



**EMN**

**ANNUAL POLICY REPORT 2012**

**ON MIGRATION AND ASYLUM POLICY**

**IN HUNGARY**

## Table of contents

1. INTRODUCTION .....	5
1.1 Structure of Asylum and Migration policy.....	5
2. OVERVIEW OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS .....	6
2.1 Overall developments in asylum and migration .....	6
3. LEGAL MIGRATION AND MOBILITY .....	8
3.1 Economic migration.....	8
3.2 Family Reunification .....	10
3.3 Students and Researchers .....	10
3.4 Other legal migration .....	12
3.5 Integration .....	13
3.6 Citizenship and Naturalisation .....	15
3.7 Managing Migration and Mobility.....	16
3.7.1 Visa Policy .....	16
3.7.2 Schengen Governance .....	16
3.7.3 Border Monitoring .....	17
3.7.4 Frontex .....	18
4. IRREGULAR MIGRATION AND RETURN.....	18
4.1 Irregular Migration .....	18
4.2 Return.....	22
5. INTERNATIONAL PROTECTION INCLUDING ASYLUM.....	24
5.1 Common European Asylum System .....	25
5.2 European Asylum Support Office .....	26
5.3 Intra-EU Solidarity including Relocation.....	26
5.4 Cooperation with third countries including Resettlement.....	27
6. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS .....	27
6.1 Unaccompanied Minors .....	27
7. ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS .....	29
8. MIGRATION AND DEVELOPMENT POLICY .....	32
9. IMPLEMENTATION OF EU LEGISLATION.....	34
9.1 Transposition of EU legislation 2012.....	34
ANNEXES .....	36

# ANNUAL REPORT 2012 ON MIGRATION AND ASYLUM POLICY IN HUNGARY

## EXECUTIVE SUMMARY

The Annual Policy Report 2012 provides an overview of the developments in Hungarian migration and asylum policy from 1 January 2012 to 31 December 2012. This report was drafted by the European Migration Network (EMN) Hungarian National Contact Point (HU NCP) within the Ministry of Interior (MoI).

### **Border management**

Basically, migration directions and tendencies are in strong correlation with the experiences of the previous years. Hungary has been facing an increasing illegal migration pressure from Greece and the Western Balkan (mainly via FYROM and Serbia).

The Hungarian-Serbian border – which is an external land border of the Schengen area as well – is highly affected. Therefore, Serbia plays a key role in the effective fight against illegal migration. 7 824 unlawful cases related to illegal migration were detected at the Hungarian-Serbian border section in 2012, which means a 41% increase compared with 2011.

As regards of unaccompanied minors (UAMs), Hungary experienced a significant change in 2012, especially in the number of non-asylum seeker unaccompanied minors. In 2010, 284 UAMs were detected. A year later this number increased to 359. From January to September 2012, 700 UAMs were detected. Out of the 700, 655 were detected at the Hungarian-Serbian border.

Regarding the border control, Hungary concluded bilateral agreements with Serbia and Ukraine on road, railway and water traffic border control. Hungary and the Ukraine agreed on the border checks at border crossing points in road and railway.

Joint border police actions and operations were carried out on the Austrian, Serbian and Ukrainian borders of Hungary with the authorities of the mentioned countries.

### **Facilitate Legal Migration**

The process of issuing work permits was fastened through the elimination of administrative burdens, reducing obligatory attachments and introducing the so-called Single Window procedure.

Besides the Blue Card system for high-skilled third country nationals, fostering economic development, Hungary offers residence permit for high net worth investors if they are ready to buy certain amount of government bonds.

### **Combat Illegal Migration**

Readmission agreements give significant assistance to return policy endeavours and the implementation of expulsions mainly in relation to identification and issuing authorising documents which are necessary for the return of third country nationals.

The return flights need more resources, since the typical destinations cannot be reached by direct flights partly due to the early 2012 closure of the MALEV Hungarian Airlines.

Bilateral readmission agreement and an implementing protocol were concluded with Kosovo; the implementing protocols concerning the respective EU-level readmission agreements were signed with Bosnia and Herzegovina<sup>1</sup> and Georgia<sup>2</sup>.

### **Guaranteeing International Protection**

Legislative changes in asylum issues which are made in 2012 aimed at faster and more efficient asylum procedures with the respect of human rights. The main changes have been made concerning clarification of the safe country of origin concept, introducing compulsory report of personal interview, enhancing better cooperation with the immigration authorities of Member States, new rules for discontinuation of the preliminary assessment procedure/ detailed examination procedure, introducing new deadline for the court decision on the request for review.

In 2012, Hungarian asylum authority made its first resettlement program from the Ukraine (an Iranian national).

### **Combat Trafficking in Human Beings**

The New Penal Code (Act No. C of 2012) which was passed by the Hungarian Parliament in 2012 incorporates the criminal offence of trafficking in human beings. In the new Criminal Code statutory definition of trafficking in human beings is completed with other offences and provisions for the protection of children. Abuse of forced labour has a separate statutory definition too.

Since the National Strategy against Trafficking in Human Beings (2008-2012) expired in 2012 the elaboration of new strategy began in the framework of a large scale project with the involvement of all concerned parties (inter alia Ministry of Foreign Affairs, Ministry of Human Resources, National Headquarters of the Hungarian Police, National Crisis Management and Information Service, International Organization for Migration, National Bureau of Investigation, Office of Public Administration and Justice). The strategy is expected to be accepted in summer of 2013.

### **Fostering International Cooperation**

Hungary is part and initiator of several multilateral processes giving fora to migration and development policy. Hungary has taken up the leading state role of the second Pilot Project of the Prague Process Targeted Initiative. This pilot focuses on the theme legal migration, while the other three pilots on illegal migration, international protection and migration and development (according to the four pillars of the GAMM). Hungary is the co-chair of 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.

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<sup>1</sup> Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation, OJ L 334, 19.12.2007, pp. 66-83.

<sup>2</sup> Agreement between the European Union and Georgia on the readmission of persons residing without authorisation, OJ L 52, 25.2.2011, pp. 47-65.

## **1. INTRODUCTION**<sup>3</sup>

The Annual Policy Report 2012 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 2012, unless stated otherwise because of the lack of the most recent data regarding migration.

In Hungary, the Department of European Cooperation within the Ministry of Interior (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) and the National Police Headquarters which are subordinated governmental bodies 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 and the National Police Headquarters which are responsible for the processing of data in the field of migration and asylum.

### **1.1 Structure of Asylum and Migration policy**

In Hungary, the Ministry of Interior 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 Office of Immigration and Nationality and the National Police Headquarters, which are subordinated organs of the Ministry of Interior. Relevant international organizations, such as UNHCR, ICMPD and IOM also contribute to the work of the Ministry of Interior with their expertise and close collaboration is maintained with them and with NGOs as well.<sup>4</sup>

Regarding the wider legal environment of asylum and migration policy, 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). By the end of 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 implementing Government Decree regulate the entry and residence of persons enjoying the right to free

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<sup>3</sup> EMN Annual Policy Reports 2011 was used for this chapter.

<sup>4</sup> 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>

movement and the entry and residence of their family members; whereas Act II of 2007 and its implementing Government Decree regulate 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. Moreover, the transposition of Directive 2011/51/EU<sup>5</sup> has been carried out in 2012.

The preparation process of the National Migration Strategy of Hungary has begun in 2012. Its expected adoption is September 2013 at the latest.

## **2. OVERVIEW OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS**

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.

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. In 2012, 177 379 people applied for simplified re/naturalisation.

### **2.1 Overall developments in asylum and migration**

#### **Main developments in field of asylum and migration**

The process of issuing work permits was fastened through the elimination of administrative burdens, reducing obligatory attachments and introducing the so-called Single Window procedure.

With the purpose of fulfilling needs and shortages regarding skills and thereby catalysing economic growth Hungary introduced the Blue Card system for high-skilled third country nationals. In order to further economic development residence permit for "other" purpose for high net worth investors of government bonds was offered. There were some changes in the alien act as well which will be introduced in the following chapters.

Basically, migration directions and tendencies have been *modus operandi* formulated in the previous years. There is no significant change. Accordingly, three main inward migration routes can be differentiated in relation to the geographical situation and infrastructural characteristics. There is an increasing illegal migration pressure from Greece and the Western Balkan (mainly via FYROM and Serbia).

Since the Hungarian-Serbian border – which is an external land border of the Schengen area as well – is under heavy pressure and there is an increasing number of illegal migrants as well as a high number of smuggled persons, Serbia plays a key role in the effective fight against

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<sup>5</sup> Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection, OJ L 132, 19.5.2011, pp. 1-4.

illegal migration. 7 824 unlawful cases related to illegal migration were detected at the Hungarian-Serbian border section in 2012 (41% increase compared with 2011).

As regards the migration of unaccompanied minors (UAMs) Hungary experienced a significant change in 2012, especially in the number of non-asylum seeker unaccompanied minors. In 2010, 284 UAMs were detected. A year later this number increased to 359. From January to September 2012, 700 UAMs were detected. Out of the 700, 655 were detected at the Hungarian-Serbian border; in October the police apprehended 23 minors at this border section.

Regarding border management, Hungary concluded bilateral agreements with Serbia and Ukraine on road, railway and water traffic border control. Hungary and the Ukraine agreed on the border checks at border crossing points in road and railway. Hungary also ratified the Police Cooperation Convention for Southeast Europe and joined other countries in the region in order to further strengthen the regional community and cooperation in SEE security. After the establishment of the Hungarian National Coordination Centre, which was in 2011, Hungary joined the EUROSUR's (European Border Surveillance System) pilot project in 2012 and is constantly uploading data into the system. Joint border police actions and operations were carried out on the Austrian, Serbian and Ukrainian borders of Hungary with the authorities of the mentioned nations.

Readmission agreements give significant assistance to return policy endeavours and the implementation of expulsions mainly in relation to identification and issuing authorising documents which are necessary for the return of third country nationals.

The return flights need more resources, since the typical destinations cannot be reached by direct flights partly due to the early 2012 closure of the MALÉV Hungarian Airlines.

Bilateral readmission agreement and an implementing protocol were concluded with Kosovo; the implementing protocols concerning readmission were signed with Bosnia and Herzegovina<sup>6</sup> and Georgia<sup>7</sup>.

Legislative changes in asylum issues which are made in 2012 aimed at faster and more efficient asylum procedures with the respect of human rights. The main changes have been made concerning clarification of the safe country of origin concept, introducing compulsory report of personal interview, enhancing better cooperation with the immigration authorities of Member States, new rules for discontinuation of the preliminary assessment procedure/ detailed examination procedure, introducing new deadline for the court decision on the request for review.

Amendments have been made relating to additional guarantees for the personal interview, clarification of the rules of material reception conditions, including housing support for applicants and beneficiaries of international protection.

The Supreme Court of Hungary (*Kúria*) issued an official opinion on 10 December 2012 in order to promote a harmonised practice at Hungarian courts regarding the application of the safe third country concept in asylum cases.

During the examined period the Hungarian asylum authority made its first resettlement program from the Ukraine (an Iranian national).

The New Penal Code (Act no. C of 2012) which was passed by the Hungarian Parliament in 2012 incorporates the criminal offence of trafficking in human beings. It was harmonized

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<sup>6</sup> Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation, OJ L 334, 19.12.2007, pp. 66-83.

<sup>7</sup> Agreement between the European Union and Georgia on the readmission of persons residing without authorisation, OJ L 52, 25.2.2011, pp. 47-65.

with Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA and with the legal provisions of the 2000 Palermo Protocol to prevent, suppress and punish trafficking in persons, especially woman and children, supplementing the United Nations Convention against Transnational Organized Crime and the Council of Europe Convention on Action against Trafficking in Human Beings. In the new Criminal Code statutory definition of trafficking in human beings is completed with other offences and provisions for the protection of children. Abuse of forced labour has a separate statutory definition too.

Since the National Strategy against Trafficking in Human Beings (2008-2012) expired in 2012 the elaboration of new strategy began in the framework of a large scale project with the involvement of all concerned parties (inter alia Ministry of Foreign Affairs, Ministry of Human Resources, National Headquarters of the Hungarian Police, National Crisis Management and Information Service, International Organization for Migration, National Bureau of Investigation, Office of Public Administration and Justice). The strategy is expected to be accepted in summer of 2013.

Hungary is part and initiator of several multilateral processes giving fora to migration and development policy. Hungary has taken up the leading state role of the second Pilot Project of the Prague Process Targeted Initiative. This pilot focuses on the theme legal migration, while the other three pilots on illegal migration, international protection and migration and development (according to the four pillars of the GAMM). Hungary is the co-chair of 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. During the work in the framework of this project we are aware and (if relevant) we are using the information collected in the framework of the EMN.

The transposition of EU directives has been carried out. Special attention has been given to the legislative developments in relation to the second generation of the Schengen Information System.

### **3. LEGAL MIGRATION AND MOBILITY**

#### **3.1 Economic migration**

##### **Present situation and most notable changes**

In Hungary, there are two basic categories of foreign workers. EEA nationals are free to work in Hungary. TCNs are obliged to apply for a working permit except if their job is regulated in the Government Decree No. 355/2009 on employment of third-country nationals in the territory of Hungary without a work permit.

According to the statistics, Hungary is nowadays not a target country for migration. The number of arriving foreign workers is decreasing. The issued single working permits for third county nationals (TCNs) increased only in relation to Chinese nationals. The number of registered foreign nationals also didn't change significantly.



A typical phenomenon is when a foreign employee ask residency permit for economic purpose and after getting the visa he travel further to other countries than Hungary, typically to Bohemia, regularly known by the original employer who doesn't inform the authorities.

The immigration of Chinese citizens as executive directors of different companies in Hungary decreased and changed to migration for economic purpose. A significant part of qualification certificates of Chinese citizens typically from Qingtian province proved to be fake, their professional experience is also difficult to check.

The application for residency permits as managers of a company instead of business plans are rather verified by the employment of three employees since the strict modification of the relevant legislation on 24 December 2010.

The members and managers of business organisations in case of application for extension of residence permits regularly represent themselves as employees, this way avoiding the given requirements and then they occupy their previous position again.

Before the modification of the legislation regarding the checking of immigration purpose the back-testing was the basis of assessing applications. Since 24 of December 2010, the purpose of immigration can be deeper investigated by the alien police, nevertheless the back testing remained important. Since 1 August 2011 in case of economic migrants the real work of employees can be checked.

On the 1st of January 2013, the process of issuing work permits has changed, this way facilitating and fastening the process. The essence of the change is to eliminate administrative burdens, reducing obligatory attachments and introducing the so-called Single Window procedure by making the employer able to notify a labour demand and at the same to submit an application for a work permit of a specific TCN.

Another achievement is the introduction of the EU Blue Card for highly skilled TCNs aiming at facilitating their recruitment. A third-country national holding a residence permit issued by any Member State of the European Union for the purpose of highly qualified employment: after eighteen months of legal residence in the Member State, and if able to meet general EU Blue Card requirements may can have an EU Blue Card. In order to provide full conformity with the EU Blue Card Directive further modifications were made in 2012 by 81/2012. (IV. 18.) Government Decree concerning provisions on intra-EU mobility of EU Blue Card holders. The purpose of these measures is to fulfil needs and shortages regarding skills and thereby catalysing economic growth.

As there is significant worldwide competition in the area of high net worth investors, Hungary has also decided to offer a preferential legal channel for the migration to those third-country nationals who are ready to invest at least a sum of 250,000 EUR in certain government bonds. According to the provisions that have entered into force on 28 December 2012 these high net worth investors are first issued with a residence permit for "other" purpose, then after 6 months they can apply for a national long-term residence permit.

The Council Directive concerning the posting of workers was negotiated during the last year by the EU Council Working Party on integration migration and expulsion and is before parliamentary consultation. It's main aim to elaborate visible and harmonised regulation and to provide favourable conditions for posted workers and their families regarding their temporary residence and this way fostering the redeployment of workforce in the EU. Currently third-country nationals posted in Hungary for a period exceeding three months need to submit an application for a residence permit issued for the purpose of gainful employment.<sup>8</sup>

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<sup>8</sup> Section (2), Subsection i) of Article 20/A of Aliens Act merely sets out that third-country nationals covered by Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services shall not be granted an EU Blue Card.

Relevant immigration regulation does not contain special rules as to granting residence permits or as to the conditions of admission.

The Council Directive concerning the entry and stay of seasonal workers was negotiated during the last year by the EU Council Working Party on integration migration and expulsion and is still in progress. Its aim is to harmonise the legislation of the member states and facilitate entry of seasonal workers. At present seasonal employment visa issued in Hungary is valid for single or multiple entry and entitles its holder to take up seasonal employment for a period longer than three months but not exceeding six months<sup>9</sup> and the validity term of which is one year at the most option breaking it up into several periods.<sup>10</sup>

Bilateral agreements with third countries concerning legal migration have been established in the sphere of Working Holiday Programmes. Hungary has concluded a Working Holiday Scheme (WHS) Agreement with New Zealand in 2011, the fulfilment of which necessitated several legal modifications as well as IT developments in 2012. As a result a new basis for acquiring residence permit was introduced by Government Decree no. 130/2012. (VI. 26.) in setting out provisions on temporary residence permit entering into force on 1st November 2012. In addition to that, Hungary completed negotiations on a WHS Agreement with the Republic of Korea, the ratification of which is foreseen in 2013.

The Joint Kick-off Workshop Pilot Project 2, Legal Migration and Pilot Project 3, Migration and Development was held in Budapest on 25-26 September 2012. It gathered representatives of 15 countries and representatives of IOM, ICMPD, the University of Sussex and the EU Project “Consolidation of migration management capacities in the Republic of Moldova”.

The first day of the workshop was dedicated to Pilot Project 2 on legal migration and more precisely the provision of information to potential migrants. The second day targeted Pilot Project 3 on migration and development and the issue of circular migration in particular.

### **3.2 Family Reunification**

Article 10 (1) , point 18 of Decree No. 16/2010 (V. 13.) SZMM on the Authorization of the Employment of TCNs in Hungary transposed the provision of the EU Blue Card Directive on the employment of family members. The core of the change is to issue work permits for family members of EU Blue Card holders without having to apply a labour market test. It means that the Hungarian regulations do not set any time limit in relation to the access to the labour market concerning the employment of family members of the TCN holding an EU Blue Card.

Regarding family reunifications there was not any other change or single tendency detected in 2012.

### **3.3 Students and Researchers**

Hungary has some skills recognition agreement with third-countries (for example with Austria, Slovak republic and Slovenia) which help the recognition of the qualifications and thus also promote the mobility.

The procedural rules on the entry and stay of the third-country nationals for the purpose of study and the residence permit application are regulated by the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (hereinafter referred to as Act

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<sup>9</sup> Subsection a) of Section (1) Article 14 of Aliens Act.

<sup>10</sup> Subsection a) of Section (2) Article 14 of Aliens Act.

RRTN) and the 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. According to these rules a residence permit may be issued on grounds of pursuit of studies to third-country nationals accepted by an establishment of secondary or higher education accredited in Hungary and admitted to the territory of Hungary to pursue as his/her main activity a full-time course of study, or to attend a course in an establishment of higher education, which may cover a preparatory course prior to such education, if they are able to verify the linguistic knowledge required for the pursuit of studies. The validity period of a residence permit issued on grounds of the pursuit of studies shall correspond to the duration of training, if it is less than two years or shall be at least one year or maximum two years if the duration of training is two years or more, and it may be extended by at least one or at most by two additional years at a time. The validity period of a residence permit issued on grounds of the pursuit of studies may not exceed the validity period of the applicant's travel document.

There was not any change in the legislation regarding immigration for the purpose of study in 2012. A typical phenomenon is that Chinese, Vietnamese, Indian, Pakistani, Egyptian people being admitted to some universities don't appear there but go further to other EU countries or establish a company and extend their residence permit on this purpose. During the personal hearings of admission procedure the purpose of residence were queried in several cases since the applicant didn't have the necessary language knowledge to be able to study in a Hungarian university. The modification entering into force on 24 December 2010 made the credible investigation of the language knowledge possible. The number of Iranian and Israeli participants in university preparation courses is high. Exchange students for few semesters arrive mainly from the USA and Canada. The number of Turkish and Nigerian citizens is increasing due to Erasmus scholarship.

A residence permit may be issued for the purpose of carrying out scientific research to third-country nationals seeking admission to the territory of Hungary for the purposes of carrying out a research project under a hosting agreement concluded with a research organization accredited under specific other legislation and the research organization provides a written commitment for reimbursing the costs of expulsion in cases the researcher remains in the territory of Hungary past the period authorized, if the researcher does not have the financial means necessary for covering such costs. The validity period of a residence permit granted for the purpose of carrying out scientific research shall correspond to the duration of the hosting agreement, not to exceed five years, and it may be extended by a duration corresponding to any extension of the hosting agreement, not to exceed five years.

The Implementing Government Decree contains two provisions that may specifically facilitate granting Hungarian residence permits to researchers staying in another Member State. On the one hand, Article 47 in its Subsection b) of Section (4) sets out that applications for a residence permit may be submitted in the territory of Hungary whenever the purpose of residence is research. On the other hand, if the purpose of entry is research, the competent regional directorate of the Office of Immigration and Nationality (hereinafter referred to as OIN) is compelled to adopt a decision concerning applications for residence permits within fifteen days, as opposed to the standard thirty-day deadline.<sup>11</sup>

The so-called Researcher Directive (Council Directive 2005/71/EC)<sup>12</sup> grants special mobility rights within the term of three months without the obligation of reaching an additional hosting

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<sup>11</sup> Section 3 of Article 49 of Implementing Government Decree.

<sup>12</sup> Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research; OJ L 289, 3.11.2005, pp. 15–22.

agreement. In accordance with this, Government Decree No. 181/2007<sup>13</sup> does not necessitate an additional hosting agreement for a term under three months, and Section (2) of its Article 13 sets forth that if the researcher concerned is stationed in another Member State of the European Economic Area with a hosting agreement during the term of which he or she spends a period of time exceeding three months in Hungary, the provisions of the said Decree shall apply.<sup>14</sup>

Regarding immigration for research purpose there wasn't any change or signal tendency detected.

### **3.4 Other legal migration**

Directive 2011/51/EU modifying the so called Long Term Residence Directive (2003/109/EC) was transposed by the Act No. XXVII 2012, extending the application of permanent residence permit on refugees and beneficiaries of international protection. The transposition modifications entered into force on 20 May 2012. As a result of the transposition refugees and beneficiaries of international protection can also apply for an EC long-term residence permit or an interim long-term residence permit in Hungary. Among other transposing measures the range of periods taken into consideration as a lawful residence was widened through the modification of RRTN Section 38 (5a) by the duration between the submission of application and the issuing of a certificate on international protection. If this time is shorter than 18 months the half of it, in case it is longer, the whole length of stay shall be taken into consideration.

Act No. XXVII 2012 also modified the provisions on long-term residence permits in order to provide full compliance with Directive 2003/109/EC. Due to the modifications the criminal record shall only be submitted in case of application for national residence permit, as previously the condition of the submission of such document was considered as an additional condition compared to the the Long Tem Residence Directive in the report of the European Commission. As a result a not clean criminal record is no longer a compulsory ground for refusal in case of long term residence permits issued based on Directive 2003/109/EC and this way the practice is in line with the requirements of individual investigation highlighted by the European Commission in its report.

Grounds for acquiring national long-term residence permits have also been widened in 2012. Since 4 July 2012 the minister responsible for the alien policing and asylum affairs has the competence of equity to grant a national long-term residence permit based on national interests, such as economic, national policy, scientific, cultural and sports interest, for those not fulfilling the basic requirements of ational long-term residence permit. The grounds for acquiring national long-term residence permit by those fulfilling the basic requirements have also been widened and as a result those whose settlement constitutes national a national economic interest as well as those investing 250 000 EUR in Hungarian state bonds are entitled to apply for a national long-term residence permit after holding a residence permit in Hungary for 6 months as set out in Section 35 (1) Points e) and f). For this first six-month period such high net worth investors are entitled for a so called "other" residence permit as set out in Act CCXX of 2012 section (1a) that modified Section 28 of Act RRTN.

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<sup>13</sup> Government Decree No. 181/2007 (VII. 6.) on the accreditation of research institutions employing third-country nationals and on hosting agreements.

<sup>14</sup> EMN focussed study 2012, Intra-EU mobility of third-country nationals, Hungary.

### **3.5 Integration**

Integration programs at the first place are implemented in the framework of the **European Integration Fund (EIF)** secondly by the European Refugee Fund (ERF). Project of the EIF involves priorities of the European Union and in the meantime impose to give adequate answers on the local needs. Priorities of the multiannual plan involve are the following:

1. Implementation of actions designed to put the ‘Common Basic Principles for immigrant integration policy in the European Union’ into practice.
2. Development of indicators and evaluation methodologies to assess progress, adjust policies and measures and to facilitate co-ordination of comparative learning.
3. Policy capacity building, co-ordination and intercultural competence building in the Member States across the different levels and departments of government.
4. Exchange of experience, good practice and information on integration between the Member States

75% of the budget of a project is financed by the EIF while the remained 25% is cofinanced by the Ministry of Interior that is the responsible authority of the four Solid instruments in Hungary. Yearly activities are determined after a social consultation with the organizations working on the field or partially dealing with migrant integration. Projects implemented during 2012 are results of the 2010-2012 annual allocations. The projects implemented with relevant EU funding in the framework of the European Integration Fund during 2012 are results of the 2010-2012 annual allocations. The implementation deadline of the 29 projects of the 2010 yearly allocation was on June 2012, the 30 successful project tenders could be implemented all year long, while the 34 projects of the 36 of the 2012 yearly allocation had the possibility to start in September 2012.

Concerning EIF funding the following project represent a special value in their fields, they need to be highlighted:

#### **Focus area: training and education**

The project of the Tudomány Nyelviskola language school “How to find your way in Hungary?” plans to provide practical training, instruction and hands-on courses to third country nationals to facilitate their integration into society and the labour market with the help of the EIF allocation 2012. The project aims to overcome the problems of low communicative competence in Hungarian language, unfamiliarity with official procedures, incompetence in entering the labour market and difficulties in bridging the cultural gap. The course is flexible and highly focuses on the needs of the target groups with special attention on disadvantaged groups.

Among projects aiming at facilitating labour market access, the project being implemented under 2012 national allocation by Office of Immigration and Nationality entitled “Vocational Training for refugees 2” is aiming at involving refugees/beneficiaries of subsidiary protection into specialized vocational training and integrated language training. Blue collar jobs in Hungary usually require vocational skills, which are typically not available for these beneficiaries since their original profession is difficult to be recognised, their vocational skills often lack or poor, and they do not have access to a professional network, this project thus facilitates access to the labour market. The target group involved in the project is assisted by a mentor as well as an experienced psychologist who helps in career planning.

In the field of education, a project implemented under 2011 national allocation by the Migrant Education Centre aimed at establishing a special pedagogical programme as a pilot programme designed to promote integration of refugees and beneficiaries of subsidiary protection into the public educational system taking into account the special needs of the target group.

Concerning access to housing, the project implemented by the Hungarian Reformed Church need to be highlighted, which provides accommodation, mentoring support as well as activities facilitating access to the labour market (e.g. job search activities) tailored to the needs of the target group.

Finally, further projects have been implemented aiming at facilitating the integration process of persons granted international protection under ERF national allocation. In this context, the complex integration pilot programmes implemented by municipalities in partnership with OIN should be underlined, which consist of various elements, thus providing accommodation, vocational training as well as mentoring support to the target group with a view to facilitate their long-term integration in the local community.

#### **Focus area: rights and obligations**

In the framework of the EIF 2010 a survey was made in order to measure the participation of migrants in the democratic processes. The results and recommendations were published in a book which aimed the policy makers and experts as target groups. It examined such characteristics in connection with Zaragoza indicators like the trust in public institutions, electoral behaviour, sense of belonging, willingness to participate in civil and political life, etc.

Another project to mention is the Budapest Migration Roundtable of which the first meeting was organised in December 2012 in order to contribute to integration policy making and to establish a consultative forum for organisations working in the field of immigration, through which there is an opportunity for formal consultation between the Metropolitan Municipality of Budapest and these organisations.

The intercultural communication is a separate activity which requires the participation of migrants in the programs. Such project is the Migrant Perspectives News Agency, which aims at functioning as a credible and authentic press agency specialized in migration and integration topics, with the participation of journalists of migrant background.

#### **Focus area: local level**

The main goal of the project named Budapest Migration Roundtable from the EIF 2012 allocation is to set up the Budapest Migration Roundtable in order to establish an effective network of stakeholder actors on this field, to empower the NGOs, to develop the activities of the city for the migrant inhabitants, to turn on the municipalities' activities in this field. The project wants to activate the local administration on the field of migration. Today, the activities of the city limited to the activities of the governmental organizations and NGOs, while the local leadership wants to activate all the social actors of the city in connection with the social participation, to strengthen the processes of integration and the inclusion of migrant communities into the city's society.

The aim of the project Meeting of Cultures at the University of Debrecen (EIF 2011) is to help the social integration of nearly 3000 students from third countries (target group) out of the University's total of 32000, and to increase the openness of Hungarian society towards

foreigners. The indirect target group is the residents of Debrecen. The project aims to familiarize people with the views and values of other nationals. Cultural, sport and free time activities are organized. Such secondary activities like Hungarian language courses, course books employing new methods, and an information booklet foster the success of the project.

#### **Focus area: countries of origin**

Under the EIF 2012 a specific project is supported - Information Point in Subotica - that project aims to create an Information Point in Subotica, Serbia, in order to support the integration's pre-accession programs, provide trainings for third-country nationals, especially for the citizens of Western Balkan states. In many cases these citizens consider Hungary as a transit country, especially the highly skilled groups or groups with shortage of professionals. The aim is to reach this target group with organizing language courses, information workshops and provide personalized migration strategy guidance. The expected result of the project is to strengthen Hungary's role as a primary migration target country among the highly skilled citizens of Western Balkan states or with shortage of professionals, as well as to promote their establishment.

#### **Focus area: stakeholders**

The aim of the project European Integration Modules – professional experience exchange (EIF 2012) is to familiarise national experts dealing with the integration of third-country nationals with the European Integration Module system and to start a national debate on the potential application of international best practices in Hungary, and to contribute to the development of national integration strategy.

The direct aim of the project 'International experience exchange regarding authorisation procedures' (EIF 2012) implemented by the Office for Immigration and Nationality is to develop the practice of the licensing procedure by learning Member States' practices in the fields underlined from the point of view of the work of the Hungarian aliens policing authority.

A program within **European Refugee Fund** of 2011 allocation aims to develop a model project which helps a refugee family to integrate in small rural communities with assistance of the OIN. In Hungary the recognized refugees mainly live in Budapest. This program gives chance for the family to have a more effective integration process in a small community, where the low number of inhabitants, the easier access of the local authorities and the way of developing the social network contribute to an easier settle-down mechanism. The costs of housing, education and vocational training are being financed from the project. Those are provided for one family-up to 5 people in strong cooperation with the local authorities. Informing and involving the local community is important element of the project during the preparation and the implementation phase in order to promote long-term establishment. Long-term goal is to give knowledge to the adult refugees within the 18 month which meets demands of the local labour-market and contribute their social integration. The program continues within ERF 2012 as well. However closed project has not been available yet, so we do not have enough experience to evaluate the model program.

### **3.6 Citizenship and Naturalisation**

On 1 January 2011 the modification of the Act No. LV of 1993 on Hungarian citizenship entered into force. The changes affected the conditions of naturalisation of people with Hungarian origin – simplified naturalisation – and the conditions of renaturalisation, the

connecting change of name and the regulations and the deadline of preparation of decision making.

During the period under investigation 177 379 people (112 117 cases) applied for simplified re/naturalisation. 55.5 % of the applications were submitted in abroad, 31.2 % at registry office officials in Hungary, 13.3% at local organisations/representations of the OIN and at the so called “government widows”. The OIN made a proposal on the simplified re/naturalisation of 178 669 people (114 311 cases) for the president of Hungary. It suggested the refusal of naturalisation in 1 814 people (1 394 cases).

### **3.7 Managing Migration and Mobility**

#### ***3.7.1 Visa Policy***

At this moment Hungary is responsible for the visa representation of 16 Member States in 27 visa issuing stations. On the other side 12 Member States represent Hungary in 64 visa issuing stations.

We do not participate in to so called “Schengen houses”; however some of our diplomatic missions function as visa application centres. We must mention in this category our Common Visa Application Centre (CAC) in Chişinău, where we are representing 15 Member States and partly Croatia as well. We have similar establishments in Istanbul (4 Member States represented) and Almaty (7 Member States represented) as well as in Yekaterinburg (6 Member States represented) and Chungking (4 Member States represented).

Visa Representation Agreements in place are functioning without problems, representing and represented countries as well as host countries are satisfied with these instruments. Hungary is also satisfied with the activity of those countries which are representing us in visa procedures and we wish to further widen the circle of such agreements. These agreements can usually be concluded by a simple exchange of notes between the Ministries of Foreign Affairs concerned. The legal basis for this is laid down in Regulation 810/2009/EC (Community Visa Code). As far as the future is concerned we plan to join to CAC’s in the framework of V4 cooperation and Community collocation. In connection with this we will have a discussion with our V4 partners in the near future.

#### ***3.7.2 Schengen Governance***

Concerning the security of the Schengen area, the highest challenge for Hungary is the constantly increasing pressure of irregular migration at the Serbian-Hungarian, and to a lesser extent at the Hungarian-Romanian border, which are the result of secondary migration movements originating primarily from Greece. The main concern is the growing number of apprehensions of migrants trying to enter the Schengen area illegally – mostly at the green border. As a consequence, Hungary and Austria stepped up to cooperate at operational level. Information exchange (that of criminal intelligence) to step up law-enforcement action against organized criminal networks specializing in the smuggling, trafficking of human beings has been improved, due to the successful FIMATHU-project (Fighting illegal migration affecting Austria and Hungary). Furthermore, joint operations were carried out, with the assistance of FRONTEX and border police officers from several Member States. There was no reintroduction of border checks (SBC Article 23) by Hungary in 2012. In relation to Hungary’s 2012 Schengen evaluation, the overall result was positive; Hungary applies the Schengen acquis in a satisfactory manner. Most of the recommendations especially for the



consulates have been already implemented. As more recent developments, work has progressed on the launch of the Second generation of the Schengen Information System (SIS II) – Hungary has successfully carried out all tests, and made the relevant declaration of readiness required for the Council to be able to take the final decision on the go-live date. Preparations are under way for the upcoming Schengen evaluations of the country in two very important chapters: external borders management and the use of the SIS. As part of the recently increasing activity of Frontex in the field of training of Schengen evaluators, a training seminar is held on in Budapest and in other locations of Hungary in March, 2013. At this moment Hungary is responsible for the visa representation of 16 Member States in 27 visa issuing stations. On the other side 12 Member States represent Hungary in 64 visa issuing stations.

We do not participate in the so called “Schengen houses”; however some of our diplomatic missions function as visa application centres. We must mention in this category our Common Visa Application Centre (CAC) in Chişinău, where we are representing 15 Member States and partly Croatia as well. We have similar establishments in Istanbul (4 Member States represented) and Almaty (7 Member States represented) as well as in Yekaterinburg (6 Member States represented) and Chungking (4 Member States represented). Visa Representation Agreements in place are functioning without problems, representing and represented countries as well as host countries are satisfied with these instruments. Hungary is also satisfied with the activity of those countries which are representing us in visa procedures and we wish to further widen the circle of such agreements. These agreements can usually be concluded by a simple exchange of notes between the Ministries of Foreign Affairs concerned. The legal basis for this is laid down in Regulation 810/2009/EC (Community Visa Code). As far as the future is concerned we plan to join to CAC’s in the framework of V4 cooperation and Community collocation. In connection with this we will have a discussion with our V4 partners in the near future.

### ***3.7.3 Border Monitoring***

In order to strengthen the bilateral cooperation with neighbouring countries, Hungary concluded bilateral agreements with Serbia and Ukraine. The agreement between the Government of the Republic of Serbia and the Government of Hungary on road, railway and water traffic border control was signed on 24<sup>th</sup> January 2012 and entered into force on 4 January 2013. The agreement between the Government of Hungary and the Ministerial Cabinet of the Ukraine on the border checks at border crossing points in road and railway was signed and entered into force in 2012.

As of 6 July 2012, Hungary officially ratified the Police Cooperation Convention for Southeast Europe (PCC SEE) and joined other countries in the region in order to further strengthen the regional community and cooperation in SEE security.

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. After the establishment of the Hungarian National Coordination Centre, which was in 2011, we joined the EUROSUR’s pilot project in 2012. Since 1<sup>st</sup> September 2012 we are constantly uploading data into the system.

### **3.7.4 Frontex**

The Interior Ministers of Hungary, Austria and Serbia signed a joint declaration on the fight against illegal migration in September 2011. The aim of this declaration is to strengthen cooperation between the authorities in the field of border control and migration management. Within the framework of the cooperation two trilateral joint actions (HU-AT-SRB) were carried out in 2012.

In this context Ministers of Interior agreed to involve FRONTEX (EU External Border Agency) to the detection of illegal migration activities along the Hungarian-Serbian border. Thus the “Focal Point 2011 extension” to the Serbian border region has been extended until March 2012.

In addition the “*Frontex Focal Point joint operations 2012*” moved on and guest officers have been delegated by the Member States in the Záhony, Röszke, Kelebia Nagylak and Letenye focal point offices.

Last but not least the “*Jupiter*” land border joint operation was carried out between 11 July and 2 August 2012 at the Hungarian and Ukrainian external border.

## **4. IRREGULAR MIGRATION AND RETURN**

### **4.1 Irregular Migration**

#### **General Assessment of the Illegal Migration**

Basically, migration directions and tendencies have been *modus operandi* formulated in the previous years. There is no significant change. Accordingly, three main inward migration routes can be differentiated in relation to the geographical situation and infrastructural characteristics.

The first one goes from Russia and Ukraine through our country, Austria and Slovakia to Germany and to other Western-European countries. Regarding illegal migration at the Ukrainian border, migrants typical possess the following citizenships (however, there is a decrease in their quantity): from Africa the Moroccan, Algerian, Tunisian and from Arabic countries the Egyptian, Pakistani citizenships.

The other important route of illegal migration comes from Turkey through Bulgaria and Romania to Hungary. It splits in Budapest then one way goes to Slovenia, Southern-Austria and Northern-Italy, the other way direct Austria, Germany, the Netherland and Great-Britain. From there citizens of different Arabic countries – Iraqi Kurds, Turkish, Afghan and citizens of Post-Soviet countries - arrive illegally.

The third migration route is the so-called classical Balkan route that goes through Turkey, Bulgaria/Greece to Serbia then to Hungary.

There is an increasing illegal migration pressure from Greece and the Western Balkan (mainly via FYROM and Serbia). Citizenship categories of the pressure from Serbia to Hungary are Kosovar Albanian, Pakistani, Afghan, Northern-African and Iraqi.

As a result of the bilateral negotiations in 2010, Serbia generally takes back the third country nationals except for Kosovars. However, the Hungarian and the Serb authorities did not

expect such a significant illegal migration and well-organised trafficking in human beings. Therefore, numerous readmitted persons are interested in reattempting the illegal border crossing.

In 2012, together 7212 people were involved in alien policing procedure. During these procedures the Afghan (2018 people), Kosovo (1075 people), Pakistani (989 people), Serbian (613 people) and Algerian (456 people) citizens were decisive. The most vulnerable border sections were the Serbian and Romanian sections.

Between 2 January 2012 and 13 October 2012, Hungary seconded 21 border police officers to strengthen the Greek-Turkish border. During this period, three months long mobile TIC (thermal imaging camera) and 5 months long a Nissan Pathfinder jip were used.

### **Illegal Migration via the Western Balkans to the EU**

In 2011 the Austrian and Hungarian Police detected significant increase in the number of interceptions of illegal migrants, most of them using the Western Balkan as a transit route into the European Union, highlighting an alarming development in illegal immigration, smuggling of migrants and trafficking in human beings at the external border of the Schengen Area.

Current statistics show that the Hungarian-Serbian external Schengen border is still under heavy pressure; the Hungarian Police detected 15 224 unlawful cases related to illegal migration in 2012 in Hungary (41% increase compared to 2011).

Smuggling routes lead via Turkey, Greece and the Balkans to Hungary, Austria and other EU Member States. The majority of illegal migrants come from Afghanistan, Pakistan, Kosovo, Morocco and Algeria. Hungary is clearly a transit while Austria is partly a transit and a destination country. In order to face this adverse trend, a number of measures were taken on bilateral, trilateral and EU level.

### ***Bilateral Measures of Austria and Hungary***

On 5 September 2011 Austria and Hungary adopted a package of 5 measures:

1. Establishment of an Austrian-Hungarian analysis and investigation group to step up against organisations involved in smuggling of humans
2. Daily exchange of information and briefing on the situation between Austria and Hungary
3. Joint deployment of police units at the Hungarian-Serbian border
4. Joint deployment of AT tracing specialists for compensatory measures in Hungary
5. Joint operation by Austria and Hungary at EU level with the support of Frontex and Europol

A number of measures have already been successfully implemented, e.g. Austria provided 4 thermal imaging vehicles with 8 police officers to monitor border crossings between Hungary and Serbia. The Austrian police units have already apprehended a number of persons.

### **Measures at EU Level**

Following the common request of Austria and Hungary to the Polish Presidency in 2011, the topics of the fight against irregular migration and human smuggling as well as problems related to the protection of external borders were discussed at the JHA Council on 22-23

September 2011 and were on the agenda of several subsequent JHA Council meetings in the course of 2011 and 2012.

We asked Frontex and Europol for their support at the Hungarian-Serbian border. Frontex provides technical equipment and additional staff for a joint operation in focal point offices along the Hungarian-Serbian border. Europol offered its support in the field of analysis. To this end, Europol launched a project to gather and analyse data on smuggling along the Balkan route (FIMATHU = Facilitation-Illegal-Migration-effected-Austria-Hungary). A common Austrian-Hungarian situation report is developed on a monthly basis.

The road map 'EU Action on Migratory Pressures – A Strategic Response' was approved at the JHA Council meeting on 26-27 April 2012 reaffirming a set of priorities and activities in the fight against illegal migration. Hungary is a “guardian angel” of tackling challenges regarding the prevention of illegal immigration via the Western Balkans.

### **Measures in Cooperation with Serbia**

Since the Hungarian-Serbian border – which is an external land border of the Schengen area – is under heavy pressure and there is an increasing number of illegal migrants as well as a high number of smuggled persons, Serbia plays a key role in the effective fight against illegal migration. 7 824 unlawful cases related to illegal migration were detected at the Hungarian-Serbian border section in 2012 (41% increase compared with 2011).

Measures taken in cooperation with Serbia:

- Joint actions at the borders, e.g. trilateral meeting of the border police authorities in Horgos/Röszke;
- Increased information exchange on operational investigations at expert level;
- Monthly statistics on illegal migration communicated by Serbia;
- Strengthened cooperation in the field of border control;
- Involvement Serbia in the meetings of the Austrian-Hungarian analysis and investigation group;
- Cooperation directly at the border: participation of Serbia in the Frontex Joint Operation.

A Joint Declaration was adopted on the trilateral meeting of the Austrian, Hungarian and Serbian ministers (Ministers Mikl-Leitner, Pintér and Dačić) on 6 October 2011 in Budapest.

A bilateral Action Plan was adopted in March 2012 on cooperation for combating illegal immigration at the Hungarian-Serbian border between the Ministry of Interior of the Republic of Serbia and the Ministry of Interior of Hungary for 2012.

A Memorandum of Understanding between the Federal Ministry of the Interior of the Republic of Austria, the Ministry of Interior of Hungary and the Ministry of the Interior of the Republic of Serbia on enhanced cooperation in the area of internal security is being negotiated and is expected to be signed early next year.

Trilateral meetings between the three ministers are organized regularly. Furthermore, fight against illegal migration was a core element in the programme of the Hungarian Presidency of the Salzburg Forum in the second half of 2012. The Salzburg Forum Member States and the Friends of the Salzburg Forum from the Western Balkans and the Republic of Moldova has been decided by the Ministerial conference in Mátraháza on 10-11<sup>th</sup> October, to set up of a

regional contact list among the relevant authorities, in order to improve the practical cooperation and exchange of information to prevent and combat illegal migration.

### **Measures in Cooperation with other Countries in the Region**

There is an on-going effort to extend this enhanced cooperation to further countries in the region (e.g. FYROM).

The agreement between the Government of Hungary and the Government of the Republic of Kosovo on the readmission of people residing illegally in each other's territories was signed and then promulgated by the Act LXXXVII. 2012. The protocol about the implementation of the agreement was promulgated by the Government Decree No. 153/2012. (VII.12.).

The protocol on the implementation of Agreement on Readmission between the European Communities and Bosnia and Herzegovina was signed and promulgated in Government Decree No. 152/2012. (VII.10.).

### **Main Legislative Developments**

The monitoring of national implementations of the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (hereinafter the Return Directive) is still on going. However, on the basis of the consultations, some changings were made.

The screening of the harmonisation 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 is still on-going as well. The first remarks were received in December 2012.

In relation to the SIS II, on 5 November 2012, the Hungarian National Assembly accepted the Act CLXXXI. 2012 on the Information Exchange in the framework of the Second Generation of the Schengen Information System and other Law Enforcement Acts relating this Topic on the modification of the Magyary Simplification Program.

Changes of the alien policing procedure are applicable from 1 January, 2013. Their scope is in line with the harmonisation of the Return Directive and the Dublin II Regulation<sup>15</sup>. Moreover, local and international non-governmental organisations and also the UNHCR Regional Representative for Central Europe and the European Commission raised concerns in connection with the custody of asylum seekers and its legal environment. On the basis of the careful examination of the concerns, rules of the execution of custody during the alien policing procedure were reviewed (in force since 1 January, 2013) defining more precisely the rights and obligations of foreigners settled in guarded accommodations.

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<sup>15</sup> 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.

## **4.2 Return**

### **General Overview**

A foreigner in Hungary can be subject to the obligation of returning to another country (in most cases to the country of origin) by virtue of a return decision made by the Hungarian authorities, on different grounds. In line with the Return Directive, the return policy in Hungary supports the voluntary returns of persons who are subject to an obligation to leave the territory of Hungary in general.

Readmission agreements give significant assistance to return policy endeavours and the implementation of expulsions mainly in relation to identification and issuing authorising documents which are necessary for the return of third country nationals.

### **Main Challenges**

In relation to the readmission agreements, the most difficult is to define the persons' identity. However, it is necessary for the return. On the one hand, not all the concerned states have representations in all Member States. The lack of consular interview makes the acquisition of the authorising documents more problematic. On the other hand, representations (especially the Middle Eastern ones) could hinder the return process by issuing the documents only in case of voluntary return. Illegal migrants coming from the Middle East, North Africa and the Sub-Saharan Region often declare fake data about their country of origin. In 2011 and 2012, several times more representations had to be involved in these procedures making the process more complex, resource and time-consuming. The procedure can be longer as well if the third country national concerned submits application for asylum, too.

The return flights need more resources. The typical destinations cannot be reached by direct flights partly due to the early 2012 closure of the MALÉV Hungarian Airlines. Moreover, the consigning airlines give only some places for this purpose. Transits make more security risks; permissions are needed from the authorities of the transit countries. Furthermore, more staff and more preparation and organisation are needed. These factors make this method of readmission less effective. The Office of Immigration and Nationality and the Police have taken part in joint Frontex flights since 2009 several times.

Many third-country nationals who are expelled from the territory of Hungary and are detained under immigration laws do not have documents to prove their identity and nationality.

Problems have been experienced especially with regard the issuance of travel documents required for return, in case of such countries of origin with which Hungary or the EU do not have readmission agreements (e.g. Afghanistan, Iran, Nigeria, Tunisia, Morocco, Algeria etc.). If the third country nationals can be readmitted by readmission agreement we do not need for establishing his/her identity. In this case the evidence of illegal border crossing is enough.

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 citizens – who do not possess any document (or copy) – the Embassy of Ukraine to Budapest issue travel document after few weeks, sometimes it takes months.

## **Main Developments**

In general the return policy in Hungary supports the voluntary returns of persons who are subject to an obligation to leave the territory of Hungary.

The relevant Hungarian authorities have good cooperation with most of the countries of origin, especially with the relevant authorities of the neighbouring countries. Hungary concluded bilateral readmission agreements or implementing protocols on the EU readmission agreements with most of the European countries. Based on bilateral readmission agreements, the Hungarian Police makes the official transport of third country nationals (mainly Serbians, Romanians, Ukrainians), especially to Austria and once or twice per year to Slovakia.

The implementation of returns are also supported by the Hungarian immigration liaison officers (ILO) posted abroad into third countries (Egypt, Turkey, Vietnam) by the Office of Immigration and Nationality. The Office of Immigration and Nationality has also posted specialised consular officers to the Hungarian Embassy in Kiev and the Embassy Consular Offices in the following cities: Moscow, Beijing, Chisinau, Istanbul, Damascus, and Teheran. The Ministry of Interior itself has internal affairs attachés stationed at the Hungarian Embassy in Moscow and Kiev. The specialised consular officers and internal affairs attachés also participate in the practical cooperation with the relevant authorities of the countries of origin in order to support the returns of persons.

Hungary tends to improve its cooperation with relevant Serbian governmental bodies, since most of the illegal migrants arriving to Hungary are transiting through the territory of Serbia.

Third country nationals participating in the assisted voluntary return programme are provided for an opportunity to return to their countries of origin under more humane conditions. No escort is provided in case of assisted voluntary return by means of which returnees do not feel stigmatized during their travel and arrival to the country of origin. Immigration authority is entitled not to put the stamp referring to expulsion and ban on entry and stay into the travel document of the returnee if return is carried out through the Assisted Voluntary Return and Reintegration (AVRR) program or the third country national who fulfil the obligation to leave the territory of the EU.

Readmission agreements are effective in deterring illegal migration. Mainly the procedure is shorter to the bordering countries than it was previously. 80% of illegal migrants coming from Serbia are expelled in 5-7 days.

In 2011, 3% of the revealed illegal border crossings at Schengen external border were attempted in its Hungarian part. In contrast, 4.2% of the EU-wide expulsions were carried out by the Hungarian authorities. Furthermore, the ratio of successful expulsions in relation to the captured illegal migrants is 57% on EU level. This ratio is 83% in Hungary.

There are best practices concerning identification and the issued return documents. Moldova and Kosovo can stand as an example applying the readmission agreement fast and effectively.

The agreement between the Government of Hungary and the Government of the Republic of Kosovo on the readmission of persons residing illegally on the territory of their States was signed and promulgated (Act No. LXXXVII of 2012). The Government Decree No. 153/2012. (VII.12.) consisting the implementing protocol also entered into force. Kosovar citizens prefer voluntary return in general. Based on the readmission agreement, the

Hungarian Police in cooperation with the Hungarian Immigration Office removed 84 Kosovar to Pristine on 20 December 2012. In 2012 as in 2011 (however in bigger quantity), the most of the explosions and detentions were ordered in relation to Kosovar citizens. Significant part of them had been expelled previously. Mostly, Kosovar illegal migrants are cooperative with the authorities; generally, they do not apply for asylum.

The implementing protocol between the Government of the Republic of Hungary and the Government of Republic of Bosnia and Herzegovina on the implementation of the Agreement between the Republic of Bosnia and Herzegovina and the European Community on readmission of 8 November 2007 was signed in 2012. It was promulgated by the Government Decree No. 152/2012. (VII. 10.).

The Protocol between the Government of Georgia and the Government of Hungary on the implementation of the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation, signed in Brussels on 22 November 2010 was promulgated by Government Decree No. 360/2012. (XII. 17.). Since the readmission agreement entered into force, the willingness of the Georgian authorities to the cooperation has improved, the bilateral cooperation worked smoothly. The Georgian authorities reply to our queries in 2-4 days. There was only a single case when an embassy interview was required, after that the acceptance of the readmission application was issued. The cooperation between the Hungarian and Georgian authorities is good, it could stand as an example, and the readmission of their citizens is quick and fluent during the readmission procedure. The Georgian Embassy in Budapest has issued travel documents also to those Georgian citizens, whose cases were refused before the agreement came into force.

## **5. INTERNATIONAL PROTECTION INCLUDING ASYLUM**

Legislative changes 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. Beside this the Hungarian Presidency made significant progress towards the establishment of a Common European Asylum System as a result the European Asylum Support Office became operational.

Legislative changes made in 2012 aimed at faster and more efficient asylum procedures with the respect of human rights.

In connection with the Act on Asylum (Act no. LXXX of 2007) two greater and relevant changes were carried out in 2012. These new rules which were the Act No. XXVII of 2012 and the Act No. CLXXI of 2012 entered into force on 20 May 2012 and 1 January 2013. The main changes have been made concerning clarification of the safe country of origin concept, introducing compulsory report of personal interview, enhancing better cooperation with the immigration authorities of Member States, new rules for discontinuation of the preliminary assessment procedure/ detailed examination procedure, introducing new deadline for the court decision on the request for review.

Concerning Government Decree No. 301/2007 (XI.9.) on the Implementation of Act No. LXXX of 2007 on Asylum, one main amendment was adopted by Government Decree 409/2012. (XII. 28.), which entered into force on 1 January 2013. Amendments have been made relating to additional guarantees for the personal interview (rules on the reports of those interviews), clarification of the rules of material reception conditions (free of charge in the



case of lack of financial resources), including housing support for applicants and beneficiaries of international protection.

The Supreme Court of Hungary (*Kúria*) issued an official opinion on 10 December 2012 in order to promote a harmonised practice at Hungarian courts regarding the application of the safe third country concept in asylum cases. The reason for issuing such a guidance document was that in the recent years, different Hungarian regional courts applied different approaches upon reviewing administrative decisions which deny admission to the in-merit asylum procedure based on the fact that the asylum-seeker arrived in Hungary from a safe third country. This meant an evaluation of the asylum situation in Serbia (previously the target country of most safe third country returns from Hungary).

The given legislative changes as consequences of increase in the number of asylum seekers posed a challenge for the Hungarian asylum system. The critics of the Hungarian Helsinki Committee were focusing on the following issues:

- application of safe third country concept on Serbia;
- conditions of detention of asylum seekers;
- possibility of expulsion without final judgement of asylum applications.

The UNHCR suggested that the member states should not return asylum seekers to Hungary in the framework of the Dublin process. The European Commission began a Pilot infringement procedure against Hungary. Hungary investigated the criticised fields of migration and initiated the improvement of those points that it judged necessary to change. The European Court of Human Rights (ECtHR) made a non-favourable decision concerning the legal environment of Hungary before 2012 which raised the trust loss in Hungary. Judgments in the *Lokpo and Touré* case and in the *Al-Tayyar and Said brothers'* case were redered by the Court in 2012.

As a consequence of the before mentioned trust loss and the connecting radical increase in the number of foreign (general and concrete) inquiries enhanced the administrative tasks in asylum issues.

Furthermore the different decision-making practices of the different tribunals concerning the same questions of fact or legal questions posed a challenge. The legal practice analysing group of the Supreme Court issued a report regarding the interpretation and application of the safe third country concept. In January 2012 the asylum authority reviewed the practice regarding Syria based on information derived from the Document Centre. As a result in case of all people arriving from Syria at least a non-refoulement decision was made.

## **5.1 Common European Asylum System**

Regarding the implementation of the relevant EU acquis, in 2012 Hungary transposed Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection by Act No. XXVII of 2012.

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.

The European Court of Justice made a judgment – in the framework of a preliminary ruling procedure – in the case of *Abed Karem el Kott*, in December 2012.

Under the 2012 national allocation of the European Refugee Fund the following projects aiming at the further development of the Common European Asylum System has been supported. The project entitled “Improving of the quality of judicial decision making in the field of refugee procedures” is being implemented by the National Judicial Office, the main objective of which is to collect relevant ECJ and ECtHR judgments and on the basis of which conduct a comparative analysis and to disseminate a curriculum among the judges, secretaries of courts who are involved in the review of refugee determination decisions.

Another connecting project implemented by the OIN entitled “Quality development of the country of origin information and asylum procedure 2” is aiming at the quality improvement of comprehensive country of origin information service as well as decision-making in asylum procedure by ensuring access to high-level, reliable information concerning the country of origin of asylum seekers. Within the framework of the project the unit responsible within the OIN for providing COI (Documentation Centre) will prepare a compiled, thematic professional report on COI and disseminate it among relevant OIN experts.

Furthermore, another project implemented by OIN is aiming at the translation into Hungarian of modules under the European Asylum Curriculum on the basis of which professional trainings are foreseen to be held. Thus this project contributes to the effective implementation of the obligation laid down in the Asylum Procedures Directive (Council Directive 2005/85/EC) to provide continuous training to the staff of the national asylum authority.

## **5.2 European Asylum Support Office**

### **Participation in EASO activities**

The Director of the Office of Immigration and Nationality is the member of the Management Board of the EASO delegated by Hungary. OIN experts regularly participate in various EASO working group meetings.

### **Provision of support by EASO to the Member States**

In 2012, within the framework of the European Asylum Curriculum (EAC), three asylum experts participated in a one-week long training held in Malta. Experiences gathered during the training have been shared with other OIN experts. Furthermore one OIN expert is participating in the process of drawing up of the EASO guidelines on unaccompanied minors. Experts of the Hungarian asylum authority took part in different working group meetings regarding unaccompanied minors.

During the examined period Hungary didn't get any EASO support, as the EASO didn't accept any help offered by the Hungarian asylum authority. Hungary offered eight experts to the expert pool of EASO.

## **5.3 Intra-EU Solidarity including Relocation**

### **Support to national asylum systems**

The OIN has delegated one expert under the Asylum Intervention Pool whose application was accepted by EASO.

### **Relocation**

Hungary is participating in the implementation of EUREMA I and EUREMA II projects within the European Refugee Fund Community Allocations. Within the framework of the

EUREMA I project starting in 2010, Hungary made a pledge of relocating 10 persons, whereas in the EUREMA II project we pledged for 5 persons to be relocated from Malta. However, the actual relocation process has not yet been materialised. In the period under investigation Hungary did not take part in relocation activities.

## **5.4 Cooperation with third countries including Resettlement**

### **Cooperation with third countries**

Within the Ukrainian Visa Liberalisation Action Plan OIN offered to provide a presentation on asylum issues to the Ukrainian experts, which will take place in 2013. Furthermore, OIN has also undertaken to share experiences on capacity building in the field of asylum with the National Police Forces of the Republic of Serbia, which will take place in either 2013 or 2014.

### **Resettlement**

For the calendar year of 2012 Hungary made a pledge of resettling a maximum of ten persons belonging to the category of persons from a country or region designated for the implementation of Regional Protection Programme. The first resettlement programme was implemented in 2012, the implementation is currently ongoing. Within the framework of the programme one Iranian refugee was resettled from Ukraine on 29 November 2012.

### **Third-country nationals Resettled in your (Member) State: 1 resettled TCN**

During the examined period the Hungarian asylum authority made its first resettlement program from the Ukraine.

## **6. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS**

### **6.1 Unaccompanied Minors**

Both the Act on Asylum (Act No. LXXX of 2007) and the Act on the Entry and Stay of Third-Country Nationals (Act No.II of 2007) define unaccompanied minors (UAMs) as foreigners not having reached the age of 18 and entering the territory of Hungary unaccompanied by an adult of the age responsible by law or custom, or remaining without supervision following entry; and for as long as he/she is not transferred under the care/supervision of such a person.

Since May 2011 the refugee authority shall arrange placement of the asylum-seeker unaccompanied minors in a child care facilities. According to the rules in force since 2008, the refugee authority shall, without delay, provide for the appointment of a guardian serving to represent the minor. The assessment of the asylum applications of UAMs is prioritised.

However, as regards the migration of unaccompanied minors Hungary experienced a significant change in 2012, especially in the number of non-asylum seeker unaccompanied minors. In 2010, 284 UAMs were detected. A year later this number increased to 359. From January to September 2012, 700 UAMs were detected. Out of the 700, 655 were detected at the Hungarian-Serbian border; in October the police apprehended 23 minors at this border section.

Nonetheless, Hungary is often considered a transit country, as the destination of asylum seekers is Western Europe. The majority of the UAMs do not submit any application for asylum. It occurs that they leave the child protection institutions and move to unknown location, presumably to Western Europe.

In 2012 the number of UAMs applying for asylum in Hungary rose by one third compared to the previous year. Basically, the main sending countries remained unchanged. However, the quick increase is a result of the significant change in relation to the proportion of the Afghan UAM citizens applying for asylum. In 2012 the country released almost 1.7 times more UAMs applying for asylum compared to 2011 as the total number of the UAMs applying for asylum was during the whole year of 2011 and almost 5 times more as compared to the 2011 number of Afghan UAMs applying for asylum.

**Total Number of Unaccompanied  
Minors Applying for Asylum**

	2011	2012	Change
<b>Total</b>	61	183	+ 33%

**Unaccompanied Minors Applying for Asylum - the Four Main  
Sending Countries**

2011			2012		
Afghanistan	26	43%	Afghanistan	128	70%
Pakistan	10	16%	Pakistan	16	9%
Morocco	6	10%	Syria	12	7%
Somalia	5	8%	Somalia	7	4%

The provision of adequate accommodation of non-asylum seeker minors is an important task to be completed in the future. The main concept is to establish an institute at the Southern borders of Hungary, where non-asylum seeker UAMs can be transported quickly. Services e.g., access to psychological treatment, training of the personnel would be financed partly through EU funds.

Furthermore, an age assessment protocol is under preparation currently, which will precisely define the content of the age assessment procedure as well as designate the medical experts competent to conduct such a procedure. The main objective of the protocol is to determine the age of the minors with a maximum of 1-2 years of margin of error. The protocol would also make it possible to challenge the expert opinion on the age of the minor in the review procedure. The protocol will most probably be adopted in 2013. In the elaboration of the protocol attention is paid to the on-going work in the framework of European Asylum Support Office (EASO) aiming at establishing a handbook on age assessment.

## **7. ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS**

### **General assessment of the situation in Hungary**

In 2012 Hungary's Trafficking in Human Beings (hereinafter referred as THB) situation has remained relatively unchanged and Hungary is primarily still a source country. As in Western-European countries wages are significantly higher Hungary is not the main destination country of any surrounding countries. Arising from its geographical situation Hungary is a transit country of illegal migration, it lays in the crossroad of east-western and south-eastern migration. Sexual exploitation is the most common form of trafficking in human beings, however all other forms can be identified. The main destination countries of Hungary are the Netherlands, Germany, Austria and Switzerland but in 2012 new information became available about the United Kingdom as a more popular destination among the perpetrators. This occurs because the cooperation between the National Bureau of Investigation and its partner authorities in the Netherlands and Switzerland have intensified and it has led to efficient action against the human traffickers. Within the country the exploitation of victims is concentrated in the capital and its surroundings, around Lake Balaton and along the Austrian border.

The main reason for victimization is acute poverty. Regarding the groups at risk of trafficking it can be established that low educated young adults – mostly women – in East, North Eastern Hungary are vulnerable. High-risk groups for trafficking included under-educated young adults mainly women of Roma origin, who resided in poor conditions or child welfare facilities in eastern and north-eastern Hungary. A large percentage of the victims, especially underage female victims, had lived in state-provided welfare homes or juvenile correctional facilities until they were released at age 18. Unaccompanied minors and migrants are potential victims of traffickers too. It is a common phenomenon that unaccompanied minor asylum seekers absconded or left without authorization given from their legal guardians. Many of these minors are in relation with persons who are presumed to be traffickers.

Compared to last year, authorities reported no changes in the profiles and methods of perpetrators who typically recruit victims from their acquaintances, relatives or people with whom they have lived in close physical and social proximity, usually within the same geographical area. In these cases recruiters know the personal and financial background of their prospective victims. The majority of traffickers were individuals of small, family-based groups. In some cases women are sold into prostitution by their partners and families who live in very low-income households. Traffickers are recruiting through advertisements published online, in newspapers or through persuasion. The proposed jobs contain few and deceptive information about the working conditions, the employer and promise well-paying work for waitresses, dancers. Some victims are aware that they are being recruited to perform illegal work, but do not expect to have to perform sexual services. Recruiters use threat, force, emotional blackmail, or create emotional attachment with the victims. Victims are usually housed in apartments or outbuildings owned by the traffickers, they are transported in cars, trains, planes and buses. In most cases victim's earnings and travel documents are taken and sometimes victims are not aware in which city are they living and working.

### **The government's anti-trafficking efforts**

Hungary has actively combated human trafficking during 2012. The Ministry of Interior is the lead agency on all trafficking issues, and the Deputy State Secretary for European Union and International Affairs is the appointed National Coordinator for trafficking in human beings. The National Coordinator chairs the National Coordination Mechanism (NCM), which

usually held four sessions during a year. The work of the National Coordination Mechanism is complemented by the NGO Roundtable since December 2011, which is also chaired by the National Coordinator. Mission of the NCM and the NGO Roundtable: increasing the effectiveness of the fight against trafficking in human beings, strengthening the cooperation and enhancing dialogue between the national coordinator and the concerned authorities. These forums contribute to the mapping of areas of cooperation and help to avoid duplications.

### **Results and developments**

Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA has been published on 5 April 2011 its transposition deadline is 6 April 2013. Hungary has already accomplished its implementation obligations deriving from the Directive.

After several months of wide-ranging social and professional consultations and political debates the New Penal Code was passed by the Hungarian Parliament on 25 June 2012 and will enter into force on 1 July 2013. The New Penal Code incorporates the criminal offence of trafficking in human beings which was harmonized with the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA and with the legal provisions of the Palermo Protocol to prevent, suppress and punish trafficking in persons, especially woman and children, supplementing the United Nations Convention against Transnational Organized Crime and the Council of Europe Convention on Action against Trafficking in Human Beings. In the new Criminal Code statutory definition of trafficking in human beings is completed with other offences and provisions for the protection of children. Abuse of forced labour has a separate statutory definition too.

Besides of this specific provisions of Act No. CXXXV of 2005 on Crime Victim Support and State Compensation have been amended therefore victims of trafficking in human beings independently from their cooperation in criminal proceedings are entitled to services.

Government applies regulation on the national victim referral system which is of general scope and obligatory for all responsible authorities, it laid down the system of the authorities' cooperation. (Government Decree No. 354/2012 of 13 December 2012 on the identification system of victims trafficking in human beings.)

National Strategy against Trafficking in Human Beings (2008-2012) expired in 2012. The new strategy is developed in the framework of a large scale project with the involvement of all concerned parties (inter alia Ministry of Foreign Affairs, Ministry of Human Resources, National Headquarters of the Hungarian Police, National Crisis Management and Information Service, International Organization for Migration, National Bureau of Investigation, Office of Public Administration and Justice). The strategy is expected to be accepted in summer of 2013. The strategy will be in accordance with the international requirements; it will define realistic objectives and action plan in order to realize its vision: Hungary will fight against all forms of trafficking in persons effectively as a reliable partner, respecting human rights, non-discriminatory, paying particular attention on the protection of children. Particular emphasis will be taken on practice-oriented actions.

Developing bi- and multilateral relations – primarily with destination countries Hungary is a source country for trafficking in persons therefore we have built stronger relations with the

destination countries like the Netherlands, Belgium, Switzerland, Germany and Austria. In cooperation with the Netherlands and Belgium, Hungary has submitted in March 2013 a joint application to the EU in order to develop a Transnational Referral Mechanism between Hungary and its destination countries.

Deepening relation with international organizations (UNODC, IOM, ICMPD, UNICEF, ILO, OSCE) are very important too. ICMPD is our partner in an ongoing project called “Capacity building for combating trafficking for labor exploitation”.

Hungary takes part in another ongoing project “Integrated approach for Prevention of Labor exploitation in origin and destination countries” with Romania. The project’s general objective is to decrease the dimensions of trafficking in persons for labor exploitation in origin, transit and destination countries.

Public awareness rising is a key element of prevention. Connected to the new EU Anti-Trafficking Day (18 October) Ministry of Interior has launched a new Facebook site entitled Anti Human Trafficking Hungary. The aim of the site was to provide information and possibility to establish contact.

### **Trainings, campaigns, conferences on trafficking in human beings**

In the framework of the project Capacity Building for Combating Trafficking for Labour Exploitation a Training on Combating Trafficking for Labour Exploitation: Identifying Victims, Investigating Cases, Prosecuting Offenders took place on 19-22 November 2012 in the Ministry of Interior. The objective of the training was to provide participants of the target and destination countries with more knowledge on the topic of trafficking in persons for labour exploitation; to discuss existing practices in the investigation and prosecution of trafficking cases and share lessons learned; to expand the network of professionals dealing with the issue at hand; to equip participants with practical tools they can use in their daily work on investigating and prosecuting trafficking cases. Target groups of training were police officers, prosecutors, inspectors, detectives, and legal experts from Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Hungary, Poland, Romania, Slovakia, Slovenia, the Netherlands, and United Kingdom.

A Trafficking in Human Beings Investigation Course was organized on 10-20 December 2012 at the International Law Enforcement Academy in which 33 participants from Czech Republic, Kosovo, Macedonia, and Hungary took place. Target groups of the course were police officers, inspectors, detectives, legal experts. Aims of the course were: enhancing knowledge of all participants of the human trafficking situation, legislative situation, counter-trafficking response, victim issues, applicable criminal procedures, investigative procedures, expanding the network of experts dealing with trafficking in persons.

The Hungarian Police Headquarters and the representation of the Hanns Seidel Foundation (HSA) in Budapest organized a conference called “Fight against human trafficking – unprotected victims” in October 2012.

Police officers responsible for victim protection attended a professional training in 2012 which focused on the fight against trafficking in persons. The training main topics were: Victims of child prostitution in boarding schools; Building inter-professional cooperation in Hungary for the fight against trafficking in persons and prostitution; Future outlook of migrant prostitutes in Hungary and in Switzerland; Prostitution, forced prostitution, trafficking in persons; EU Strategy towards the Eradication of Trafficking in Human Beings

(2012-2016); Transposition of Directive on preventing and combating trafficking in human beings and protecting its victims; Role of the church in victim protection; etc.

The Ministry of Human Resources launched a new prevention project with pilot project characteristics in December 2012, which aimed the potential victims of trafficking in persons, in order to prevent victimization. The project to be implemented between 15th December 2012 and 30th September 2013 in cooperation with the Hungarian Inter church Aid aims at organising awareness raising workshops and enforcement of interest prevention trainings for secondary school students in order to reduce the possibility of victimization. One of Europe's largest music and cultural festivals is held annually in August in Budapest on Óbuda Island. The cultural aspect is represented by the event "Civil Sziget", where governmental and non-governmental organisations have the opportunity to present their work and programs and to promote their mission to the public. A large number of organisations represented here pursue causes related to human rights, social problems, discrimination, and the rights of minorities and protection of the environment.

The Ministry of Interior organized a THB prevention and awareness raising campaign of one week (August 8-12. 2012) at the Sziget Festival which provided an excellent opportunity for young people open to this topic to acquire a deeper insight of this often misunderstood detrimental phenomena, recognise the signs of danger and learn about the role played by our government to protect them

EURES Network (European Employment Service) within the National Employment Service and Department on Crime Prevention and Witness Protection of the National Police Headquarter launched a common awareness-raising campaign in 2012. Aim of the campaign was to draw attention to the dangers of working abroad, provide information on the rights and opportunities of jobseekers willing to work abroad and help distressed Hungarian citizens. EURES published in 2012 a leaflet called "Your first EURES job" which provides for young jobseekers and employers information on the advantages and support they get from EURES, it gives reliable information and help in job search. The catalogue is available in printed format in all EU official languages.

## **8. MIGRATION AND DEVELOPMENT POLICY**

Hungary has been actively participating in the Prague Process. The respective Prague Process Action Plan was adopted in November 2011 in Poznan, Poland. The implementation of the Action Plan (after intensive preparatory work) began in August 2012 as the Prague Process Targeted Initiative. The principal aim is to help countries of origin, transit and destination already taking part in the cooperation to improve migration management and to facilitate building of migration partnerships through exchange of good practices, moreover the Action Plan sets down a number of strategic priorities as well.

Hungary has taken up the leading state role of the second Pilot Project of the Prague Process Targeted Initiative. This pilot focuses on the theme legal migration, while the other three pilots on illegal migration, international protection and migration and development (according to the four pillars of the GAMM). The pilot project will last all together 36 months. Hungary is implementing the project together with Belarus, Bosnia and Herzegovina, Croatia, Georgia, Kosovo, Kyrgyzstan, FYROM, Moldova, Tajikistan, Ukraine and Russia, Poland, Czech Republic, Sweden and Slovenia, with the assistance of the IOM and the ICMPD. The main



focus of the pilot is to improve labour matching between the participating countries and to use the experiences of the different countries to enhance this exercise. This is the main initiative of Hungary at the moment concerning legal migration (and development), and no other debate or project has been going on in relation to the linking of migration to development policies, migrants' remittances, working with diasporas, and efforts to mitigate against 'brain drain'. During the work in the framework of this project we are aware and (if relevant) we are using or referring to the information collected in the framework of the EMN.

Hungary is the co-chair of 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. During the work in the framework of this project we are aware and (if relevant) we are using the information collected in the framework of the EMN. In 2012 there was intensive preparatory work (meetings in Izmir and Ankara) to elaborate a ministerial declaration to be adopted in April 2013 in Istanbul. This declaration will refocus the Budapest process towards the migration phenomena of the Silk Route and create the Silk Route Migration Partnership.

Hungary continuously took part in the Söderköping Process since 2004, 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. Since 2012 the Söderköping Process is incorporated into the EU initiative Eastern Partnership were successful as the Process continues as the Migration and Asylum Panel. Hungary is active in co-organizing and hosting events in 2013 related to return, readmission and reintegration in March, and also on statelessness in December. During the work in the framework of this project we are aware and (if relevant) we are using or referring to the information collected in the framework of the EMN. When planning the activities of the Panel, we are trying to ensure the balance between the four pillars of the GAMM at all times.

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.

Hungary regularly participates and takes active part at the meetings of the "Global Forum on Migration and Development". During the annual meetings we are aware and (if relevant) we are referring to the information collected in the framework of the EMN.

Hungary was 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. The evaluation of the Partnership took place in the course of 2012.

## **9. IMPLEMENTATION OF EU LEGISLATION**

### **9.1 Transposition of EU legislation 2012**

**Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection**

- Transposition required by: 20 May 2013
- Status: Transposed through the following legal acts:
  - Act No. XXVII of 2012 on the Amendment of Certain Migration Acts Aiming at the Harmonisation of Law;
  - Government Decree No. 81/2012 (IV. 18.) on the Amendment of Certain Government Decrees in relation to the Act XXVII of 2012 on the Amendment of Certain Migration Acts Aiming at the Harmonisation of Law.

#### **Modified regulations**

- Act No. II of 2007 on the Admission and Right of Residence of Third-Country Nationals;
- Government Decree No. 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals;
- Decree No. 25/2007 (V. 31.) of the Ministry of Justice and Law Enforcement on the Implementation of Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence and of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals;
- Act No. LXXX of 2007 on Asylum;
- Act No. LXVI of 1992 on Keeping Records on the Personal Data and Address of Citizens
- Government Decree No. 146/1993 (X. 26.) on the Implementation of Act LXVI of 1992 on Keeping Records on the Personal Data and Address of Citizens;
- Government Decree No. 168/1999 (XI. 24.) on the Issue and Registration of Identity Cards;
- Decree No. 26/2012 (V. 16.) of the Ministry of Interior on the Amendment of Certain Ministerial Decrees on Migration;
- Act No. CXL of 2004 on the General Rules of Administrative Proceedings and Services;
- Act No. CXI of 2008 on the Amendment of Act CXL of 2004 on the General Rules of Administrative Proceedings and Services.

**Further legislation was carried out in order to provide full harmonisation with the following Directives already transposed in the previous years:**

- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals;
- 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;
- Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

**Legislation was also carried out in order to include the necessary implementing provisions in our national law for introducing the SIS II System. These implementing provisions were set out in the following pieces of legislation:**

- Act No. CLXXXI of 2012 on the Information Exchange in the framework of the Second Generation of the Schengen Information System and other Law Enforcement Acts relating this Topic on the modification of the Magyary Simplification Program;
- Government Decree No. 15/2013 (I. 28.) on the Detailed Rules of the Information Exchange in the framework of the Second Generation of the Schengen Information System and on the Amendment of Certain Related Government Decrees.

### **Modified regulations**

- Act No. CV of 2007 on Cooperation and Information Exchange within the Schengen Implementation Agreement (repealed);
- Government Regulation No. 242/2007 (IX. 21.) on Appointing a Body for the Execution of the Tasks of the N.SIS IT Centre, on Ordering and Executing Data Input into SIS and on the regulation of the technical and administrative tasks of the N.SIS Bureau and the SIRENE Office;
- Decree No. 45/2007 (IX. 21.) of the Ministry of Justice and Law Enforcement Amending the Decree No. 35/2000 (XI. 30.) of the Ministry of Interior on the Document Samples Used for SIS Data Input and on the Traffic Administration Tasks, the Issuing and Withdrawal of Road Circulation Documents;
- Act No. XXXIV of 1994 on the Police;
- Act No. CXXV of 1995 on the National Security Services;
- Act No. I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence;
- Government Decree No. 113/2007 (V. 24.) on the Implementation of the Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence;
- Act No. II of 2007 on the Admission and Right of Residence of Third Country Nationals;
- Government Decree No. 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals;
- Government Decree No. 301/2007 (XI. 9.) on the Implementation of the Act LXXX of 2007 on Asylum;
- Act No. XVIII of 2001 on the Warrant of Caption of Persons and Objects;
- Government Decree No. 276/2006 (XII. 23.) on the Formation, Scope of Duty and Authority of the Central Office for Administrative and Electronic Public Services;
- Act No. XII of 1998 on Traveling Abroad;
- Act No. LIV of 1999 on Cooperation and Information Exchange Within the Framework of the European Union's Criminal Investigation System and the International Criminal Police Commissions;
- Act No. LXXXIV of 1999 on the Rules of the Road Transport;
- Government Decree No. 326/2011 (XII. 28.) on the Administrative Tasks of the Road Transport and the Release and Recall of the Road Transport Documents;
- Act No. CXXII of 2010 on the National Tax and Custom Administration;
- Act No. LXVI of 1992 on Keeping Records on the Personal Data and Address of Citizens.

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

*Annex A to these specifications provides the complete list of the relevant EU legislation for the asylum/immigration acquis (changes from 2011 are highlighted in Grey). However, if no progress or developments have occurred for particular legislation in 2012 or there is no impact on national legislation then it is **not necessary** to comment on it. Instead, **only when there have been changes or developments in 2012** in respect to the transposition or implementation of particular legislation which has an impact on national legislation, should details be provided. At the very least, a list of EU legislation that has been transposed into national legislation and/or came into force during 2012, with the corresponding national law(s), should be given.*

## **ANNEXES:**

### **Annex A: Methodology and Definitions**

#### **A1. Methodology**

In Hungary, the Department of European Cooperation within the Ministry of Interior 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, 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) and the National Police Headquarters which are an integrated governmental body responsible for the implementation of the legislation in the field of migration and asylum. Relevant reports and analysis of the relevant NGOs and other governmental bodies were also taken into account when drafting this report. Statistical data was provided by the Office of Immigration and Nationality and the National Police Headquarters which are responsible for the processing of data in the field of migration and asylum. Solely official information sources are considered for ensuring the reliability of the current report.

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## ANNEX

### 2012 NATIONAL CONTRIBUTION OF HUNGARY TO COMMISSION AND TO EASO ANNUAL REPORTS

The Annex has been structured as a Common Template and includes specific spaces for EMN NCPs to provide information and statistics in relation to developments at national level that have been developed to implement EU policy, legislative and financial instruments, or any developments which were the result of actions at EU level in relation to specific policy topics.

The information collected shall be used to inform the Commission's Annual Report on Immigration and Asylum, and shall be the only source of factual information at (Member) State level for the topics covered by the Report. Thus when providing information, as with all EMN Common Templates, it is important to emphasise that the content should be as relevant to the topic under consideration, and as concise, as possible. You should aim to provide only one or two paragraphs for each of your responses. It should also, where relevant, describe concrete actions or measures, for example, resulting from the entry into force of new legislation. Examples are given in each of the sub-sections. You will be given the opportunity to describe your (Member) State activities in more detail in your National Annual Policy Report. If there has been no significant development, then this should be explicitly stated in the relevant section.

You should also foresee liaising with respective EASO NCPs as information requested in this template will also serve to inform EASO's Annual Report. In addition, information collected in this Template should also be coordinated with information made available at (Member) State level via National Contact Points on Integration (NCPIs), the Frontex Risk Analysis Network (FRAN) and National Rapporteurs working against Trafficking in Human Beings.

To ensure consistency and to facilitate your work, examples of elements to consider in relation to the various topics are given. Note that you should differentiate clearly between actions undertaken by your government or public authorities and those by civil society or NGOs, for example, which should only be described in the National developments section.

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 come from Eurostat, once available. These key statistics are in line with Council Regulation 862/2007 on Union Statistics on migration and international protection and will provide some "headline" statistics in the area of migration, international protection and external border management.

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 topics relevant to the Commission's Annual Report. We would, therefore, request that you provide, where possible and even if tentative, statistics on any of the following:

- First residence permits 2012, by reason;<sup>16</sup> (Section 1.1)
- The unemployment rate of third-country nationals;<sup>17</sup> (Section 1.5.1)

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<sup>16</sup> 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.

<sup>17</sup> Based on the ILO definition, Eurostat defines unemployed persons as those 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

- The number of visas issued (including the number of Schengen visas and national visas); (Section 1.6.1)
- The number of third-country nationals being returned to their home country as part of forced return measures, the number of third-country nationals being returned voluntarily and, within these, the number of third-country who returned as part of an assisted return programme and, if available, the number of persons among the returned (forcibly or voluntarily) who had applied for international protection and were served with a final negative decision; (Section 2.2)
- The number third-country nationals relocated to your Member State; (Section 3.3.2)
- The number third-country nationals resettled in your Member State (Section 3.4.2)
- The number of unaccompanied minors (UAMs), differentiating between those applying and those not applying for asylum (Section 3.5)
- The number of third-country nationals receiving a residence permit as victims of human trafficking; and the number of traffickers arrested and convicted. (Section 5.4).

Standardised Tables have been added in the Annex to the specification template to provide these statistics. In keeping with the practice of Eurostat, your statistics should be rounded up or down to the nearest 5. Please provide, if possible, these additional (tentative) statistics initially for the first nine months of 2012, i.e. from January 2012 to September 2012 inclusive. Then, and if possible, provide statistics for the whole of 2012 at the time of submitting your Final and complete National Report. In addition, for all the additional statistics that you provide, please give the source.

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

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(ICF 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 Points on Integration (NCPI), EASO NCP, national Frontex risk analysis Network (FRAN) member etc.

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unemployed. Current deviations from the definition of unemployment in the EU Labour Force Survey: Spain, Sweden, 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.

## 1. LEGAL MIGRATION AND MOBILITY

### 1.1 Key Statistics

<i>First residence permits, by reason</i>					
	Total	Family reasons	Education reasons	Remunerated activities reasons	Other reasons
First permits	18 112	2 246	5 536	6 376	3 954

*\*First permits: under definition of Eurostat for residence permits statistics, till 31. October 2012*

### 1.2 Promoting legal migration channels

Please describe any (planned) measures to improve the provision of information on the routes to and conditions of legal migration for third-country nationals. These could include, for example, information campaigns, websites, specific centres, referring to any approaches that combine information with pre-departure measures, for example, upgrading skills and / or proficiency in EU languages, and also the role and impact of the EU Immigration Portal in your (Member) State.

*The detailed guides on rules of admission and right of residence of third-country nationals can be found on the government websites ([www.kormany.hu](http://www.kormany.hu) and related sites), the websites of the Hungarian embassies, the Ministry of Foreign Affairs and the Office of Immigration and Nationality (OIN). Moreover the necessary application forms can be found and downloaded from the OIN's website, and the applicant can contact the immigration authorities concerning individual questions and can access them about personalized information both by telephone and via email. Upon the receipt of the residence permit third-country nationals shall be informed orally on their rights, obligations and extension of the residence permit.*

*In order to improve the provision of information on the routes to and conditions of legal migration of third-country nationals there is a project, namely Information and e-learning services in order to support the labour market integration of foreigners. The project's goal is to provide information about the labour and immigration procedure in Hungary, so applicants can choose the most ideal option for entering and residing in Hungary with a verified purpose, which is a prerequisite of legal migration and residence.*

*As regards provision of information it should be noted that Hungary is the leading country of Pilot Project 2 on Legal Migration within the Prague Process Targeted Initiative. The Joint Kick-off Workshop of Pilot Project 2: Legal Migration and Pilot Project 3: Migration and Development was held in Budapest on 25-26 September 2012. The purpose of the Pilot Project on 'Legal Migration' is to share experiences and best practices in organizing labour migration. The project offers unique opportunity to the participating countries to exchange experience and information within the framework of several workshops as well as to visit non-EU partner countries and EU countries to that end. The Joint Kick-off Workshop Pilot Project 2: Legal Migration and Pilot Project 3: Migration and Development held in Budapest on 25-26 September 2012 gathered representatives of 15 countries and*

*representatives of IOM, ICMPD, the University of Sussex and the EU Project “Consolidation of migration management capacities in the Republic of Moldova”. The first day of the workshop was dedicated to Pilot Project 2 on legal migration (PP 2) and, more precisely, the provision of information to potential migrants. During the workshop the promotional film on the Immigration Portal was presented.*

### **1.3 Economic migration**

#### ***1.3.1 Satisfying labour market needs***

Describe whether and how your (Member) State analyses its labour market and skills needs / shortages, and any cooperation with other (Member States), for example, through the Public Employment Services. Please describe the (planned) introduction of any new labour migration policies or changes to the existing ones, e.g. introduction of quota, lists of professions, agreement with specific third countries, use of private recruitment agencies / services, etc.). Also consider the effect of the economic crisis on labour migration (e.g. revision of quota, reduction of professions listed, etc.) and how economic migration is considered to contribute to economic growth.

*The National Labour Office publishes two kinds of Survey as a result of labour market analysis. The Terminally labour management survey is published quarterly. It is made by the National Labour Office based on a short questionnaire which is answered by the employers. It tries to forecast the change of employment data. The sampling in this survey is not representative.*

*The other survey is published annually. This Short-term labour market forecast tries to chart the labour market situation more detailed through a longer questionnaire. First it was made by the predecessor of the National Employment Service in 1991. Between 1991 and 2004 it was a semi-annual survey, and from the autumn 2004 it is prepared annually. Another change was made in the process in 2005. From this time the survey is made in cooperation with the Economics and Business Research of Hungarian Chamber of Commerce and Industry.*

*The main aim of these surveys is to chart the labour market’s current situation and to forecast the future processes. It focuses on the labour management of the private sector: namely the expected number of new and ceasing working places and beside this it also tries to model the content of the working force.*

*The Short-term labour market forecast is the biggest representative survey including more than 7000 employer. Among these employers small enterprises and bigger firms (who employ more than 250 people) can also be found. The survey is organised on a territorial basis, the data processing is made on national and departmental level and it is resulted in a study in every analytical level. These studies focus on the investment, capacity utilization, orders, and labour management and the planned training of the labour force of the firms concerned. The survey tries to examine the planned employment of foreign workers and beginners.*

*In the field of statistical data analyses there is no international cooperation between the employment services. Cooperation between national employment services appears in the framework of EURES. The employer settled in another Member State can contact with the EURES to recruit workers for its vacancies. The national EURES tries to fulfil the employers will, if the demanded recruitment is not targeted a profession which is also a profession shortage in Hungary. Naturally a Hungarian employer can also ask recruitment from other EURES partners.*



*In Hungary nationals of the EEA countries are free to take up work. Third country nationals are required a working permit, if their working is not fall under the effect of the Government Decree 355/2009 on the employment of third-country nationals in the territory of Hungary without a work permit. In the 1st of January 2013 the process of granting a working permit has changed. The aim of this change was to facilitate and fasten the process. It tried to eliminate administrative burdens with the reduction of the obligatory attachments and with the introduction of the Single Window procedure. With the introduction of the Blue-Card, high-skilled third country national workers can easier take up a job. These steps together can help to fulfil the skills needs and shortages and through this they can lead to economic growth.*

*As can be seen from the statistics Hungary is not a target country anymore. The number of the coming foreign workers is decrease. The number of the single working permits issued to third country nationals is increased only related to Chinese nationals. The number of the registered foreign nationals is not changed significantly neither. The change in 2009 was due to an administrative change.*

*There are two main origins of the foreign workers in Hungary. The first one is our neighbour countries, namely Ukraine and Serbia. The other is Asia, namely China, Thailand and Vietnam. In case of Ukraine it can be noted that employment permit for agricultural seasonal workers is demanded by and issued for only Ukrainian nationals. Among EEA nationals Slovakian and Romanian workers are represented in the highest number in the labour market of Hungary.*

### **1.3.2 Skills Recognition**

Describe any (planned) measures to improve the validation of diplomas, qualifications and skills of third-country nationals and labour matching between your (Member) State and third countries (including online employment, etc.), including any measures introduced for already resident third-country nationals (in the context of better integration). Describe any exchanges of practical information and co-operation with other EU Member States. Describe any specific measures to avoid brain waste. Consider also how such measures will contribute to economic growth.

*1. The validation of the diplomas is made by the Education Office in Hungary. If the validation on a diploma is questionable the Education Office gets in touch with the authority of the country concerned.*

*2. In the field of qualification the cooperation and data exchange with other EU member states based on the following legal provisions:*

*I. Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications  
and*

*II. Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market*

*The Vocational and Adult Training Directorate of the National Labour Office (NMH SZFI) is a member of the Internal Market Information System (IMI) operated by the European Commission. This system facilitates the data exchange between the Member States national, regional and local authorities.*

*III. Decision No 2241/2004/EC of the European Parliament and of the Council of 15 December 2004 on a single Community framework for the transparency of qualifications and competences (Europass)*

*Based on this Decision the NMH SZFI operates the National Reference and Coordination Point which manage the Europass Certificate Supplements. This supplement helps the foreign employers and educational institutes to identify the content of the qualification. This supplement is more detailed than the normal certification, in order to facilitate the comparison of the qualifications obtained in a different Member State. Thereby it facilitates the process of the acceptance of qualifications.*

*The National Reference and Coordination Point participates in the workshop of the EU Commission, which is the place of the constant information exchange between the participating Member States.*

*3. There is no special provision against brain waste in the legal background of the provisions regulated the vocational training (Act CLXXXVII. of 2011.) The national vocational training system grants is a different level system, which of a wide range of qualifications.*

*4 The correspondence of qualifications and skills of third country nationals with the attainable qualifications in domestic training is regulated by Act C of 2001. Related to the correspondence of qualifications and skills of third country nationals, Article 28 of the above Act says that*

*a) family members of citizens of any member State and Hungarian citizens who have the right of free movement and residence*

*b) third country national who process residence permit with the purpose of research activity*

*c) immigrant or settled person*

*d) third country nationals who got work and residence permit for the purpose of employment requiring highly skilled work (EU Blue Card)*

*fall under the same measurement as the citizen of a Member State.*

*Those who are recognized as refugees are free from paying the processing fee for the recognition of skills according to Article 4(1) of Governmental Decree 180/2005.*

### ***1.3.3 Cooperation with partner / third countries for economic migration***

Please provide information on any (planned) EU level or bilateral agreements (e.g. Mobility Partnerships), which help to implement policies for labour migration. List them (see table below), including the third countries with which they have been concluded, and provide details of their content and the rationale for concluding the agreement. Please also indicate whether any of these favour circular migration, and specify which third countries are involved, including from the Southern Mediterranean<sup>18</sup> and Eastern Partnership<sup>19</sup>. In the framework of Mobility partnerships (and Common Agendas) please advise whether Migration and Mobility Resource Centres (MMRCs) have / will be set up in the partner countries.

*Bilateral contacts with third countries concerning legal migration have been established in the sphere of Working Holiday Programmes. Hungary has concluded a Working Holiday Scheme (WHS) Agreement with New Zealand in 2011 (promulgated by the Act LIV of 2012), the fulfilment of which necessitated several legal modifications as well as IT developments in*

<sup>18</sup> Morocco, Algeria, Tunisia, Libya and Egypt.

<sup>19</sup> Ukraine, Belarus, Moldova, Georgia, Armenia and Azerbaijan.

2012. As a result a new basis for acquiring residence permit was introduced by the 130/2012. (VI. 26.) Government Decree by setting out provisions on temporary residence permit entering into force on 1<sup>st</sup> November 2012.  
 In addition Hungary completed negotiations on a WHS Agreement with the Republic of Korea, the ratification of which is foreseen in 2013.

Type of agreement	Third countries involved	Main purpose and rationale for the agreement
(EU or bilateral)	N/A	N/A

#### 1.3.4 Highly qualified workers

Please describe any (planned) measures to facilitate access of highly qualified workers. Refer to the implementation of the EU Blue Card Directive. Describe any incentive mechanisms for highly qualified workers on top of the transposition and implementation of EU legislation. Consider also how such measures will contribute to economic growth. (Information relating to the mitigation of ‘brain drain’ should be provided in Section 4.4).

*Application for EU Blue Cards can be submitted from 1 August 2011, since the modifications of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (RRTN) and the Government Decree 114/2007 (V. 24.) on the Implementation of Act II of 2007.*

*According to the Act II of 2007 an EU Blue Card shall be given to a third-country national who is able to meet the general conditions and is not subject to the grounds for exclusion, whose employment is justified in line with specific guidelines laid down by the relevant legislation, or on grounds of domestic employment policy considerations, who has full healthcare insurance or applied for coverage for healthcare services with respect to all periods when his contract for employment relationship carries no insurance and who has notified the address of his/her accommodation in the territory of Hungary.*

*An EU Blue Card shall be refused, and shall not be issued to any third-country national who has applied for refugee status to the refugee authority, or having requested any subsidiary form of protection or temporary protection from the refugee authority, to any person who has been granted any subsidiary form of protection or temporary protection in Hungary, to exiles, to any third-country national holding a residence permit for the purpose of carrying out scientific research, to any person authorized under specific other legislation to exercise the right of free movement and residence, to any third-country national holding an EC residence permit certifying long-term residence status granted by any Member State of the European Union, to any third-country national who enter the territory of Hungary under commitments contained in an international agreement facilitating the entry and temporary stay of certain categories of trade and investment-related natural persons, to any third-country national who has been admitted to the territory of Hungary with seasonal employment visa, or who has been admitted to the territory of any Member State of the European Union as a seasonal worker, to any third-country national covered by Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, as long as he/she is posted on the territory of Hungary.*

*In the EU Blue Card application procedure the competent authorities shall make their final decision within ninety days from the submission of the application. Third-country nationals*

*shall submit their application to the competent Regional Directorate of OIN, yet the employment office forms its position concerning employment authorization during the procedure, and as a result the OIN makes the final decision in the procedure.*

*An EU Blue Card shall be issued for a period of at least one year. If the contract of employment is for a shorter period, the EU Blue Card shall be made out for the term of the relationship covered by the contract of employment, plus three months. The validity period of an EU Blue Card shall be four years maximum, and it may be extended by four additional years at a time. For a period of two years after the date of issue, the holder of an EU Blue Card shall be allowed to work: only in the employment relationship for which it was issued or only in an employment relationship authorized in connection with domestic employment policy considerations, for the purpose of highly qualified employment.*

*A third-country national holding a residence permit issued by any Member State of the European Union for the purpose of highly qualified employment may be issued a EU Blue Card: after eighteen months of legal residence in the Member State having issued the EU Blue Card, and if able to meet the above mentioned requirements. In order to provide full conformity with the EU Blue Card Directive further modifications were made in 2012 by 81/2012. (IV. 18.) Government Decree concerning provisions on intra-EU mobility of EU Blue Card holders.*

### **1.3.5 Students and researchers**

Please describe any (planned) measures to facilitate greater mobility of students and researchers, also as a pathway towards meeting labour market needs. Describe any incentive mechanisms in place for students and researchers on top of the transposition and implementation of EU legislation. Consider also how such measures will contribute to economic growth. (Information relating to the mitigation of ‘brain drain’ should be provided in Section 4.4).

*Hungary has some skills recognition agreement with third-countries (for example with Austria, Slovak republic and Slovenia) which help the recognition of the qualifications and thus also promote the mobility.*

*The concept applied by UNESCO and by Hungary as well distinguishes two categories: the higher „A” and the higher „B” educational programmes. The higher „A” program provides primarily for theoretical basic knowledge thus enabling the student to be eligible to attend higher level education or research programmes; its duration lasts 3 years at least. A higher „B” program focuses on the more successful integration of participants into the labour market by ensuring practical education, its duration lasts 2 years at least.*

*The procedural rules on the entry and stay of the third-country nationals for the purpose of study and the residence permit application are regulated by the RRTN and the 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. According to these rules a residence permit may be issued on grounds of pursuit of studies to third-country nationals accepted by an establishment of secondary or higher education accredited in Hungary and admitted to the territory of Hungary to pursue as his/her main activity a full-time course of study, or to attend a course in an establishment of higher education, which may cover a preparatory course prior to such education, if they are able to verify the linguistic knowledge required for the pursuit of studies. The validity period of a residence permit issued on grounds of the pursuit*

*of studies shall correspond to the duration of training, if it is less than two years or shall be at least one year or maximum two years if the duration of training is two years or more, and it may be extended by at least one or at most by two additional years at a time. The validity period of a residence permit issued on grounds of the pursuit of studies may not exceed the validity period of the applicant's travel document.*

*No statistical data is available on how many third-country nationals holding a residence permit for the purpose of study are engaged in gainful employment.*

*A residence permit may be issued for the purpose of carrying out scientific research to third-country nationals seeking admission to the territory of Hungary for the purposes of carrying out a research project under a hosting agreement concluded with a research organization accredited under specific other legislation and the research organization provides a written commitment for reimbursing the costs of expulsion in cases the researcher remains in the territory of Hungary past the period authorized, if the researcher does not have the financial means necessary for covering such costs. The validity period of a residence permit granted for the purpose of carrying out scientific research shall correspond to the duration of the hosting agreement, not to exceed five years, and it may be extended by a duration corresponding to any extension of the hosting agreement, not to exceed five years.*

### **1.3.6 Wealthy investors**

*As there is significant worldwide competition in the area of high net worth investors, Hungary has also decided to offer a preferential legal channel for migration to those third-country nationals who are ready to invest a sum of 250,000 EUR in certain government bonds. According to the provisions that have entered into force on 28 December 2012 (Act CLXXXI of 2012) these high net worth investors are first issued with a residence permit for "other" purpose, then after 6 months they can apply for a national long-term residence permit.*

### **1.4 Family Reunification**

Please describe any new policies / legislation or changes to existing policies and legislation regulating family migration. Consider also your (Member) State's human rights obligations, 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. knowledge of the country's language, level of education, professional background, other. Please also describe any concrete (planned) measures to further promote the integration of third-country nationals coming for the purpose of family reunification

*Point 18 of Article 10 (1) of Decree No. 16/2010 (V. 13.) SZMM on the Authorization of the Employment of Third-Country Nationals in Hungary transposed the provision of the EU Blue card Directive on the employment of family members in a way that work permits for family members of EU Blue Card holders shall be issued without having to apply a labour market test, therefore the Hungarian legal system does not set any time limit in respect of access to the labour market to the employment of family member of the third country national holding an EU Blue Card.*

## **1.5 Integration**<sup>20</sup>

### **1.5.1 Promoting integration through participation: socio-economic contribution of migrants**

Please describe (planned) measures for the integration of third-country nationals through their increased socio-economic contribution, including measures to enhance language skills; improve attainment on the education system; and improve access to social and health services. Describe any specific measures to meet the needs of vulnerable groups of migrants. Describe also how EU funding (e.g. the European Fund for the Integration of Third-Country Nationals and the European Refugee Fund) is being (better) used to support migrants' participation.

NB Information in relation to labour market integration should be provided in Section 1.2.2.

*Integration programs at the first place are implemented in the framework of the European integration Fund (EIF) and the European Refugee Fund (ERF).*

*The project of the Tudomány Nyelviskola language school “**How to find your way in Hungary?**” plans to provide practical training, instruction and hands-on courses to third country nationals to facilitate their integration into society and the labour market with the help of the EIF allocation 2012. The project aims to overcome the problems of low communicative competence in Hungarian language, unfamiliarity with official procedures, incompetence in entering the labour market and difficulties in bridging the cultural gap. The course is flexible and highly focuses on the needs of the target groups with special attention on disadvantaged groups.*

*In the course of planning the EIF Annual Programme 2013 Hungary intends to pay special attention to aspects of increased socio-economic contributions of migrants, i.e. on the elaboration and exchange of adequate teaching methods for third country nationals and enhancing intercultural dialogue and multiculturalism e.g. through school curricula. Flexible Hungarian language courses would also be preferred which could take into account the specific needs of vulnerable groups, with special attention to women.*

*Concerning **ERF funding**, the following projects need to be highlighted. Among projects aiming at **facilitating labour market access**, the project being implemented under 2012 national allocation by OIN entitled “**Vocational Training for refugees 2**” is aiming at involving refugees/beneficiaries of subsidiary protection into specialized vocational training and integrated language training. Blue collar jobs in Hungary usually require vocational skills, which are typically not available for these beneficiaries since their original profession is difficult to be recognised, their vocational skills often lack or poor, and they do not have access to a professional network, this project thus facilitates access to the labour market. The target group involved in the project is assisted by a mentor as well as an experienced psychologist who helps in career planning.*

*In the field of **education**, a project implemented under 2011 national allocation by the Migrant Education Centre aimed at establishing a special pedagogical programme as a pilot programme designed to promote integration of refugees and beneficiaries of subsidiary protection into the public educational system taking into account the special needs of the target group.*

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<sup>20</sup>Please also refer to the European Agenda for the Integration of third-Country nationals, COM(2011)455 final.

Concerning **access to housing**, the project implemented by the Hungarian Reformed Church need to be highlighted, which provides accommodation, mentoring support as well as activities facilitating access to the labour market (e.g. job search activities) tailored to the needs of the target group.

Finally, further projects have been implemented aiming at **facilitating the integration process** of persons granted international protection under ERF national allocation. In this context, the complex integration pilot programmes implemented by municipalities in partnership with OIN should be underlined, which consist of various elements, thus providing accommodation, vocational training as well as mentoring support to the target group with a view to facilitate their long-term integration in the local community.

<b>Annual average unemployment rates of (Member) State citizens versus third-country nationals residing in the (Member) State for 2012</b>		
	Third country nationals	Total national population
Unemployment rate (%)	no specific data (9.1 % for foreign born people in 2009, OECD) (employment rates of non-EU nationals in 2011 - 50,5%)	10,5 % (August-October 2012, KSH)

### **1.5.2 Promoting integration through participation: rights and obligations – achieving equal treatment and belonging**

Please describe measures taken to increase migrants' participation in the democratic process. These might include for example, increasing the participation of migrant representatives (including women) in the design and implementation of integration policies; outreach programmes and work placements to build capacity within migrant organisations and encourage support at local level; and measures to enhance democratic participation, for example, training mentors, granting voting rights in local elections etc.

In the framework of the EIF 2010 a survey was made in order to measure the **Participation of migrants in the democratic processes**. The results and recommendations were published in a book which aimed the policy makers and experts as target groups. It examined such characteristics in connection with Zaragoza indicators like the trust in public institutions, electoral behaviour, sense of belonging, willingness to participate in civil and political life, etc.

Another project to mention is the **Budapest Migration Roundtable** of which the first meeting was organised in December 2012 in order to contribute to integration policy making and to establish a consultative forum for organisations working in the field of immigration, through which there is an opportunity for formal consultation between the Metropolitan Municipality of Budapest and these organisations.

The involvement of migrants in integration processes is highly appreciated and evaluated with extra points in EIF projects. Migrants participate in several integration projects of EIF 2011 as trainers or mentors. In the framework of EIF 2013 separate mentor programmes are planned to be supported.

The intercultural communication is a separate activity which requires the participation of migrants in the programs. Such project is the **Migrant Perspectives News Agency**, which aims at functioning as a credible and authentic press agency specialized in migration and integration topics, with the participation of journalists of migrant background.

### **1.5.3 Promoting action at local level**

Please describe any relevant activity with the active involvement of local authorities, e.g. addressing integration challenges in disadvantaged urban areas; improving multi-level cooperation between different levels of governance. You should also describe how EU funding is being applied to improve local, more targeted approaches to integration.

***Budapest Migration Roundtable, EIF 2012:*** The main goal of the above mentioned project is to set up the Budapest Migration Roundtable in order to establish an effective network of stakeholder actors on this field, to empower the NGOs, to develop the activities of the city for the migrant inhabitants, to turn on the municipalities' activities in this field. The project wants to activate the local administration on the field of migration. Today, the activities of the city limited to the activities of the governmental organizations and NGOs, while the local leadership wants to activate all the social actors of the city in connection with the social participation, to strengthen the processes of integration and the inclusion of migrant communities into the city's society.

***Meeting of Cultures at the University of Debrecen, EIF 2011:*** The aim of the project is to help the social integration of nearly 3000 students from third countries (target group) out of the University's total of 32000, and to increase the openness of Hungarian society towards foreigners. The indirect target group is the residents of Debrecen. The project aims to familiarize people with the views and values of other nationals. Cultural, sport and free time activities are organized. Such secondary activities like Hungarian language courses, course books employing new methods, and an information booklet foster the success of the project.

### **1.5.4 Involvement of countries of origin**

Countries of origin may play a role in the integration of migrants before departure, during stay in the EU, and on return. Please describe any measures to support integration involving countries of origin at any / all of these stages. Pre-departure measures may include provision of information on visas and work permits, language training, vocational training, recognition of qualifications and skills; measures during stay may include support to diaspora communities, promotion of transnational entrepreneurship, increasing trade between countries of origin and stay; measures to support return may include developing a rights-based framework for re-integration and for temporary and circular migration.

***Under the EIF 2012 a specific project is supported – Information Point in Subotica – that project aims to create an Information Point in Subotica, Serbia, in order to support the integration's pre-accession programs, provide trainings for third-country nationals, especially for the citizens of Western Balkan states. In many cases these citizens consider Hungary as a transit country, especially the highly skilled groups or groups with shortage of professionals. The aim is to reach this target group with organizing language courses, information workshops and provide personalized migration strategy guidance. The expected result of the project is to strengthen Hungary's role as a primary migration target country among the highly skilled citizens of Western Balkan states or with shortage of professionals, as well as to promote their establishment.***

### **1.5.5 Cooperation, consultation and coordination of stakeholders**

Please describe any additional information not included above on the processes for cooperation, consultation and coordination of national, regional and local authorities, including civil society, countries of origin and with EU level institutions and actors. Please describe relevant activity, such as the development of a national website and / or forum on integration, development of information exchanges between institutions, and possible



contributions to the European Integration Forum, the European Website on Integration and the National Contact Points on Integration.

*EIF 2012, **European Integration Modules – professional experience exchange**: The aim of the project is to familiarise national experts dealing with the integration of third-country nationals with the European Integration Module system and to start a national debate on the potential application of international best practices in Hungary, and to contribute to the development of national integration strategy.*

*EIF 2012, **International experience exchange regarding authorisation procedures**: The direct aim of the project implemented by the Office for Immigration and Nationality is to develop the practice of the licensing procedure by learning Member States' practices in the fields underlined from the point of view of the work of the Hungarian aliens policing authority.*

## **1.6 Managing Migration and Mobility**

### ***1.6.1 Visa Policy***

Please describe (planned) developments in relation to the implementation of the Visa Code and the Visa Information System (VIS), including developments in relation to biometric visas, for example the share of visas issued which are biometric, regions covered, pilot measures and testing, cooperation between (Member) States' consulates and the set up joint consular services for visas.

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

*The Visa Information System (VIS) started its operations in the first region (North Africa) on 11 October 2011 on the basis of the Commission implementing decision of 21 September 2011 (2011/636/EU) and Commission Decision of 30 November 2009. At the same time, Hungary started the operations of the VIS in Turkey (Ankara, Istanbul) and in Moldova (Chisinau), based on the related project of the Central European Region (use of the VIS at external borders and by consular services in third countries — CEUVIS Project). This “pilot project” is still going on.*

*The VIS was successfully rolled out in the second region (The Near East) on 10 May 2012 (HU Embassy in Tel-Aviv, Amman, Beirut and Damascus) and in the third region (The Gulf Region) on 2 October 2012 (HU Embassy in Tehran, Kuwait, Doha, Riyadh and Abu Dhabi).*

*Since 10/05/2012, 967 biometric visas were issued in the second region (Tel-Aviv: 155, Amman: 365, Beirut: 308, Damascus: 139).*

*Since 02/10/2012, 582 biometric visas were issued in the third region (Tehran: 128, Kuwait: 35, Doha: 59, Riyadh: 196, Abu Dhabi: 164).*

*The following visa representation agreements have been signed by Hungary in 2012:*

*(Member) States representing Hungary:*

*Belgium in Kinshasa*

*Switzerland in Quito and Wellington*

*Netherlands in Oman, Aruba and Curacao*

*Germany in Houston*

*(Member) States represented by Hungary:*

*Denmark in Doha*

*Finland, Slovenia, Austria, Switzerland in Almaty*

*Austria, Latvia, Slovenia, Slovakia, Netherlands, Belgium, Denmark in Chungking*

*The visa representation agreement with Switzerland – representing Hungary in Kuala Lumpur – had been terminated in 2012.*

*In line with Article 43 of the Visa Code, Hungary cooperates with an external service provider in India since 2 March 2012.*

#### ***Visas issued in 2012***

	Schengen Visas	National Visas
Visas	303185	5971

#### ***1.6.2 Schengen Governance***

Please describe any recent developments in relation to Schengen Governance. For example, where relevant, you could include any (planned) actions in relation to the new Schengen acquis, temporary suspension of Schengen, developments in relation to Regulation (EU) No 1342/2011 facilitating border crossing for Kaliningrad area etc.

*For Hungary, the most important development in terms of overall functioning and security of the Schengen area was the constantly increasing pressure of irregular migration at the Serbian-Hungarian, and to a lesser extent at the Hungarian-Romanian border. This is the result of secondary migration movements originating primarily from Greece. The increased pressure resulted in a growing number of apprehensions of migrants trying to enter the Schengen area illegally – mostly at the green border. This phenomenon instigated Hungary and Austria to step up cooperation at the operational level. Control and surveillance has been strengthened by the Hungarian Police, primarily at the Serbian external border section. Information exchange (that of criminal intelligence) to step up law-enforcement action against organized criminal networks specializing in the smuggling, trafficking of human beings has been improved, due to the successful FIMATHU-project (Fighting illegal migration affecting Austria and Hungary). Joint operations were carried out, with the assistance of FRONTEX and border police officers from several Member States. A trilateral meeting took place between the Hungarian and the Austrian, and the Serbian Minister of Interior, and an Action Plan has been agreed upon.*

*There was no reintroduction of border checks (SBC Article 23) by Hungary in 2012.*

*The Schengen evaluation of the MSs who joined the Schengen area in 2007 continued in relation to Hungary. Schengen evaluation missions took place to evaluate the application of*

*the Schengen acquis at the air borders in February, as regards data protection in April, the issuance of visas at the consulates of Istanbul and Cairo was evaluated in April, and police cooperation was evaluated in June. All missions, and the consequent reports have been adopted by the Schengen Matters Working Party. Overall, the result was positive; Hungary applies the Schengen acquis in a satisfactory manner. There were recommendations especially for the consulates – these are mostly already implemented.*

## **2. IRREGULAR MIGRATION**

*NB. The questions in this Section have the purpose of reporting activities in Member States that have contributed to the six Strategic Priority Areas outlined in the Strategic Response to EU Action on Migratory Pressures.<sup>21</sup>*

### **2.1 Strategic Priorities**

#### **Priority I: Strengthening cooperation with third countries of transit and origin on migration management**

The relevant challenges in the Strategic Response for this sub-section are in particular:

##### ***I.2. Ensure implementation of all EU readmission agreements to their full effect***

Please describe activities undertaken to support the implementation of EU readmission agreements (implementing protocols, cooperation (including diplomatic pressure) with third countries to encourage implementation)

*In order to combat the phenomena of illegal migration, we aim at concluding bilateral and EU readmission agreements, and deepening the cooperation with the countries of origin and transit.*

*The implementing protocol between the Government of the Republic of Hungary and the Government of Republic of Bosnia and Herzegovina on the implementation of the Agreement between the Republic of Bosnia and Herzegovina and the European Community on readmission of 8 November 2007 was signed in 2012. It was promulgated by the Government Decree No. 152/2012. (VII. 10.).*

*The agreement between the Government of Hungary and the Government of the Republic of Kosovo on the readmission of persons residing illegally on the territory of their States was signed and published (Act LXXXVII on 2012). The Government Decree No. 153/2012. (VII.12.), which consist the implementing protocol also entered into force.*

*The Protocol between the Government of Georgia and the Government of Hungary on the implementation of the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation, signed in Brussels on 22 November 2010 was signed on 22. November 2012. (promulgated by Government Decree No. 360/2012. (XII. 17.))*

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21 8714/1/12 REV 1 <http://register.consilium.europa.eu/pdf/en/12/st08/st08714-re01.en12.pdf>

### ***I.3. Enhance the capacity of countries of origin and transit to manage mixed migration flows***

Please describe any specific developments to equip countries of first asylum with the means to guarantee refugee protection and to better manage mixed migration flows.

*In the framework of the Salzburg Forum (SF), Ministers of the SF countries (AT, BG, HR, HU, CZ, PL, RO, SI, SK), the Western Balkan countries and Moldova, having met on 11 October 2012 in Mátraháza, agreed to set up a regional contact list of the relevant authorities, in order to improve the practical cooperation and exchange of information to prevent and combat illegal immigration.*

*The countries of Western Balkans and Moldova were invited to submit concrete requests and needs for further developing their migration and asylum systems and strengthening border control.*

*Hungary participates as junior partner in the twinning project “Strengthening Readmission and Sustainable Reintegration in Kosovo” (Twinning-Number: KS 11 IB JH 02). The project aims to facilitate an integrated and comprehensive approach for sustainable reintegration of returnees in Kosovo through strengthening of administrative and institutional capacities of relevant institutions and ensuring the provision of comprehensive socio-economic measures to beneficiary families.*

### ***I4-7 Prevention of irregular migration from (a) the Southern Mediterranean countries; (b) the Eastern Partners; (c) the Western Balkans; and (d) the Western Mediterranean and the African Atlantic coast***

Please describe any specific cooperation activities in your Member State to prevent irregular migration in relation to the specific geographical regions outlined above.

***(a)***

*Hungary deployed a document expert immigration liaison officer to Istanbul from 1 July 2012.*

***(b)***

*- Hungary participates as leading country in the project Eastern Partnership cooperation in fight against irregular migration - Supporting the implementation of Prague Process Action Plan (SIPAP). The proposed action seeks to contribute to strategic and operational cooperation in the EaP region in area of cross-border crimes prevention with a special focus on irregular migration.*

*- Hungary deployed a document expert immigration liaison officer to Chisinau (Moldova) from 1 July 2012.*

*- Hungary participated as junior partner in the Thematic Programme: “Supporting the implementation of the EC visa facilitation and readmission agreements in Georgia and Moldova”, which Programme was closed in 2012. The objectives of the project were:*

*- to enhance capacities of Government institutions to implement returns and readmission to and from Georgia/Moldova*

*- to enhance the capacity of Government institutions to issue supporting documents required for visa applicants to the EU in line with international standards.*

(c)

- An Action Plan was adopted between Hungary and Serbia in order to implement joint operations, law-enforcement training, legislative alignment, develop migration and asylum capacities and establish a Common Contact Point;

- A study visit to the Hungarian Police and the Ministry of Interior for experts from the relevant Serbian authorities was organised in May 2012, including the possibility to examine the daily work of the Austrian-Hungarian joint liaison office in Nickelsdorf;

- Serbian officers continued to participate in the Frontex "Focal Point" joint operation at the Hungarian-Serbian border section;

- As of 1 April 2012, the Hungarian, Serbian and Austrian Police have renewed the trilateral common operation at the Hungarian-Serbian border section;

- HU and AT initiated set up common investigation and analysis teams to eliminate cross-border criminal organisations with regard smuggling of human beings at the Hungarian-Serbian border section in September 2011. DE, SK, PL, HR, CH and Serbia joined project FIMATHU. EUROPOL supports the operational information-exchange within the framework of the project;

- In the framework of the Salzburg Forum (SF), Ministers of the SF countries (AT, BG, HR, HU, CZ, PL, RO, SI, SK), the Western Balkan countries and Moldova agreed to set up a regional contact list of the relevant authorities, in order to improve the practical cooperation and exchange of information to prevent and combat illegal immigration.

(d)

N/A

## **Priority II: Enhanced border management at the external borders**

The relevant challenges in the Strategic Response for this sub-section are in particular:

### ***II.2 Preventing and combating irregular immigration by ensuring strong and efficient border control***

#### ***Agreements with third countries***

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. This could include the provision of border equipment, training of border guards, etc. Any specific measures to combat irregular migration should be set out in Section 2

*Hungary concluded bilateral agreement with Ukraine on border control, which has entered into force in July 2012 (promulgated by the Act LXVIII. of 2012).*

*Hungary concluded bilateral agreement with Serbia on border control, which will enter into force in January 2013.*

### ***Border control including Frontex operations***

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

*The National Police procured 80 desktop and 64 mobile document and fingerprint readers and 3 specially equipped mobile controlling vehicles to support border control. The installation of 8 mast-mounted thermal camera systems was carried out, the National Coordination Centre of EuroSUR established in 2011 has direct link to the surveillance systems as they are functional part of the complex border surveillance system of Hungary. The National Police procured one kit of 14 deployable sensors as well. The NS.CP and the professional systems supporting the implementation of SIS II were developed to ICD 3.0 and prepared for the migration and going live, the HW of the secondary site of the NS.CP was enhanced. Secondary (backup) data transfer routes were developed to 16 border crossing points to support their safe and continuous operation (with regard to the implementation of SIS and VIS as well). The border control units received 424 handheld TETRA radios and 57 TETRA radios installed into the patrol vehicles.*

- b. 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.

*The expansion of 2 border crossing points started to support better separation of EU/EGT and third country nationals. The National Police is to establish an automated biometric control system at Ferenc Liszt International Airport (Budapest) in 2013 which is to be further developed to support RTP programme in a later time.*

- c. Please describe any relevant (planned) developments to ensure more effective control of the external land, sea and air borders, such as reinforcing border control staff, providing training, increasing overall resources etc.

*The following developments are running to support the effective control of the external borders:*

- procurement of 145 desktop and 17 mobile document and fingerprint readers
- installation and integration of 3 mast-mounted thermal camera systems to the national border surveillance system
- procurement of 6 mobile thermal camera systems
- procurement of 20 handheld cameras
- modernisation and enhancement of CCD camera systems of 14 border crossing points
- procurement of 288 handheld document checking and 30 professional document checking and archiving equipment
- procurement of 25 vehicle searching kits (incl. videoscopes etc.)
- procurement of 6 mobile controlling vehicles,
- construction of helicopter landing place at the Ukrainian border
- training of 27 service dogs
- establishment of common contact point with Serbia at Szeged-Röszke
- establishment of helicopter base for border surveillance at the Serbian border

- modernisation of the HW background of the Border Control and Registration System of the National Police (IT system supporting the border checks) taken into account the implementation of EES  
- further training programmes for the border guard staff of 720  
- reinforcement of the border policing units with 656 officers

- d. 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 activities, by type of activity (e.g. joint operations).

- As of 1 April 2012, the Hungarian, Serbian and Austrian Police have renewed the trilateral common operation at the Hungarian-Serbian border section; within the framework of that operation, Austrian guest officers and buses with thermal imaging cameras were deployed to the Hungarian-Serbian border.  
- 96 guest officers participated in 2012 in the Joint Operations "JUPITER" and "Focal Points" in Hungary.  
- Hungary deployed an overall number of 32 guest officers with 5 cars and 3 buses with thermal imaging cameras in 2012 in Joint Operations organized by the Frontex.  
- From 2009 Hungary took part in joint return flight operations. Hungary has attended Frontex joint flights several times in 2012.

- e. Please describe any additional (planned) activities not already described above that contribute to the strengthening of security and preventing irregular migration at the external borders e.g. (i) use of advanced passenger information in accordance with Directive 2004/82/EC; (ii) identification of irregular migration routes - specifically inside the Schengen area.

*No specific actions were taken in this field.*

### **Priority III: Preventing irregular migration via the Greek-Turkish Border**

The relevant challenges in the Strategic Response for this sub-section are in particular:

#### ***III.1 Ensuring effective border controls are in place at the Greek-Turkish border***

Please describe activities to support Operation Poseidon and Attica. Also, describe any other activities undertaken to increase operational capacity at the Greek-Turkish border

*Hungary deployed an overall number of 21 guest officers with 5 cars and 3 buses with thermal imaging cameras in 2012 to the Greek-Turkish border in the Joint Operation Poseidon.*

### ***III.2 Combating irregular immigration transiting Turkey to EU***

Please describe any bilateral activities to assist the Turkish authorities to strengthen their capacity to combat irregular migration and to ensure the dignified return of third-country migrants through escorted transit and assisted voluntary return projects via Turkey.

*No specific actions were taken in this field.*

### **Priority IV: Better tackling of abuse of legal migration channels**

The relevant challenges in the Strategic Response for this sub-section are in particular:

#### ***IV.1 Prevent an increase in unfounded asylum applications as a direct consequence of introducing visa free regimes in third countries and decrease the number of overstayers in the Schengen area***

Please describe any measures introduced to monitor the effects of visa free regimes in your Member State. What have been the results of these monitoring activities? Describe here any key findings – especially in relation to the impact of visa free regimes on the number unfounded asylum applications registered in your Member State.

*Based on the relevant statistics within the EU, Hungary introduced thorough border checks on citizens from visa free WB countries in summer, 2012. According to the relevant data of the Hungarian Police, mostly Serbian citizens abusing of legal migration channels in Hungary; most of them are overstayers (more than 1600 Serbian citizens were apprehended as overstayers in Hungary till 30 November 2012).*

#### ***IV.2 Combating and preventing irregular migration caused by visa liberalisation***

Please describe measures taken to ensure the accelerated and swift return of persons from visa-free third countries found to be making unfounded asylum applications, to be overstaying permissions to stay or otherwise abusing legal migration channels.

*Based on the EU readmission agreements, Hungary can smoothly implement readmissions of persons from visa-free third countries.*

### **Priority V: Safeguarding and protecting free movement by prevention of abuse by third-country nationals**

The relevant challenges in the Strategic Response for this sub-section are in particular:

#### ***V.1 Improve the understanding of abuse of free movement rights by third country nationals and organised crime aiming at facilitating irregular immigration***

Please describe Member State activities taken to gather, analyse and share information on the fraud and abuse of free movement. In particular, describe any monitoring activities that have worked particularly well and any efforts taken to improve monitoring tools and procedures for detecting false documents, and the dissemination of findings that may contribute to a better understanding of misuse of free movement. In particular, describe any activities undertaken as part of EU Joint Investigation Teams, via the FREEMO expert group, or through the EUROPOL Platform for Experts.

*Hungarian experts have cooperated with experts from the UK in exchanging information on revealing and tackling abuses connected to free movement. Such questions have also been touched upon in the FREEMO expert group.*



## ***V.2 Prevent the fraudulent acquisition and use of free movement rights by third-country nationals***

Please describe measures taken to implement enhanced security standards for EU documentation on legal stay (residence cards etc.), including use of biometrics and any actions taken to ensure common validation standards at borders and domestic controls. Describe also any measures to improve the security of the application and issuance processes for identity/EU documentation.

*A new criminal offence under the title “Abuse by establishing family relationship” was introduced by the new Criminal Code of Hungary (Act C of 2012) entering into force on 1<sup>st</sup> July 2013. According to the new provisions anyone above the age of eighteen, who, for financial gain, establishes a family relationship or provides an official paternity statement with full force only for acquiring residence, unless a graver crime is realized, is to be punished for an offense with a maximum of two years imprisonment.*

## **Priority VI: Enhancing migration management, including cooperation on return practices**

The relevant challenges in the Strategic Response for this sub-section are in particular:

### ***VI.1 Ensuring that all Member States have efficient migration management systems in place in order to be prepared for fluctuating migration pressures***

Please describe any specific measures undertaken to address unexpected migration flows.

*- The Ministers of Hungary, Austria and Serbia signed a joint declaration in Budapest, on 6 October, 2011 on the necessary steps to effectively combat illegal migration in the region. Hungary and Serbia also adopted an Action Plan on cooperation for combating illegal immigration at the Hungarian-Serbian border for 2012.*

*- In Hungary, the relevant authorities started a common operation called NIMROD in 2012 to address the increased migration flows.*

*- HU and AT initiated set up common investigation and analysis teams to eliminate cross-border criminal organisations with regard smuggling of human beings at the Hungarian-Serbian border section in September 2011. DE, SK, PL, HR, CH and Serbia joined project FIMATHU. EUROPOL supports the operational information-exchange within the framework of the project.*

### ***VI.2 Maximising the potential of a common EU approach in the field of return, both voluntary and forced in compliance with existing EU acquis***

Please describe measures taken to develop swift, sustainable and effective return using a common EU approach and in particular actions to (i) share best practice on return (voluntary and forced); (ii) improving cooperation with stakeholders in the field; (iii) improving operational cooperation on joint return operations; (iv) support voluntary return programmes; (v) improve cooperation on assisted voluntary return programmes,

*No specific actions were taken in this field.*

## 2.2 Key statistics

<i>Third-country nationals returned (by nationality where possible)</i> <sup>22</sup>			
	Returned as part of forced return measures	Returned voluntarily	Among third-country nationals returned voluntarily, the number of third-country nationals returned as part of an assisted return programme
Nationality 1	Kosovar: 431	N/A	Kosovar: 305
Nationality 2	Afghan: 164	N/A	Afghan: 24
Nationality 3	Serbian: 114	N/A	Mongolian: 13
<b>Total*</b>	1 011		393

\* till 31. October 2012

### Police Datas (2012 I-X. month)

<i>Third-country nationals returned (by nationality where possible)</i> <sup>23</sup>			
<i>Top 6</i>	Returned as part of forced return measures	Returned voluntarily	Among third-country nationals returned voluntarily, the number of third-country nationals returned as part of an assisted return programme
Afghan	874	N/A	N/A
Kosovar	258	N/A	N/A
Pakistani	480	N/A	N/A.
Serbian	397	N/A	N/A
Algerian	192	N/A	N/A
Moroccan	128	N/A	N/A
<b>Total</b>	3078	N/A	N/A

## 3. INTERNATIONAL PROTECTION INCLUDING ASYLUM

*This Section will also be used to provide information to inform EASO's Annual Report.*

### 3.1 Common European Asylum System

Please describe any specific measures undertaken to support the further development of the Common European Asylum System, including projects undertaken with other Member States under the ERF.

*Regarding the implementation of the relevant EU acquis, in 2012 Hungary transposed Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection by Act XXVII of 2012.*

<sup>22</sup> Please provide the total number of third country nationals ordered to leave and returned in 2012. Please provide a breakdown of this total by nationality where possible.

<sup>23</sup> Please provide the total number of third country nationals ordered to leave and returned in 2012. Please provide a breakdown of this total by nationality where possible.

*Under the 2012 national allocation of the European Refugee Fund the following projects aiming at the further development of the Common European Asylum System has been supported. The project entitled “**Improving of the quality of judicial decision making in the field of refugee procedures**” is being implemented by the National Judicial Office, the main objective of which is to collect relevant ECJ and ECtHR judgments and on the basis of which conduct a comparative analysis and to disseminate a curriculum among the judges, secretaries of courts who are involved in the review of refugee determination decisions. Another project implemented by the OIN entitled “**Quality development of the country of origin information and asylum procedure 2**” is aiming at the quality improvement of comprehensive country of origin information service as well as decision-making in asylum procedure by ensuring access to high-level, reliable information concerning the country of origin of asylum seekers. Within the framework of the project the unit responsible within the OIN for providing COI (Documentation Centre) will prepare a compiled, thematic professional report on COI and disseminate it among relevant OIN experts. Furthermore, another project implemented by OIN is aiming at the translation into Hungarian of modules under the European Asylum Curriculum on the basis of which professional trainings are foreseen to be held. Thus this project contributes to the effective implementation of the obligation laid down in the Asylum Procedures Directive (Council Directive 2005/85/EC) to provide continuous training to the staff of the national asylum authority.*

### **3.2 Cooperation with the European Asylum Support Office (EASO)**

#### ***3.2.1 Participation in EASO activities***

Please provide information on your (Member) State’s relevant participation in EASO activities, by type of activity (e.g. provision of staff for Asylum Support Teams).

*The Director of the Office of Immigration and Nationality (OIN) is the member of the Management Board of the EASO delegated by Hungary, OIN experts regularly participate in various EASO working group meetings.*

#### ***3.2.2 Provision of support by EASO to the Member States***

Please provide information on relevant support provided by EASO to your (Member) State, by type of activity (e.g. training, emergency support etc.)

*In 2012, within the framework of the European Asylum Curriculum (EAC), three asylum experts participated in a one-week long training held in Malta. Experiences gathered during the training have been shared with other OIN experts. Furthermore one OIN expert is participating in the process of drawing up of the EASO guidelines on unaccompanied minors.*

### **3.3 Intra-EU solidarity including Relocation**

#### ***3.3.1 Support to national asylum systems***

Please provide information on support provided to (Member) States experiencing specific and disproportionate pressures on their national asylum systems. This might include support in the processing of requests for international protection, seconding staff (for the Asylum Intervention Pool / EAC Expert Pool), sending resources or equipment.

*The OIN has delegated one expert under the Asylum Intervention Pool whose application was accepted by EASO.*

### 3.3.2 Relocation

Please describe any action undertaken with regard to the relocation 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.

*Hungary is participating in the implementation of EUREMA I and EUREMA II projects within the European Refugee Fund Community Allocations. Within the framework of the EUREMA I project starting in 2010, Hungary made a pledge of relocating 10 persons, whereas in the EUREMA II project we pledged for 5 persons to be relocated from Malta. However, the actual relocation process has not yet been materialised.*

#### **Third-country nationals Relocated to Hungary**

	Relocated
Third-country nationals	<b>0</b>

### 3.4 Enhancing the external dimension including Resettlement

#### 3.4.1 Cooperation with third countries

Please describe *specific* cooperation with relevant non-EU countries to strengthen their asylum systems, including national asylum legislation and asylum policy frameworks (e.g. through Regional Protection Programmes).

*Within the Ukrainian Visa Liberalisation Action Plan OIN offered to provide a presentation on asylum issues to the Ukrainian experts, which will take place in 2013. Furthermore, OIN has also undertaken to share experiences on capacity building in the field of asylum with the National Police Forces of the Republic of Serbia, which will take place in either 2013 or 2014.*

#### 3.4.2 Resettlement

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.

*For the calendar year of 2012 Hungary made a pledge of resettling a maximum of ten persons belonging to the category of persons from a country or region designated for the implementation of Regional Protection Programme. The first resettlement programme was implemented in 2012, the implementation is currently ongoing. Within the framework of the programme one Iranian refugee was resettled from Ukraine on 29 November 2012.*

#### **Third-country nationals Resettled in Hungary**

	Resettled
Third-country nationals	<b>1</b>

## 4. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

### 4.1 Unaccompanied minors and other vulnerable groups

Please describe any developments in relation to unaccompanied minors (UAMs) at national and international levels, including in the context the Action Plan<sup>24</sup> on UAMs and its Mid-term Review. Please also describe developments in relation to other vulnerable groups.

*An age assessment protocol is under preparation currently, which will precisely define the content of the age assessment procedure as well as designate the medical experts competent to conduct such a procedure. The main objective of the protocol is to determine the age of the minors with a maximum of 1-2 years of margin of error. The protocol would also make it possible to challenge the expert opinion on the age of the minor at second instance. The protocol will most probably be adopted in 2013.*

### 4.2 Key statistics

<i>Unaccompanied minors</i>		
Total	Unaccompanied minors not applying for asylum	Unaccompanied minors applying for asylum
		94*

\* till October 2012

## 5 ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS

This Section should be completed also in the context of the "EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)"<sup>25</sup>, and you should liaise with your national rapporteur on Trafficking in Human Beings.

### 5.1 Measures to identify, protect and assist victims of trafficking

Please describe any (planned) actions at national level to fight human trafficking, including measures to identify, protect and assist victims of trafficking.

*There have not been any major changes in relation to the human trafficking situation, trends and modus operandi as regards Hungary since 2011.*

*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, Italy, and Spain.*

*The criminal offence of human trafficking has been harmonized with the requirements of the Directive 2011/36/EU (levels of penalties increased; structure of the disposition streamlined with the requirements of the Directive). The new legislation was adopted in June 2012. The adoption of the new Victims Support legislation that provides victims with support in line with the Directive and provides legislative basis for the National Referral Mechanism is underway. This is expected to be a major step forward and it is hoped that as a consequence of the new legislation, the number of shelters and thus the number of assisted victims can be increased.*

24 Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:EN:PDF> plus the Mid-term

Report : [http://ec.europa.eu/dgs/home-affairs/e-library/docs/uam/uam\\_report\\_20120928\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/docs/uam/uam_report_20120928_en.pdf) .

25Source: <http://ec.europa.eu/anti-trafficking/>.

## **5.2 Measures to prevent trafficking in human beings, and to increase the prosecution of traffickers**

Please describe any (planned) actions at national level to enhance the prevention of trafficking in human beings, and to increase the prosecution of traffickers.

*In August an awareness-raising activity at the Sziget Fesztivál, which is a major cultural event in Europe targeting young people between the ages of 18 and 24, took place whereby nearly 1000 young people from all over the world were reached by way of quizzes and short questionnaires.*

*In the near future an awareness raising campaign to prevent human trafficking for labour exploitation will also take place within the framework of the EU funded project entitled „Integrated approach for the prevention of trafficking for labour exploitation in countries of origin and destination”. The target group of the campaign will be males between the ages of 25 and 40 who are exposed to the risk of falling victim of human trafficking for labour exploitation.*

## **5.3 Coordination and cooperation among key actors**

Please describe enhancements in coordination and cooperation among key actors and policy coherence, including to increase knowledge of and effective responses to changing trends in human trafficking. Please also identify cooperation with third countries (e.g. awareness raising actions in third countries addressing communities at risk). Please only refer to cooperation with regard to combating human trafficking in this section.

*In November 2012 a one-week training was organised in Budapest in cooperation with ICMPD and the Dutch Ministry of Foreign Affairs on identifying victims, investigating cases, prosecuting offenders within the framework of the project entitled "Capacity building for combating trafficking for labour exploitation".*

## **5.4 Key statistics**

<b><i>Third-country nationals receiving a residence permit as victims of human trafficking</i></b>		
Third-country nationals	<i>Not applicable</i>	
<b><i>Traffickers arrested as suspects and traffickers convicted</i></b>		
	Arrested / otherwise involved in a criminal proceeding	Convicted
Traffickers	<i>Not applicable</i>	<i>Not applicable</i>

## **6. MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY**

### **6.1 Mainstreaming of migration in development policies**

Please describe any relevant activity, for example studies, and development of approaches to make migration an integral part in sectoral policies (e.g. agriculture, health, education etc.), solidarity development projects, etc. Please also highlight any migration-related initiatives with third countries in the framework of development policy.

*N/A*

## **6.2 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, co-development actions etc.

N/A

## **6.3 Working with Diasporas**

Please provide information on a possible national policy or actions with regard to 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 describe any specific activities to address migrant rights and the empowerment of migrants.

N/A

## **6.4 Efforts to mitigate 'brain drain'.**

Please describe any (planned) measures to mitigate 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.

N/A

## **7. PROVISION AND EXCHANGE OF INFORMATION TO SUPPORT POLICY DEVELOPMENT**

### **7.1 Exchange of Information at EU level**

Please describe any additional actions to provide and exchange information to support policy development at EU level. This might include for example, through networks such as the EMN, the Mutual Exchange Mechanism (MIM), EASO etc.

*Hungary has been actively participating in the **Prague Process**. The respective Prague Process Action Plan was adopted in November 2011 in Poznan, Poland, the implementation of the Action Plan (after intensive preparatory work) began in August 2012 as the Prague Process Targeted Initiative. The principal aim 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, moreover the Action Plan sets down a number of strategic priorities as well.*

*Hungary has taken up the leading state role of the second Pilot Project of the Prague Process Targeted Initiative. This pilot focuses on the theme legal migration, while the other three pilots on illegal migration, international protection and migration and development. The pilot project will last all together 36 months. Hungary is implementing the project together with Belarus, Bosnia and Herzegovina, Croatia, Georgia, Kosovo, Kyrgyzstan, Macedonia (FYROM), Moldova, Tajikistan, Ukraine and Russia, Poland, Czech Republic, Sweden and Slovenia, with the assistance of the IOM and the ICMPD.*

*Hungary is the Vice-Chair of 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.*

Hungary continuously took part in the Söderköping Process since 2004 (being the rotating chair of the process in 2010), 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. Since 2012 the Söderköping Process is incorporated into the **EU initiative Eastern Partnership** were successful as the Process continues as the **Migration and Asylum Panel**. Hungary is active in coorganizing and hosting events in 2013 related to return, readmission and reintegration, and also on statelessness.

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.

Hungary regularly participates and takes active part at the meetings of the **Global Forum on Migration and Development**.

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 was 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. The evaluation of the Partnership took place in the course of 2012.

## **7.2 Exchange of Information at Regional and National levels**

Please describe any additional actions to provide and exchange information to support policy development at regional and national levels. These might include specific actions with national contact points or rapporteurs, and the exchange of information within the 'regions' of Europe, for example, amongst the Baltic States. Please also describe any (planned) sharing and exchanging of information on migration with other (Member) States, through existing networks and other instruments (e.g. the European Migration Network, the Mutual Information Mechanism (MIM)). Please also describe the involvement of EU agencies



*Hungary took over the 6-month Presidency of the Salzburg Forum on 1 July 2012. The Salzburg Forum initiated by Austria in 2000, is a Central-European internal security partnership between the Interior Ministers of Austria, Bulgaria, the Czech Republic, Croatia, Hungary, Poland, Romania, Slovakia and Slovenia. The Salzburg Forum focuses on three major areas: fostering regional cooperation in internal security, improving representation of interests in EU for and strengthening relations with third countries.*

*The newly developed 18-month work programme, applicable from 1 July 2012 started to be implemented under the Hungarian Presidency. As for migration related priorities Hungary has laid a particular emphasis on the fight against illegal migration by the setting up of a regional contact list among the relevant authorities, in order to improve the practical cooperation and exchange of information to prevent and combat illegal migration. This was even an outstanding issue on the agenda of the Salzburg Forum Ministerial Conference which was held on 10-11 October 2012, Mátraháza. As a follow up to the outcome of the Ministerial Conference experts met on 26-27 November 2012 in Budapest, Hungary to discuss the possibilities for a common regional approach of border control related information exchange and the exchange of criminal intelligence, as well as possible cooperation concerning the return of third country national illegal migrants.*

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#### **Annex A: Relevant JHA Acquis<sup>26</sup>**

This Annex provides a list of the relevant EU legislation for the asylum/immigration acquis including in 2012 (changes from 2011 are highlighted in grey).

The following key has been used to indicate when the legislation below was adopted:

- ☑ Instruments published in 2012
- ✓ Instruments published in 2011
- ★ Instruments published in 2010
- ⌘ instruments published in 2009
- ◆ instruments published in 2008
- ❖ instruments published in 2007
- instruments published in 2006
- instruments published in 2005
- instruments published in 2004
- instruments published in 2003
- instruments published in 2002
- all instruments until 31.12.2001

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26 This Annex currently includes all changes up to 30<sup>th</sup> September 2012 inclusive. EMN NCPs will be informed of further updates in due course. The complete JHA acquis, up to and including October 2009, is available from [http://ec.europa.eu/home-affairs/doc\\_centre/intro/doc\\_intro\\_en.htm](http://ec.europa.eu/home-affairs/doc_centre/intro/doc_intro_en.htm).