.

6. ASYLUM: INTERNATIONAL PROTECTION (Article 4)

The Hungarian Government adopted the Strategy in April 2009. The Strategy aims to set down the aims of the Hungarian JHA policies from 2009 until 2014 with special focus on the fact that the Hungarian Presidency will take place in the first half of 2011. The 20-page document sets out clear goals on several fields from illegal immigration to visa policies and external policies as well. Regarding asylum issues the following is stated in the Strategy:

“In the field of asylum Hungary supports the goals planned to be achieved in the second phase of the Common European Asylum System (CEAS). It intends to elaborate the CEAS’s second phase by taking into account the latest achievements of the current legal framework related to asylum. Furthermore, it aims at enhancing the guarantees provided in respect of international legal obligations.

In parallel with the expected supervision in 2008-2010 of the directives and regulations adopted during the first phase of the CEAS as well as the implementation of the second phase of the CEAS by 2012, Hungary has to make efforts in order to let European asylum policy ensure adequate guarantees according to the requirements of international law for those seeking international protection and effective protection for those in need of it.

Hungary’s priority is to find the right balance between fighting against illegal migration and providing access to international protection, particularly by preventing and reducing misuses of asylum procedures. In order to accomplish this, we follow the guidelines laid down in the European Pact on Immigration and Asylum, stressing that the necessary strengthening of European borders should not prevent access for eligible persons to protection mechanisms.

Hungary promotes the establishment of the European Asylum Support Office in order to intensify practical cooperation between Member States in particular through the creation of a common country of origin information database, the establishment of a common interpreters network and a common training structure as well as the exchange of best practices in the field of asylum.

In accordance with the European Union’s efforts towards the creation of the common European resettlement programme, Hungary has to take steps towards the establishment of institutional and legal conditions allowing a successful execution of the resettlement programme. In this aspect Hungary encourages the harmonisation of national laws intending to facilitate the integration of those persons who have been granted international protection.



On the basis of the outcomes of the study on national protection statuses appearing in the Commission's Policy Plan on Asylum planned to be published in 2009, Hungary considers it a priority to harmonise the status of persons who do not belong either the category of recognised refugees or beneficiaries of subsidiary protection, yet they seek protection regarding the fact that they cannot be returned to their country for other reasons.

Hungary supports the European Union's initiatives aiming at intensifying solidarity as well as facilitating burden sharing among Member States and towards third countries, while taking into consideration the Member States' economical and integration capacities.

Several special programmes of the European Union offer opportunities for innovation, exchange of best practices, twinning programmes, support of common projects with Member States with a very high co-financial rate. Hungary is concerned in exploiting various application opportunities as far as possible.¹

6.1 Applications for International Protection

There were no important legislative or administrative changes in 2009 which could have had an impact on the number of asylum applications for the year 2009.

The trend of the constantly increasing number of asylum applicants started in 2004 continued in the reference year. Hungary is – although a transit country in European context – facing a relatively huge amount of migration flows, since, 4 670 foreigners applied for asylum in Hungary in 2009, which is a substantial growth (50%) from 2008. This is obviously caused by the radical increase in the number of the applicants with Afghan citizenship (1,195 persons), which is tenfold the number of the year before, and the quarter of the total number of applicants. Hungary is the second largest receiving country among the new EU Member States (EU-12). We can observe a significant increase in the number of Kosovar and Serbian applicants as well in 2009. Concerning the Kosovars this means 40% and 64% in the case of Serbians. Unlike the Kosovar applicants, the applications for international protection of Serbians were proven unfounded, as these applicants turned out to be economic migrants. In 2009 the number of Turkish applicants also increased, while the number of Somali asylum seekers dropped from 185 to 75 compared to 2008.

¹ Annual Policy Report 2009



Besides, in the reference year applicants arrived from several countries of origin which were not typical before, like Albania, Bosnia and Herzegovina, Ivory Coast, Lebanon or Sri Lanka. In the reference period the asylum seekers arrived from approximately 60 countries of origin to Hungary.

Top 10 countries of citizenship (extra EU-27) concerning asylum applicants

	Total
Kosovo (under United Nations Security Council Regulation 1244)	1 785
Afghanistan	1 195
Serbia	535
Turkey	115
Georgia	115
Iran (Islamic Republic of)	85
Somalia	75
Vietnam	75
Nigeria	65
Iraq	55

Asylum applicants by age groups:

	Total	Less than 14 years	From 14 to 17 years	From 18 to 34 years	From 35 to 64 years	65 years or over	Unknown
Total	4 670	1 040	420	2 635	575	5	0
Citizens of countries outside the EU-27	4 665	1 040	420	2 630	575	5	0
Stateless	0	0	0	0	0	0	0
Unknown	10	10	0	0	0	0	0

Asylum applicants by sex:

	Total	Males	Females	Unknown
Total	4 670	3 560	1 110	0
Citizens of countries outside the EU-27	4 660	3 555	1 105	0
Stateless	0	0	0	0
Unknown	10	5	5	0

Looking at the number of new asylum applications in 2009 (4113), we can observe an increase of 43.7 % compared to the number of new asylum applications in 2008 (2862). Therefore we can conclude that the multiannual (2004-2009) trend as regards the gradual increase of first asylum applications still persists.

The number of applicants who submitted subsequent applications for international protection (798 persons) was 17% compared to the total number of applicants in 2009. The number of applicants who submitted subsequent applications for international protection tripled compared to the previous year (262 persons). The reason for this was on the one hand the expected new legislation entering into force in January 2008 on repeated applications, which made the total number of applications atypically high in the end of 2007. And as a result of this in the beginning of 2008 the number of subsequent applications suddenly significantly dropped. On the other hand, the increased number of the Dublin transfers from other Member States caused increase in the number of subsequent applications, as all the persons transferred to Hungary under Dublin procedure submitted repeated applications in cases where their previous asylum procedure had been ceased or their previous asylum application had been rejected.

New asylum applications by sex

	Total	Males	Females	Unknown
Total	4 113	3 068	1 045	0
Citizens of countries outside the EU-27	4 008	3 065	1 043	0
Stateless	1	1	0	0
Unknown	11	8	3	0

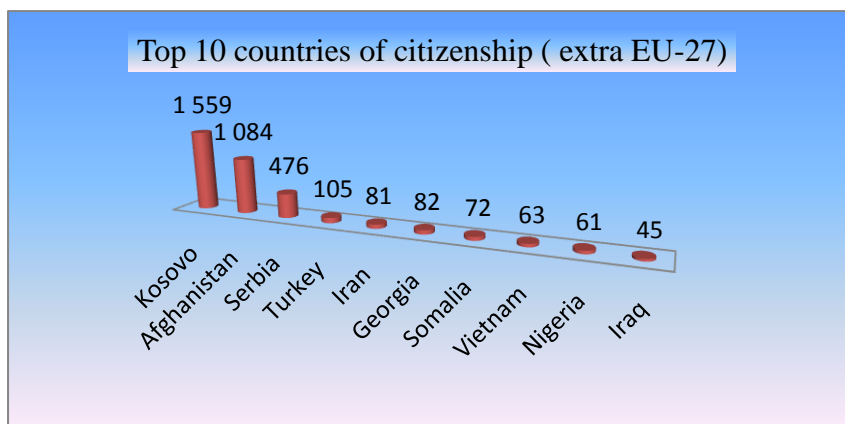
New asylum applications breakdown by age groups

	Total	Less than 14 years	From 14 to 17 years	From 18 to 34 years	From 35 to 64 years	65 years or over	Unknown
Total	4 113	1 036	391	2 163	518	5	0
Citizens of countries outside the EU-27	4 008	1 036	391	2 161	515	5	0
Stateless	1	0	0	0	1	0	0
Unknown	11	11	0	0	0	0	0

Top 10 countries of citizenship (extra EU-27) concerning new applications

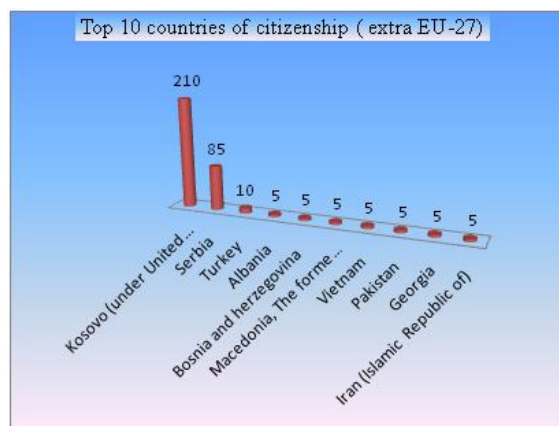
	Total
Kosovo	1 559
Afghanistan	1 084
Serbia	476
Turkey	105
Iran	81
Georgia	82
Somalia	72
Vietnam	63
Nigeria	61
Iraq	45

Source of data: OIN



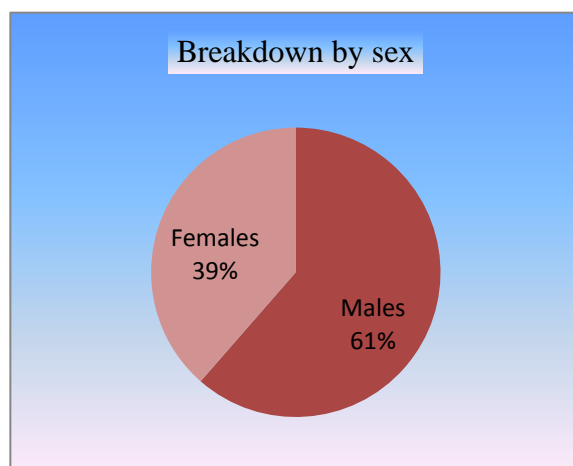
A total number of **350** asylum applications were **withdrawn** in the year 2009, by mainly applicants from Kosovo (210), Serbia (85) and Turkey (10). The majority of them were male (215), between the age of 18-34 (165).

Top 10 countries of citizenship (extra EU-27) concerning withdrawn applications



Asylum applications withdrawn breakdown by sex

	Total	Males	Females	Unknown
Total	350	215	135	0
Citizens of countries outside the EU-27	345	210	135	0
Stateless	0	0	0	0
Unknown	0	0	0	0



As regards the **trends** compared to 2008, we can notice a significant raise in the number of **illegally arriving asylum seekers**. The reason for that can be explained by the fact that whereas in 2008 the majority of asylum seekers (mainly from China and Vietnam) reached Hungary in a legal way, in 2009 the majority of Kosovar, Serbian and Afghan asylum seekers entered Hungary illegally. These figures reflect also that phenomenon that also those asylum seekers who arrived legally to Hungary claimed that they had arrived illegally and ruined or hid their documents from the authorities.

6.2 Decisions on International Protection

In Hungary the asylum proceedings have two instances: administrative and judicial. First instance means the decision of the refugee authority (Office of Immigration and Nationality, hereinafter: OIN) on the application. Against the negative decision of the OIN there is a possibility for redress before the courts. The decision on the legal remedy brought by the court means the second instance decision. According to the national system, there is no further redress against the decision of the court (the second instance decision).

First-instance decisions

According to statistical data, **a total of 1805 first-instance decisions** were brought on asylum applications during the reference year.

From this figure **a total 390 positive decisions** were made, which means 21.6% of all first-instance decisions. Positive decisions cover all decisions on the following: recognition as a refugee or a beneficiary of subsidiary protection or a person authorized to stay on humanitarian grounds.

The **recognition rate** of refugees remained the same in 2009 compared to 2008 (around 9%). In 2009 60 persons were recognized as beneficiaries of subsidiary protection, which means that in the

reference year almost three times as many refugees were recognized as beneficiaries of subsidiary protection. There was a significant increase in the number of persons authorized to stay under humanitarian grounds compared to 2008: from 42 to 155.

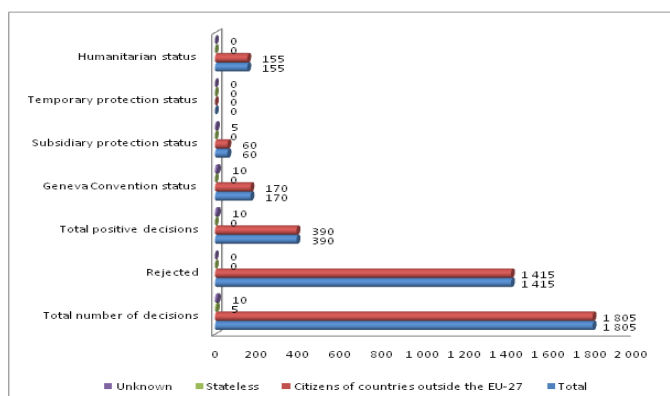
The **total number of negative decisions** including rejections and ceased procedures was 1415.

No persons were granted temporary protection in 2009.

First instance decision on applications

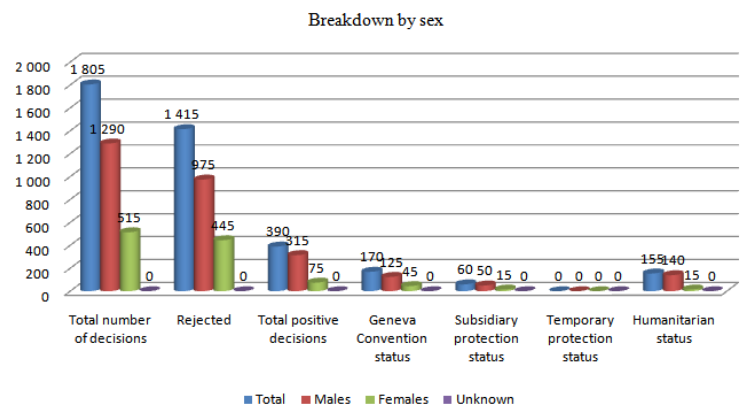
	Total number of decisions	Rejected	Total positive decisions	Geneva Convention status	Subsidiary protection status	Temporary protection status	Humanitarian status
Total	1 805	1 415	390	170	60	0	155
Citizens of countries outside the EU-27	1 805	1 415	390	170	60	0	155
Stateless	5	0	0	0	0	0	0
Unknown	10	0	10	10	5	0	0

First instance decision on applications (diagram)



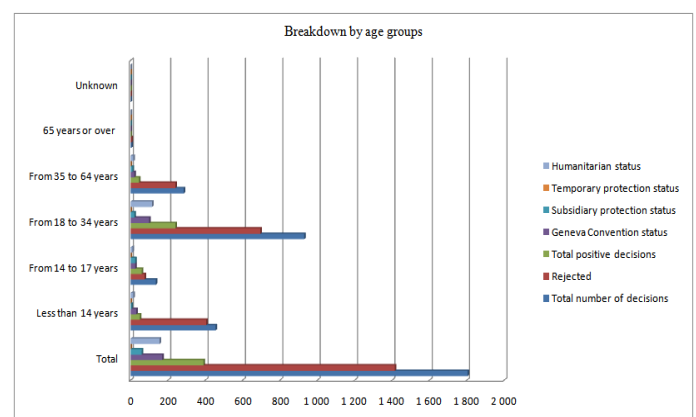
First instance decision breakdown by sex (table and diagram)

	Total	Males	Females	Unknown
Total number of decisions	1 805	1 290	515	0
Rejected	1 415	975	445	0
Total positive decisions	390	315	75	0
Geneva Convention status	170	125	45	0
Subsidiary protection status	60	50	15	0
Temporary protection status	0	0	0	0
Humanitarian status	155	140	15	0



First instance decision breakdown by age groups (table and diagram)

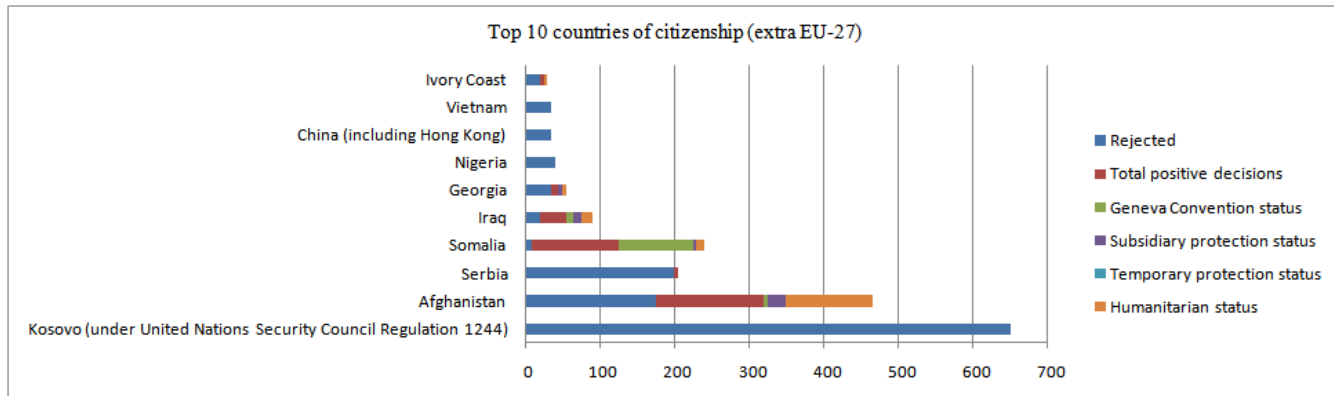
	Total	Less than 14 years	From 14 to 17 years	From 18 to 34 years	From 35 to 64 years	65 years or over	Unknown
Total number of decisions	1 805	455	135	930	285	5	0
Rejected	1 415	405	75	695	240	5	0
Total positive decisions	390	50	60	240	45	0	0
Geneva Convention status	170	30	25	100	20	0	0
Subsidiary protection status	60	5	25	20	10	0	0
Temporary protection status	0	0	0	0	0	0	0
Humanitarian status	155	15	10	115	15	0	0



Top 10 countries of citizenship (extra EU-27) concerning first instance decisions

	Total number of decisions	Rejected	Total positive decisions	Geneva Convention status	Subsidiary protection status	Temporary protection status	Humanitarian status
Kosovo (under United Nations Security Council Regulation 1244)	650	650	0	0	0	0	0
Afghanistan	320	175	145	5	25	0	115
Serbia	205	200	5	0	0	0	0
Somalia	120	10	115	100	5	0	10
Iraq	55	20	35	10	10	0	15
Georgia	50	35	10	0	5	0	5
Nigeria	40	40	0	0	0	0	0
China (including Hong Kong)	40	35	0	0	0	0	0
Vietnam	35	35	0	0	0	0	0
Ivory Coast	25	20	5	0	0	0	5

Top 10 countries of citizenship (extra EU-27) concerning first instance decisions (diagram)



Final decisions

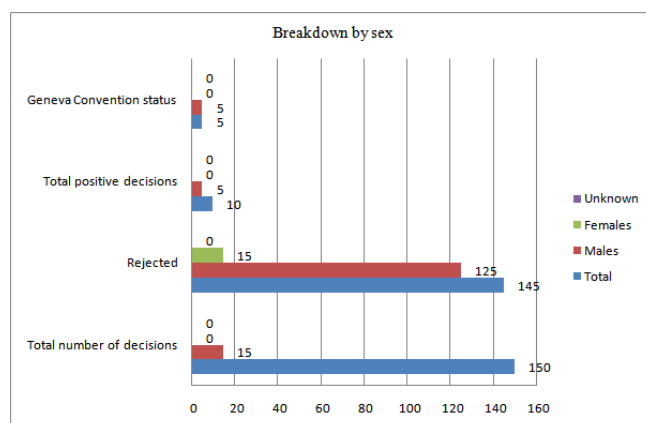
In 2009 150 final decisions were taken. Compared to 2008 when no positive decision was brought by the courts, in 2009 5 final positive decisions were taken and also the number of negative final decisions increased significantly, from 21 to 145. The recognition rate (the proportion of the total second instance decisions and the positive second instance decisions) of refugees by a final decision was 3% in the reference year. All 5 positive decisions were brought on the recognition of persons as refugees by the court.

Final decision on applications by citizenship

	Total number of decisions	Rejected	Total positive decisions	Geneva Convention status	Subsidiary protection status	Temporary protection status	Humanitarian status
Total	150	145	5	5	0	0	0
Citizens of countries outside the EU-27	150	145	5	5	0	0	0
Stateless	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0

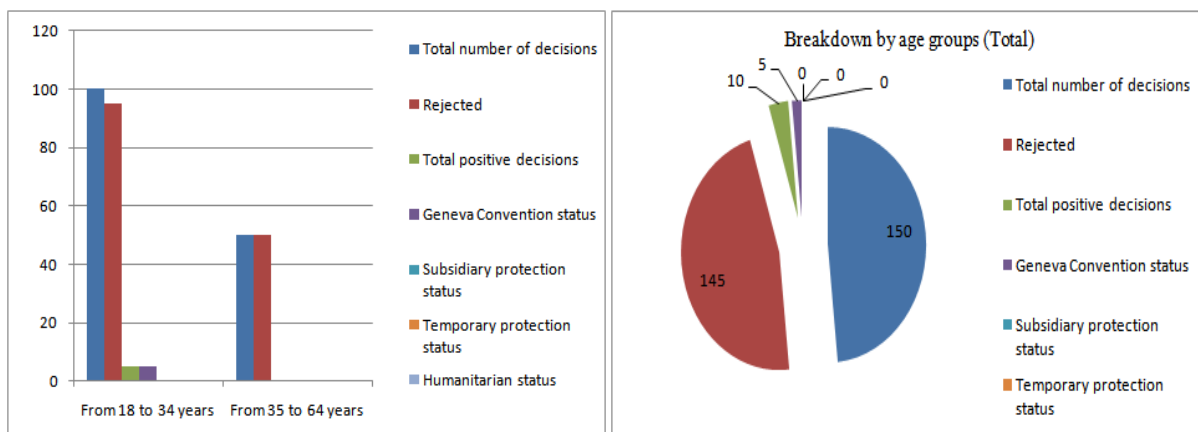
Final decision on applications breakdown by sex (table and diagram)

	Total	Males	Females	Unknown
Total number of decisions	150	15	:	:
Rejected	145	125	15	0
Total positive decisions	10	5	:	:
Geneva Convention status	5	5	:	:
Subsidiary protection status	0	0	0	0
Temporary protection status	0	0	0	0
Humanitarian status	0	0	0	0

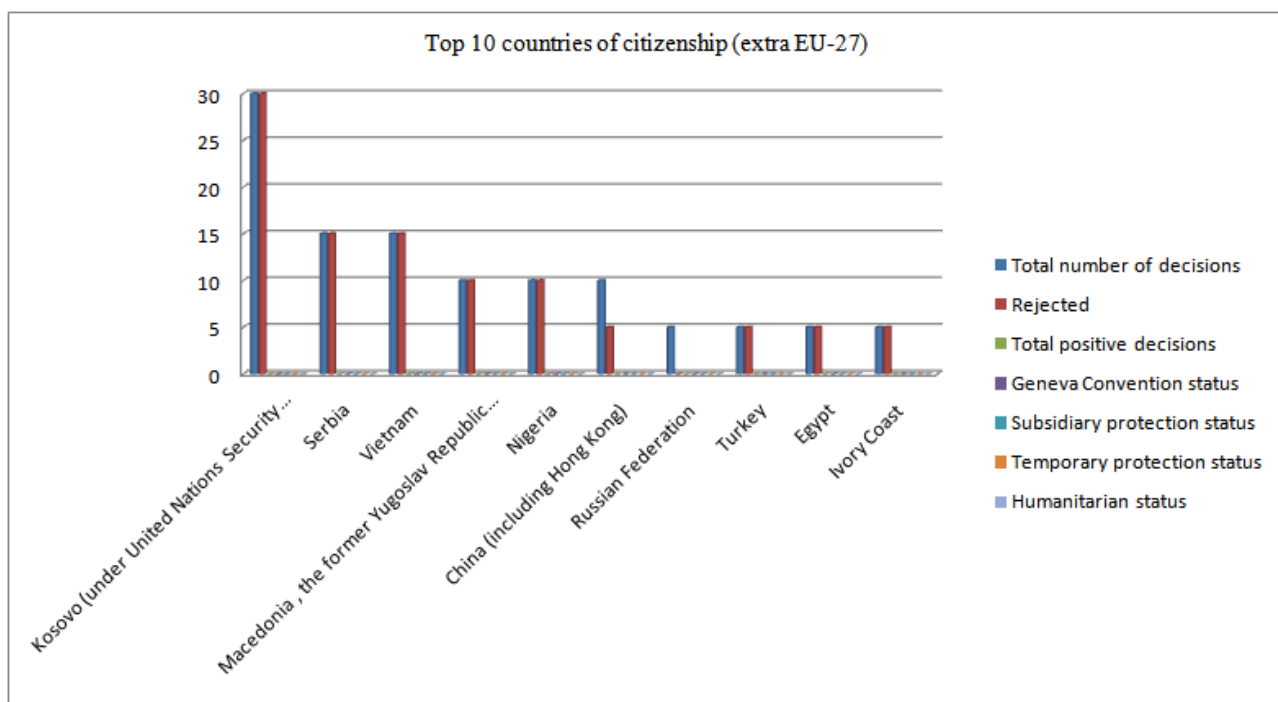


Final decision on applications breakdown by age groups (table and diagram)

	Total	Less than 14 years	From 14 to 17 years	From 18 to 34 years	From 35 to 64 years	65 years or over	Unknown
Total number of decisions	150	0	0	100	50	0	0
Rejected	145	0	0	95	50	0	0
Total positive decisions	10	0	0	5	0	0	0
Geneva Convention status	5	0	0	5	0	0	0
Subsidiary protection status	0	0	0	0	0	0	0
Temporary protection status	0	0	0	0	0	0	0
Humanitarian status	0	0	0	0	0	0	0



Top 10 countries of citizenship (extra EU-27) concerning final decision on applications



Decisions withdrawing status granted at first and final instance decision

The **total number** of decisions on withdrawing international protection status was 25 in 2009. The number first instance decisions on **withdrawing refugee status** was 2, while the number of first instance decisions on **withdrawing subsidiary protection status** was 23 in the year 2009.

Decisions withdrawing status granted at first instance decision by type of status withdrawn and by citizenship Annual aggregated data (rounded)

	Total number of withdrawals	Geneva Convention status	Subsidiary protection status	Temporary protection status	Humanitarian status
Total	25	2	23	:	:
Citizens of countries outside the EU-27	25	2	23	0	0
Stateless	0	0	0	0	0
Unknown	0	0	0	0	0

Top 10 countries of citizenship (extra EU-27)

	Total number of withdrawals	Geneva Convention status	Subsidiary protection status	Temporary protection status	Humanitarian status
Bosnia and Herzegovina	19	0	19	0	0
Afghanistan	2		2		
Iraq	2		2		
Nigeria	1		1		
Nepal	1		1		

6.3 Dublin Transfers

During 2009, there were a total of **2600 incoming requests** addressed to Hungary on behalf of the Member States, which is considered to be a **75.13 % increase** compared to last year. We can notice an **increase of 76.7%** as regards the number of **accepted requests (2067)**, and a **34.61% increase** regarding **refused requests (609)** compared to 2008.

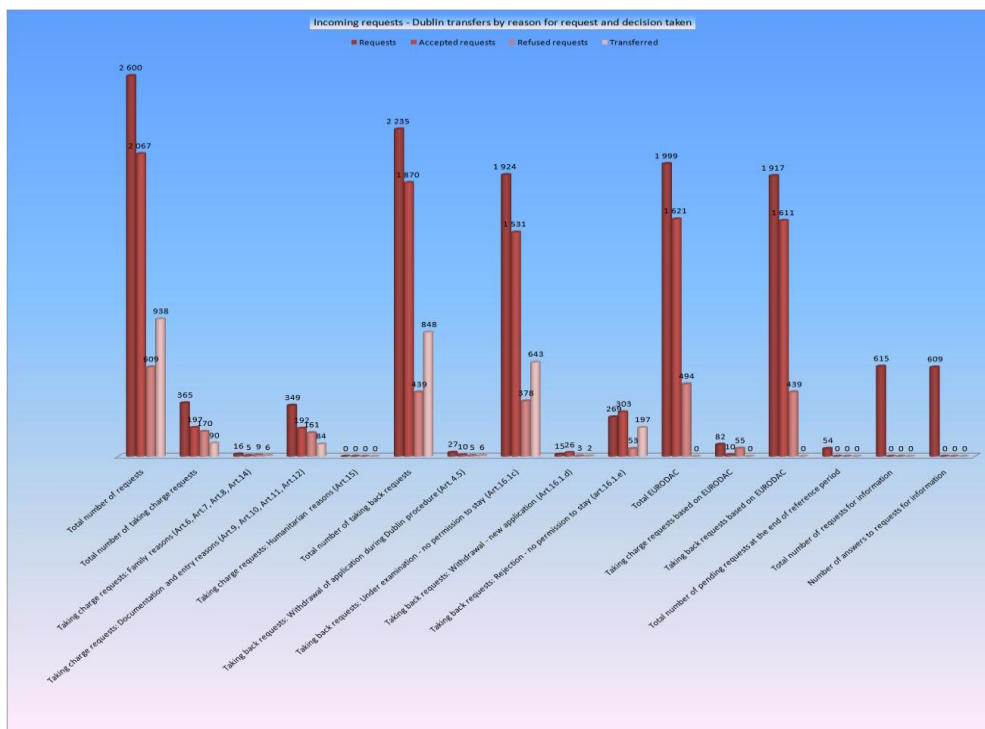
From the total of incoming requests the number of **incoming requests for taking back** amounted to **2235**, the number of **incoming requests for taking charge** was **365**. In consequence, the total number of **incoming requests for taking back and taking charge** amounted to **2600**.

The **provisions** on which the incoming requests mentioned above were based are the following: 16 for **family reasons** (Art. 6, Art. 7, Art. 8, Art. 14), 349 for **documentation and entry reasons** (Art. 9, Art. 10, Art. 11, Art. 12), 27 for **withdrawal of application during Dublin procedure** (Art.

4.5), 1924 for “**under examination - no permission to stay**” (Art.16.1c), 15 for **withdrawal - new application** (Art.16.1.d), 269 for **rejection - no permission to stay** (art.16.1.e). The decisions taken in response to the requests detailed above can be found in the graphics below. The **total number of incoming requests for information** amounted to **615** in 2009.

	Requests	Accepted requests	Refused requests	Transferred
Total number of requests	2 600	2 067	609	938
Total number of taking charge requests	365	197	170	90
Taking charge requests: Family reasons (Art.6, Art.7, Art.8, Art.14)	16	5	9	6
Taking charge requests: Documentation and entry reasons (Art.9, Art.10, Art.11, Art.12)	349	192	161	84
Taking charge requests: Humanitarian reasons (Art.15)	0	0	0	0
Total number of taking back requests	2 235	1 870	439	848
Taking back requests: Withdrawal of application during Dublin procedure (Art. 4.5)	27	10	5	6
Taking back requests: Under examination - no permission to stay (Art.16.1c)	1 924	1 531	378	643
Taking back requests: Withdrawal - new application (Art.16.1.d)	15	26	3	2
Taking back requests: Rejection - no permission to stay (art.16.1.e)	269	303	53	197
Total EURODAC	1 999	1 621	494	:
Taking charge requests based on EURODAC	82	10	55	:
Taking back requests based on EURODAC	1 917	1 611	439	:
Total number of pending requests at the end of reference period	54	:	:	:
Total number of requests for information	615	:	:	:
Number of answers to requests for information	609	:	:	:

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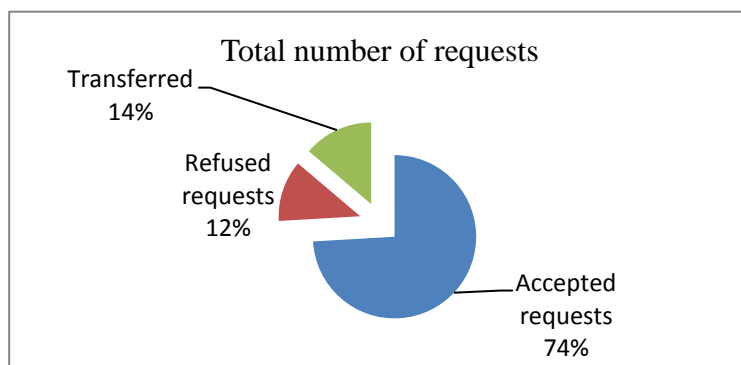
Total Incoming requests by Member State requesting and reason for request

	Taking charge requests: Family reasons (Art.6, Art.7, Art.8, Art.14)	Taking charge requests: Document and entry reasons (Art.9, Art.10, Art.11, Art.12)	Taking charge requests: Humanitarian reasons (Art.15)	Taking back requests: Withdrawal of application during Dublin procedure (Art.4.5)	Taking back requests: Under examination - no permission to stay (Art.16.1.d)	Taking back requests: Withdrawal - new application (Art.16.1.e)	Taking back requests: Rejection - no permission to stay (Art.16.1.e)	Taking charge requests based on EURODAC	Taking back requests based on EURODAC	Total number of requests for information
Belgium	1	9	0	0	151	2	71	2	153	3
Bulgaria	0	0	0	0	1	0	0	0	1	0
Czech Republic	0	3	0	0	7	0	1	0	6	3
Denmark	0	4	0	0	13	1	0	1	11	0
Germany (including for)	0	51	0	0	330	2	79	11	338	10
Estonia	0	0	0	0	0	0	0	0	0	0
Ireland	0	0	0	0	2	0	0	0	2	2
Greece	0	0	0	0	0	0	0	0	0	0
Spain	0	0	0	0	0	0	0	0	0	0
France	7	37	0	25	329	4	18	21	310	25
Italy	0	2	0	0	36	0	0	0	36	1
Cyprus	0	0	0	0	0	0	0	0	0	0
Latvia	0	0	0	0	0	0	0	0	0	0
Lithuania	0	0	0	0	5	0	0	0	2	2
Luxembourg	0	1	0	0	9	0	1	0	4	0
Hungary	0	0	0	0	0	0	0	0	0	0
Malta	0	0	0	0	0	0	0	0	0	0
Netherlands	0	3	0	0	57	0	1	1	55	4
Austria	4	135	0	0	580	5	35	17	564	467
Poland	0	0	0	0	5	0	0	0	4	1
Portugal	0	0	0	0	0	0	0	0	0	0
Romania	0	2	0	0	7	0	2	2	9	0
Slovenia	0	3	0	0	1	0	0	0	1	0
Slovakia	0	6	0	0	9	0	4	5	10	0
Finland	1	5	0	0	11	0	4	2	15	8
Sweden	3	71	0	2	89	1	7	13	91	70
United Kingdom	0	1	0	0	33	0	1	0	33	3
Iceland	0	0	0	0	0	0	0	0	0	1
Norway	0	8	0	0	57	0	1	4	48	12
Switzerland	0	8	0	0	192	0	44	3	224	3
Total	16	349	0	27	1 924	15	269	82	1 917	615

The Dublin Coordination Unit of the Office of Immigration and Nationality sent **606 outgoing requests (out of which 483 were accepted, 79 were refused)** for Dublin transfer and **38 requests for information**, which can be considered a **61.5 % increase** compared to last year. The number of **accepted outgoing requests** amounted to **483**, out of which a total of **90 transfers** were undertaken, which shows an **efficiency rate of 42.8%**, which is much higher compared to 2008.

Outgoing requests - Dublin transfers by reason for request and decision taken

	Requests	Accepted requests	Refused requests	Transferred
Total number of requests	606	483	79	90
Total number of taking charge requests	386	233	24	20
Taking charge requests: Family reasons (Art.6, Art.7, Art.8, Art.14)	10	4	4	0
Taking charge requests: Documentation and entry reasons (Art.9, Art.10, Art.11, Art.12)	374	229	18	20
Taking charge requests: Humanitarian reasons (Art.15)	2	0	2	0
Total number of taking back requests	220	250	55	70
Taking back requests: Withdrawal of application during Dublin procedure (Art. 4.5)	0	0	0	0
Taking back requests: Under examination - no permission to stay (Art.16.1c)	192	227	43	44
Taking back requests: Withdrawal - new application (Art.16.1.d)	1	0	1	1
Taking back requests: Rejection - no permission to stay (art.16.1.e)	27	23	11	25
Total EURODAC	487	408	52	:
Taking charge requests based on EURODAC	196	167	0	:
Taking back requests based on EURODAC	291	241	52	:
Total number of pending requests at the end of reference period	34	:	:	:
Total number of requests for information	38	:	:	:
Number of answers to requests for information	26	:	:	:



Total Outgoing requests by Member State requesting and reason for request

	Taking charge requests: Family reasons (Art.6, Art.7, Art.8, Art.14)	Taking charge requests: Document and entry reasons (Art.9, Art.10, Art.11, Art.12)	Taking charge requests: Humanitarian reasons (Art.15)	Taking back requests: Withdrawal of application during Dublin procedure (Art. 4.5)	Taking back requests: Under examination - no permission to stay (Art.16.1c)	Taking back requests: Withdrawal - new application (Art.16.1.d)	Taking back requests: Rejection - no permission to stay (art.16.1.e)	Taking charge requests based on EURODAC	Taking back requests based on EURODAC	Total number of requests for information
Belgium	4	0	0	0	6	0	0	1	6	1
Bulgaria	1	0	0	0	10	0	0	0	10	0
Czech Republic	0	1	0	0	1	0	1	0	2	0
Denmark	0	0	0	0	0	0	0	0	0	0
Germany (including former GDR from 1991)	0	2	0	0	10	0	1	0	10	5
Estonia	0	0	0	0	0	0	0	0	0	0
Ireland	0	0	0	0	0	0	0	0	0	0
Greece	0	293	0	0	64	0	6	194	154	3
Spain	0	1	0	0	0	0	0	0	0	0
France	0	3	0	0	5	0	1	0	6	2
Italy	0	6	0	0	6	0	0	0	6	2
Cyprus	0	0	0	0	0	0	0	0	0	0
Latvia	0	0	0	0	0	0	0	0	0	0
Lithuania	0	0	0	0	0	0	0	0	0	0
Luxembourg	0	0	0	0	1	0	0	0	1	0
Hungary	0	0	0	0	0	0	0	0	0	0
Malta	0	0	0	0	0	0	0	0	0	0
Netherlands	0	0	0	0	1	0	1	0	2	1
Austria	0	2	0	0	26	1	7	0	31	8
Poland	0	0	1	0	11	0	0	0	7	0
Portugal	0	0	0	0	0	0	0	0	0	0
Romania	1	65	1	0	34	0	2	0	32	11
Slovenia	0	0	0	0	1	0	0	0	1	0
Slovakia	0	1	0	0	5	0	1	0	6	2
Finland	2	0	0	0	0	0	0	1	0	0
Sweden	1	0	0	0	2	0	3	0	4	0
United Kingdom	0	0	0	0	5	0	4	0	9	3
Iceland	0	0	0	0	0	0	0	0	0	0
Norway	0	0	0	0	2	0	0	0	2	0
Switzerland	1	0	0	0	2	0	0	0	2	0
Total	10	374	2	0	192	1	27	196	291	38

6.4 Unaccompanied Minors

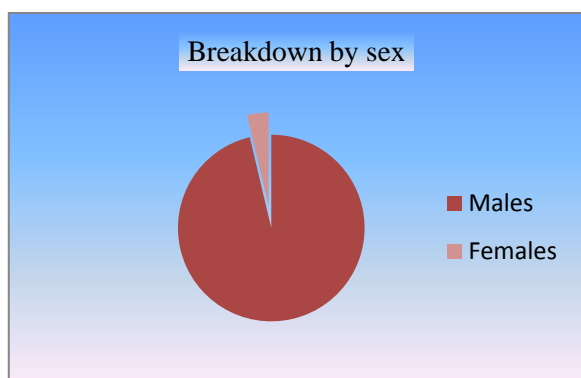
In Hungary the **majority of unaccompanied minors** coming from third countries usually **submit an asylum claim**.

In 2009 a new centre was established meeting the needs of young adults. The Centre for Young Adults is designed for recognized refugees or subsidiary protected persons who were unaccompanied minors during the asylum procedure, but they reached 18 years of age before their recognition as a beneficiary of international protection. . The Centre is situated at the premises of the so-called pre-integration centre and has a capacity to accommodate 10-12 people.

In 2009, 270 unaccompanied minors submitted an application for asylum in Hungary, which means an increase of 325% compared to 2008.

In 2009, the **top 5 nationalities** amongst unaccompanied minors who submitted an asylum application in Hungary were: Afghan (195), Kosovo (15), Somali (15), Moldova (10) and Serbian (10). The majority of them were males (260), between the age of 14-15.

Number of unaccompanied minor asylum seekers breakdown by sex

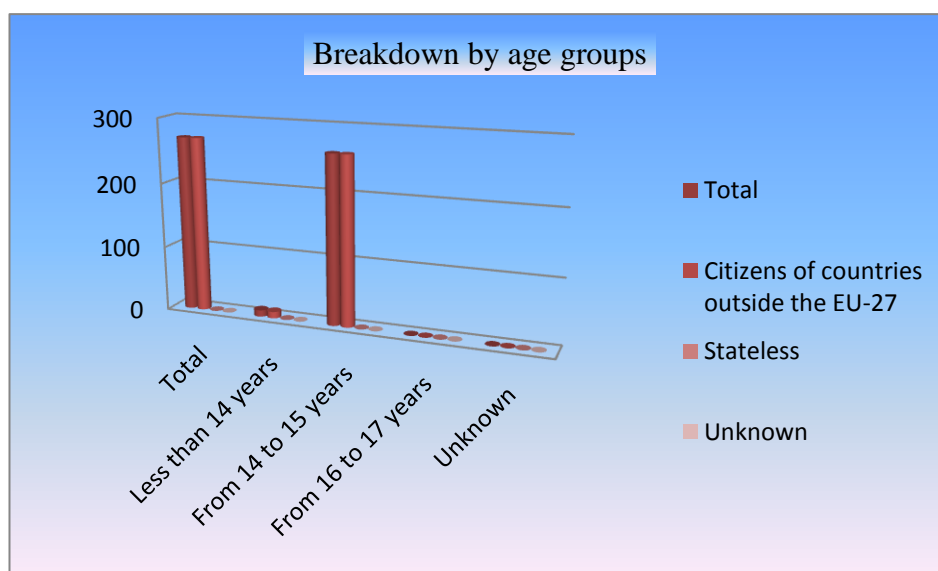


	Total	Males	Females	Unknown
Total	270	260	10	0
Citizens of countries outside the EU-27	270	260	10	0
Stateless	0	0	0	0
Unknown	0	0	0	0

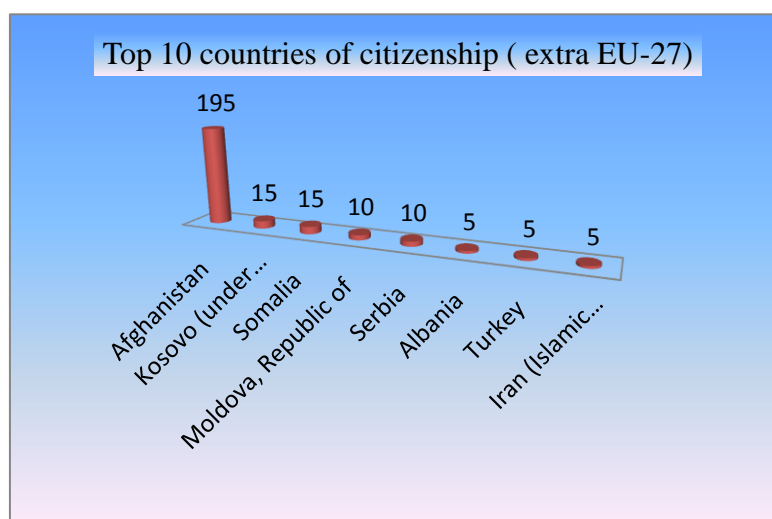
Number of unaccompanied minor asylum seekers breakdown by age groups

	Total	Less than 14 years	From 14 to 15 years	From 16 to 17 years	Unknown
Total	270	10	260	0	0
Citizens of countries outside the EU-27	270	10	260	0	0
Stateless	0	0	0	0	0
Unknown	0	0	0	0	0

Number of unaccompanied minor asylum seekers breakdown by age groups (diagram)



Top 10 countries of citizenship (extra EU-27) concerning unaccompanied minor asylum seekers



ANNEX 1

Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (Text with EEA relevance)

Official Journal L 199 , 31/07/2007 P. 0023 - 0029

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty establishing the European Community, and in particular Article 285(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee [1],

Acting in accordance with the procedure laid down in Article 251 of the Treaty [2],

Whereas:

(1) The conclusions of the Justice and Home Affairs Council of 28- 29 May 2001 considered, regarding common analysis and the improved exchange of statistics on asylum and migration, that there is a need for a comprehensive and coherent framework for future action on improving statistics.

(2) In April 2003, the Commission released a Communication to the Council and to the European Parliament, setting out an Action Plan for the collection and analysis of Community Statistics in the field of migration. This included a number of important changes designed to improve the completeness and degree of harmonisation of these statistics. Under the Action Plan, the Commission aimed to propose legislation on Community statistics on migration and asylum.

(3) The Thessaloniki European Council of 19 and 20 June 2003 concluded that more effective mechanisms were needed for the collection and analysis of information on migration and asylum in the European Union.

(4) The European Parliament in its resolution of 6 November 2003 [3] on the abovementioned Communication from the Commission noted that legislation was required to ensure the production of comprehensive statistics necessary for the development of fair and effective Community policies on migration. The resolution supports the Commission's plans to propose legislation for migration and asylum statistics.

(5) Enlargement of the European Union has brought an added geographical and political dimension to the scale of the phenomena associated with migration. It has also brought a further impetus to the demand for accurate, timely and harmonised statistical information. There is also an increasing need for statistical information regarding the profession, education, qualifications and type of activity of migrants.

(6) Harmonised and comparable Community statistics on migration and asylum are essential for the development and monitoring of Community legislation and policies relating to immigration and asylum, and to the free movement of persons.

(7) There is a need to reinforce the exchange of statistical information on asylum and migration and to improve the quality of Community statistical collections and outputs which have, hitherto, taken place on the basis of a series of "gentlemen's agreements".

(8) It is essential that information be available, throughout the European Union, for the purposes of

monitoring the development and implementation of Community legislation and policy. In the main, current practice does not sufficiently ensure, in a uniform manner, regular, timely and rapid delivery and dissemination of harmonised data.

(9) This Regulation does not cover estimates of the number of persons illegally resident in the Member States. Member States should not provide such estimates or data on such persons to the Commission (Eurostat), although they may be included in population stocks due to surveys.

(10) Wherever possible, the definitions used for the purposes of this Regulation are taken from the United Nations Recommendations on Statistics of International Migration, the United Nations Recommendations for the Censuses of Population and Housing in the ECE Region or EC legislation, and should be updated following the relevant procedures.

(11) New Community needs on statistics on migration and asylum render obsolete the provisions of Council Regulation (EEC) No 311/76 of 9 February 1976 on the compilation of statistics on foreign workers [4].

(12) Regulation (EEC) No 311/76 should therefore be repealed.

(13) Since the objective of this Regulation to establish common rules for the collection and compilation of Community statistics on migration and international protection cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(14) Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics [5] constitutes the reference framework for the provisions of this Regulation. In particular, it requires conformity to standards of impartiality, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality.

(15) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [6].

(16) In particular, the Commission should be empowered to update the definitions, to decide on the groupings of data and additional disaggregations and to lay down the rules on accuracy and quality standards. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation and to supplement it by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny laid down in Article 5a of Decision 1999/468/EC.

(17) The Statistical Programme Committee, established by Council Decision 89/382/EEC, Euratom of 19 June 1989 establishing a Committee on the Statistical Programmes of the European Communities [7], has been consulted in accordance with Article 3 of that Decision,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes common rules for the collection and compilation of Community statistics on:

(a) immigration to and emigration from the Member State territories, including flows from the

territory of one Member State to that of another Member State and flows between a Member State and the territory of a third country;

(b) the citizenship and country of birth of persons usually resident in the territory of the Member States;

(c) administrative and judicial procedures and processes in the Member States relating to immigration, granting of permission to reside, citizenship, asylum and other forms of international protection and the prevention of illegal immigration.

Article 2

Definitions

1. For the purposes of this Regulation, the following definitions shall apply:

(a) "usual residence" means the place at which a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage or, in default, the place of legal or registered residence;

(b) "immigration" means the action by which a person establishes his or her usual residence in the territory of a Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another Member State or a third country;

(c) "emigration" means the action by which a person, having previously been usually resident in the territory of a Member State, ceases to have his or her usual residence in that Member State for a period that is, or is expected to be, of at least 12 months;

(d) "citizenship" means the particular legal bond between an individual and his or her State, acquired by birth or naturalisation, whether by declaration, choice, marriage or other means according to national legislation;

(e) "country of birth" means the country of residence (in its current borders, if the information is available) of the mother at the time of the birth or, in default, the country (in its current borders, if the information is available) in which the birth took place;

(f) "immigrant" means a person undertaking an immigration;

(g) "emigrant" means a person undertaking an emigration;

(h) "long-term resident" means long-term resident as defined in Article 2(b) of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents [8];

(i) "third-country national" means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty, including stateless persons;

(j) "application for international protection" means application for international protection as defined in Article 2(g) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted [9];

(k) "refugee status" means refugee status as defined in Article 2(d) of Directive 2004/83/EC;

(l) "subsidiary protection status" means subsidiary protection status as defined in Article 2(f) of Directive 2004/83/EC;

(m) "family members" means family members as defined in Article 2(i) of Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national [10];

(n) "temporary protection" means temporary protection as defined in Article 2(a) of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the

event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof [11];

(o) "unaccompanied minor" means an unaccompanied minor as defined in Article 2(i) of Directive 2004/83/EC;

(p) "external borders" means external borders as defined in Article 2(2) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) [12];

(q) "third-country nationals refused entry" means third-country nationals who are refused entry at the external border because they do not fulfil all the entry conditions laid down in Article 5(1) of Regulation (EC) No 562/2006 and do not belong to the categories of persons referred to in Article 5(4) of that Regulation;

(r) "third-country nationals found to be illegally present" means third-country nationals who are officially found to be on the territory of a Member State and who do not fulfil, or no longer fulfil, the conditions for stay or residence in that Member State;

(s) "resettlement" means the transfer of third-country nationals or stateless persons on the basis of an assessment of their need for international protection and a durable solution, to a Member State, where they are permitted to reside with a secure legal status.

2. Member States shall report to the Commission (Eurostat) on the use and probable effects of estimations or other methods of adapting statistics based on national definitions to comply with the harmonised definitions set out in paragraph 1.

3. For the reference year 2008, the statistics supplied to the Commission (Eurostat) under this Regulation may be based on alternative (national) definitions. In such cases, Member States shall notify the Commission (Eurostat) of these alternative definitions.

4. If a Member State is not bound by one or more of the legal texts referred to in the definitions in paragraph 1, statistics comparable with those required under this Regulation should be provided by that Member State where they can be provided under existing legislative and/or administrative procedures.

Article 3

Statistics on international migration, usually resident population and acquisition of citizenship

1. Member States shall supply to the Commission (Eurostat) statistics on the numbers of:

(a) immigrants moving to the territory of the Member State, disaggregated as follows:

(i) groups of citizenship by age and sex;

(ii) groups of country of birth by age and sex;

(iii) groups of country of previous usual residence by age and sex;

(b) emigrants moving from the territory of the Member State disaggregated as follows:

(i) groups of citizenships;

(ii) age;

(iii) sex;

(iv) groups of countries of next usual residence;

(c) persons having their usual residence in the Member State at the end of the reference period, disaggregated as follows:

(i) groups of citizenship by age and sex;

(ii) groups of country of birth by age and sex;

(d) persons having their usual residence in the territory of the Member State and having acquired during the reference year the citizenship of the Member State and having formerly held the citizenship of another Member State or a third country or having formerly been stateless, disaggregated by age and sex, and by the former citizenship of the persons concerned and by whether the person was formerly stateless.

2. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within 12 months of the end of the reference year. The first reference year shall be 2008.

Article 4

Statistics on international protection

1. Member States shall supply to the Commission (Eurostat) statistics on the numbers of:

(a) persons having submitted an application for international protection or having been included in such an application as a family member during the reference period;

(b) persons who are the subject of applications for international protection under consideration by the responsible national authority at the end of the reference period;

(c) applications for international protection having been withdrawn during the reference period.

These statistics shall be disaggregated by age and sex, and by the citizenship of the persons concerned. They shall relate to reference periods of one calendar month and shall be supplied to the Commission (Eurostat) within two months of the end of the reference month. The first reference month shall be January 2008.

2. Member States shall supply to the Commission (Eurostat) statistics on the numbers of:

(a) persons covered by first instance decisions rejecting applications for international protection, such as decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period;

(b) persons covered by first instance decisions granting or withdrawing refugee status, taken by administrative or judicial bodies during the reference period;

(c) persons covered by first instance decisions granting or withdrawing subsidiary protection status, taken by administrative or judicial bodies during the reference period;

(d) persons covered by first instance decisions granting or withdrawing temporary protection, taken by administrative or judicial bodies during the reference period;

(e) persons covered by other first instance decisions granting or withdrawing authorisation to stay for humanitarian reasons under national law concerning international protection, taken by administrative or judicial bodies during the reference period.

These statistics shall be disaggregated by age and sex, and by the citizenship of the persons concerned. They shall relate to reference periods of three calendar months and shall be supplied to the Commission (Eurostat) within two months of the end of the reference period. The first reference period shall be January to March 2008.

3. Member States shall supply to the Commission (Eurostat) statistics on the numbers of:

(a) applicants for international protection who are considered by the responsible national authority to be unaccompanied minors during the reference period;

(b) persons covered by final decisions rejecting applications for international protection, such as

decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies in appeal or review during the reference period;

(c) persons covered by final decisions granting or withdrawing refugee status taken by administrative or judicial bodies in appeal or review during the reference period;

(d) persons covered by final decisions granting or withdrawing subsidiary protection status taken by administrative or judicial bodies in appeal or review during the reference period;

(e) persons covered by final decisions granting or withdrawing temporary protection taken by administrative or judicial bodies in appeal or review during the reference period;

(f) persons covered by other final decisions, taken by administrative or judicial bodies in appeal or review, granting or withdrawing authorisations to stay for humanitarian reasons under national law concerning international protection during the reference period;

(g) persons who have been granted an authorisation to reside in a Member State within the framework of a national or Community resettlement scheme during the reference period, where such a scheme is implemented in that Member State.

These statistics shall be disaggregated by age and sex, and by the citizenship of the persons concerned. They shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within three months of the end of the reference year. The first reference year shall be 2008.

4. Member States shall supply to the Commission (Eurostat) the following statistics on the application of Regulation (EC) No 343/2003 and Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 [13]:

(a) the numbers of requests for taking back or taking charge of an asylum seeker;

(b) the provisions on which the requests referred to in point (a) are based;

(c) the decisions taken in response to the requests referred to in point (a);

(d) the numbers of transfers to which the decisions referred to in point (c) lead;

(e) the number of requests for information.

These statistics shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within three months of the end of the reference year. The first reference year shall be 2008.

Article 5

Statistics on the prevention of illegal entry and stay

1. Member States shall supply to the Commission (Eurostat) statistics on the numbers of:

(a) third-country nationals refused entry to the Member State's territory at the external border;

(b) third-country nationals found to be illegally present in the Member State's territory under national laws relating to immigration.

The statistics under point (a) shall be disaggregated in accordance with Article 13(5) of Regulation (EC) No 562/2006.

The statistics under point (b) shall be disaggregated by age and sex, and by citizenship of the persons concerned.

2. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within three months of the end of the reference year. The first reference year shall be 2008.

Article 6**Statistics on residence permits and residence of third-country nationals**

1. Member States shall supply to the Commission (Eurostat) statistics on:

(a) the number of residence permits issued to persons who are third-country nationals, disaggregated as follows:

(i) permits issued during the reference period whereby the person is being granted permission to reside for the first time, disaggregated by citizenship, by the reason for the permit being issued and by the length of validity of the permit;

(ii) permits issued during the reference period and granted on the occasion of a person changing immigration status or reason for stay, disaggregated by citizenship, by the reason for the permit being issued and by the length of validity of the permit;

(iii) valid permits at the end of the reference period (number of permits issued, not withdrawn and not expired), disaggregated by citizenship, by the reason for the issue of the permit and by the length of validity of the permit;

(b) the number of long-term residents at the end of the reference period, disaggregated by citizenship.

2. Where the national laws and administrative practices of a Member State allow for specific categories of long-term visa or immigration status to be granted instead of residence permits, counts of such visas and grants of status are to be included in the statistics required under paragraph 1.

3. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within six months of the end of the reference year. The first reference year shall be 2008.

Article 7**Statistics on returns**

1. Member States shall supply to the Commission (Eurostat) statistics relating to:

(a) the number of third-country nationals found to be illegally present in the territory of the Member State who are subject to an administrative or judicial decision or act stating or declaring that their stay is illegal and imposing an obligation to leave the territory of the Member State, disaggregated by citizenship of the persons concerned;

(b) the number of third-country nationals who have in fact left the territory of the Member State, following an administrative or judicial decision or act, as referred to in point (a), disaggregated by the citizenship of the persons returned.

2. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within three months of the end of the reference year. The first reference year shall be 2008.

3. The statistics referred to in paragraph 1 shall not include third-country nationals who are transferred from one Member State to another Member State under the mechanism established by Regulations (EC) No 343/2003 and (EC) No 1560/2003.

Article 8

Additional disaggregations

1. The Commission may adopt measures relating to the definition of additional disaggregations as set out below for the following statistics:

(a) for statistics required under Article 4 as a whole, disaggregations by:

(i) year of submission of the application;

(b) for statistics required under Article 4(4), disaggregations by:

(i) number of persons concerned by the request, decision and transfer;

(c) for statistics required under Article 5(1)(a), disaggregations by:

(i) age;

(ii) sex;

(d) for statistics required under Article 5(1)(b), disaggregations by:

(i) grounds for the apprehension;

(ii) place of the apprehension;

(e) for statistics required under Article 6, disaggregations by:

(i) year in which permission to reside was first granted;

(ii) age;

(iii) sex;

(f) for statistics required under Article 7, disaggregations by:

(i) reason for the decision or act imposing an obligation to leave;

(ii) age;

(iii) sex.

2. The additional disaggregations mentioned in paragraph 1 shall be supplied only separately, and not cross-classified with the disaggregations required under Articles 4 to 7.

3. When deciding whether additional disaggregations are required, the Commission shall consider the need for this information for the purposes of developing and monitoring Community policies and shall consider the availability of appropriate data sources and the costs involved.

Negotiations on additional disaggregations that may be needed for the application of Articles 4 to 7 shall be initiated not later than 20 August 2009. The earliest reference year for the implementation of additional disaggregations shall be 2010.

Article 9

Data sources and quality standards

1. The statistics shall be based on the following data sources according to their availability in the Member State and in accordance with national laws and practices:

(a) records of administrative and judicial actions;

(b) registers relating to administrative actions;

(c) registers of the population of persons or of a particular sub-group of that population;

(d) censuses;

(e) sample surveys;

(f) other appropriate sources.

As part of the statistics process, scientifically based and well documented statistical estimation methods may be used.

2. Member States shall report to the Commission (Eurostat) on the data sources used, the reasons

for the selection of these sources and the effects of the selected data sources on the quality of the statistics, and on the estimation methods used, and shall keep the Commission (Eurostat) informed of changes thereto.

3. At the request of the Commission (Eurostat), Member States shall provide it with all the information necessary to evaluate the quality, comparability and completeness of the statistical information.

4. Member States shall inform the Commission (Eurostat) without delay of revisions and corrections to the statistics supplied under this Regulation, and of any changes in the methods and data sources used.

5. The measures relating to the definition of the appropriate formats for the transmission of data shall be adopted in accordance with the regulatory procedure referred to in Article 11(2).

Article 10

Implementing measures

1. The measures necessary for the implementation of this Regulation laying down the rules on the appropriate formats for the transmission of data as provided for in Article 9 shall be adopted in accordance with the regulatory procedure referred to in Article 11(2).

2. The following measures necessary for the implementation of this Regulation and designed to amend its non-essential elements, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3):

- (a) updating the definitions set out in Article 2(1);
- (b) defining the categories of groups of country of birth, groups of country of previous and next usual residence and groups of citizenship as provided for in Article 3(1);
- (c) defining the categories of the reasons for the permit as provided for in Article 6(1)(a);
- (d) defining the additional disaggregations and the levels of disaggregations to be applied to the variables as provided for in Article 8;
- (e) laying down the rules on accuracy and quality standards.

Article 11

Committee

1. In adopting the implementing measures, the Commission shall be assisted by the Statistical Programme Committee, established by Decision 89/382/EEC, Euratom.

2. Where reference is made to this paragraph, Article 5 and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 12

Report





Annual Report on Migration and International Protection Statistics 2009

By 20 August 2012 and every three years thereafter, the Commission shall submit a report to the European Parliament and the Council on the statistics compiled pursuant to this Regulation and on their quality.

Article 13

Repeal

Regulation (EEC) No 311/76 is hereby repealed.

Article 14

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union. This Regulation shall be binding in its entirety and directly applicable in all Member States.



ANNEX 2

OUTCOMES OF STATISTICS WORKSHOP

The initial suggestion for such a workshop was raised at the 34th EMN NCP meeting in June 2009 and discussed further (and finally agreed on) at the 35th EMN NCP meeting in July 2009. A number of EMN NCPs supported holding such a workshop, considering that this would be important since a number of EMN NCPs were not national data providers to the Commission (Eurostat). It was also considered useful to have an in-depth discussion on the production of the EMN's Annual Reports with relevant experts from the Commission (Eurostat), from national data providers, researchers and EMN NCPs.

The purpose of the workshop was thus to better understand how data are provided/processed and also as a forum for EMN NCPs to share their experiences/difficulties encountered in producing an Annual Report. In this way, the workshop served not only to better understand the role and activities of the different actors, but also to consider how such reports might be produced sooner.

A number of useful aspects arose, which are summarised here:

- If not already existing, establish closer links with national data providers. This would permit, for example, data to be provided to an EMN NCP at the same time as it is sent to the Commission (Eurostat), including any subsequent updates.
- The EMN NCPs could act as a "feedback" or "intermediary" between national data providers and the Commission (Eurostat) alerting the former of any inconsistencies in Commission (Eurostat)'s database. A national data provider could then, using the established procedure, provide the Commission (Eurostat) with updated data.
- In a similar vein, to organise such a workshop on an annual basis involving various relevant actors: Commission (JLS and Eurostat); EMN NCPs; national data providers; Ministries, including policymakers.
- Likewise, EMN NCPs who are not already a national data provider might consider participating in Commission (Eurostat) Task Forces on a specific aspect of migratory statistics.
- A related aspect is to develop links with Commission (Research and Eurostat) supported projects like PROMINSTAT, MIMOSA. For example, consideration to incorporating or linking the PROMINSTAT inventory of statistical datasets (<http://www.prominstat.eu/prominstat/database/>) to the EMN's Information Exchange System might be considered.
- The specific sections on statistics of National and/or Synthesis Reports from EMN Studies might be added to the "Tables of Data" folder on the EMN website.
- Assess whether the information provided is as needed by policymakers and whether (and if so which) additional data (not recorded for the Regulation) is also required. Work elsewhere should also be taken into consideration in this respect, e.g. Commission (Eurostat)/OECD's development of indicators for integration.
- Use of more graphics (including in colour) in both National and Synthesis Reports to better illustrate trends and/or findings.
- Consider how EMN's detailed and complete, yet "out-of-date" (i.e. not of immediate use for policymakers) report complements those produced by the Commission (Eurostat) (e.g. Statistics in Focus/Data in Focus (quarterly) reports²) and the OECD's Annual SOPEMI Reports.³
- Consider a re-formulation of the EMN's Reports in order to provide more timely analysis of (certain) statistics.
- Consider asking the Service Provider to produce a summary report based on the series of EMN's statistics reports, analysing trends over a longer-time period.

² See, for example, http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-09-039/EN/KS-QA-09-039-EN.PDF on Asylum Statistics.

³ 2009 Report available at www.oecd.org/els/migration/imo.



Annual Report on Migration and International Protection Statistics 2009

