



Comparative overview of national protection statuses

HUNGARY

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Comparative overview of national protection statuses in the EU

National Contribution from Hungary

Disclaimer: The following information has been provided primarily for the purpose of contributing to a synthesis report for this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.

Top-line factsheet

Although migration and asylum is a priority topic in Hungary, the statuses have not been changed since the adaption of the current national asylum law, the Act LXXX of 2007 on Asylum. Since Hungary is pledged to implement the EU law, the main objective was, during the legislation back in 2014 and 2015, to create a legal framework which implements the relevant EU law in the best possible way. In this regard, the Hungarian legislators did not want to create different statuses other than the EU harmonised statuses, rather just added the previously existed tolerated status to the two EU statuses.

Since Hungary has this one national status the study cannot contain significant added value to the previous study on the same topic in 2010. The rules regarding the tolerated status have remained the same, although the Asylum Act has been modified several times.

Tolerated status is a national protection status which applies when a person cannot be returned on the principle of non-refoulement. In case the principle of non-refoulement applies in an asylum procedure (in case a higher protection status cannot be granted) or a return procedure, the Hungarian authority makes a decision to grant a tolerated status to the third country national concerned.

This status, as it is a subsidiary status, is less favorable than the the EU-harmonised statuses. The Act on Asylum states, that the beneficiary of tolerated status is entitled to the same rights as the person with a resident permit. This means that the beneficiary of tolerated status do not have a right for a travel document, or wide scaled integration measures.

Beneficiaries of tolerated status however entitled to stay in Hungary, and also entitled to access to labour market without work permit.

Hungary opted to grant family reunification only to refugees, thus neither the beneficiaries of subsidiary protection nor the beneficiaries of tolerated are not able to request such procedure. The validity of the status is one year, and the authority reviews the status annually ex officio. As tolerated status is just a temporary status, the family reunification conceptually excluded.

In Hungary's case there is no plan to extend the national statuses in the near future. Hungary is expected to reform its national law regarding the statuses, once the Common European Asylum System's new regulations are in force.

Section 1: Overview and mapping of types national protection statuses

Q1. Aside from the EU-harmonised protection statuses, are there any other protection statuses currently available in your Member States? Yes/No

Beside from the EU harmonised two statuses in Hungary there is one status related to international protection, which is the tolerated status.

Since Hungary is pledged to implement the EU law, the main objective was, during the legislation back in 2014 and 2015, to create a legal framework which implements the relevant EU law in the best possible way. In this regard the Hungarian legislator did not want to create different statuses other than the EU harmonised statuses, rather just added the previously existed tolerated status to the two EU statuses.

Since, in case of both refugee and subsidiary protection statuses, there are grounds to exclude a third country national, the tolerated status applies when the principle of non-refoulement applies.

Q3. If yes to Q1, please complete **Table 1** with the type of non-harmonised protection statuses currently available.

Table 1 Type of non-harmonised protection status(es) currently available

Type of non-harmonised protection status	Y e s	N o	Comments
Constitutional asylum			
<i>Please note section 3 in the template for background; if the status provided falls under an 'EU protection status' please note that that in your answer in the 'comments' column.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Collective protection			
<i>Please note section 3; if the status provided falls under an 'EU protection status' (e.g. the Temporary Protection Directive) please note that that in your answer in the 'comments' column.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other national (including humanitarian) statuses based on:			
Medical reasons <i>See section 3 of the introduction in the study's template</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Statuses available for climate change reasons and natural disasters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Statuses available for local personnel of armed forces of respective Member States (e.g. interpreters in Afghanistan or Iraq)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comparative overview of national protection statuses in the EU

Special statuses available for unaccompanied/aged-out minors <i>* Please note the recent EMN study on UAM and summarise where relevant</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Special statuses available for children <i>* Please include only if status is different from the protection-related status provided to adults/unaccompanied minors for the above-listed reasons</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other (national protection) grounds <i>Please specify and add as many rows as necessary. Please note that study covers only national statuses granted to persons based on protection grounds – which could be applicable to persons that cannot be returned on the principle of non-refoulement. However, <u>legal statuses granted due to practical challenges to remove a third-country national fall outside the scope of the study</u> (see Section 3 in the introduction).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Available to persons that cannot be returned on the principle of non-refoulement

Q4. If yes to Q1, please complete **Table 2** with the type of statuses currently available for relocated and resettled persons, persons who are admitted through private/community sponsorship or other type of special programmes

If statuses available also include non-harmonised protection status(es), please also complete Table 3 and Table 4 in section 2.

Table 2 Type of protection status(es) currently available for relocated and resettled persons, persons who are admitted through private/community sponsorship or other type of special programmes

Type of protection status	Yes		No	Comments
	EU-harmonised protection status	Non-harmonised protection status		
Status(es) available for resettled persons				
<i>*Please note: EMN study on resettlement and humanitarian admission programmes</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Status(es) available for relocated persons				
<i>*Please note the EU relocation programmes (introduction of the template)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Status(es) available to beneficiaries of community/private sponsorship programmes				
<i>*Please note: EMN study on resettlement and humanitarian admission programmes</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Statuses available to beneficiaries of other special programmes				

Comparative overview of national protection statuses in the EU

<i>E.g.: special programmes designed to assist persons in need of protection to enter and reside in the EU (e.g. in the frame of humanitarian admission programmes; family members of third-country nationals already legally residing in Member States)</i>	□	□	☒	
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Section 2: Rationale, procedure and content of protection of national protection statuses

Q5. If yes to Q1 and indicated in Tables 1 and 2 types of non-harmonised protection status(es), please elaborate on rationale for the adoption of the status(es) and the determination procedure for each of the non-harmonised protection statuses.

Please refer to the relevant law or policy throughout.

Please add as many tables as necessary, filling one table per status, clearly indicating to which type of non-harmonised category it belongs to.

Table 3 : Rationale for national protection status and determination procedure

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): _____	
Status A [refer to the full name used in national legislation] _____	
Background	
Why was the status adopted? <i>* please briefly brief outline of the policy background that led to the adoption of this status</i>	The status has been adopted to deal with the non-refoulement principle. In case a third country national is not eligible to an EU-harmonised protection status, but the principle of non-refoulement applies, or there is no possibility to return the third country national concerned to his/her country of return, the authority grants a tolerated status.
In what year was this status established?	In 2007.
Is this status established on: a) A permanent basis? b) A temporary (or ad-hoc) basis? If it is temporary/ad-hoc, when did/will it cease operation?	Permanent basis.
Legal basis	
Is the <i>status</i> set out in: a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law, public policy guidance surrounding the application of any provision in practice)? Please elaborate	Legislation.
Eligibility	

Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	

Status A [refer to the full name used in national legislation] _____	
Who is eligible to receive this status?	In case a third country national is not eligible to an EU-harmonised protection status, but the principle of non-refoulement applies, or there is no possibility to return the third country national concerned to his/her country of return.
Determination procedure	
Is an application procedure set out in: a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law)?	Third country nationals cannot be apply for tolerated status, since it is a subsidiary status. In case, the third country national applies for international protection, and the non-refoulement principle applies the authority grant the tolerated status automatically, unless other EU-harmonised status cannot be granted.
When is application for the national protection status possible: a) Immediately, as part of a single procedure examining the need for international protection? b) Immediately, as part of a separate procedure? c) After exhausting the asylum procedure in-country? d) Other (please explain).	Third country nationals cannot be apply for tolerated status, since it is a subsidiary status. In case, the third country national applies for international protection, and the non-refoulement principle applies the authority grant the tolerated status automatically, unless other EU-harmonised status cannot be granted.
Where does the application take place: a) In the territory of your State? b) In a third country? c) Both are possible.	There is no separate application for tolerated status.
Briefly outline the procedure in terms of: — Authorities involved in examining the application and, if applicable, the issuance of a permit of stay; please clarify if these are the <u>same authorities as those responsible of examining international protection applications</u> ; — Existing timelines and notification of the (first instance) decision, information to the beneficiary	Since the tolerated status is a subsidiary and can be granted only if there is no possibility to grant any higher EU-harmonised statuses, but the principle of non-refoulement applies, the examination of non-refoulement takes place during the examination of the asylum application or return procedure. Thus all the procedural elements are the same as the asylum or return procedures.
Appeal procedures	
Is there an appeal in the event of a negative decision? Yes/No	The applicant can appeal the decision of the international protection. Since tolerated status cannot be grand individually without a return or an asylum decision, the applicant can appeal the return and asylum decision, which is contains the decision on non-refoulement.
If yes, is it a two-level system of appeal or one level?	One level.

Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Status A [refer to the full name used in national legislation] _____	
<p>If yes, is it:</p> <ul style="list-style-type: none"> - An administrative appeal? - A judicial appeal? - Judicial review? - Other? (please explain) 	Judicial appeal.
Does the appeal have an automatic suspensive effect? Yes/No <u>If no</u> , can it be requested and what is the procedure in this case?	In case of a first application, yes. Since the tolerated status is a subsidiary status, the suspensive effect is connected to the original asylum or return decision.
Are the authorities involved <u>the same as those in appeal procedures against a negative decision in the international protection procedure?</u>	Yes
If the decision on the appeal is negative, will it result in a return decision being issued? Yes/No	Tolerated status can be granted during a return procedure, but if the appeal negative in any cases, the result is a return procedure. Since in the asylum procedure, the authority issues the asylum decision and the return decision in one decision, there is no need for separate return decision.
If there is no possibility for appeal, please explain what happens.	
Change of status	
<p>In case the applicant fails on appeal or his/her status ends or is not renewed, can s/he apply for:</p> <ol style="list-style-type: none"> a. International protection status? (please specify which) b. Other legal migration statuses? (please specify which) 	<p>S/he can apply for the EU-harmonised protection statuses. If the principle of non-refoulement doesn't apply, the application is a subsidiary application with all the legal consequences.</p> <p>If the applicant has any basis he/she can apply for legal statuses, and ask for a permit, if he/she eligible.</p>
Relevant case law	
<p>Is there any relevant case law (by the highest instance courts and final judgements) that led to systemic changes in the procedure (and/or with major policy implications) concerning this national protection status? Yes/No</p> <p>If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.</p> <p><i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i></p>	In the last 12 years there hasn't been any changes regarding the tolerated status.

Comparative overview of national protection statuses in the EU

Q6. If yes to Q1 and indicated in Tables 1 and 2 types of non-harmonised protection status(es), please also fill in **Table 4 for each status**. Please add as many tables as necessary, completing one table per status, clearly referring to the name/title of the status used in Table 3.

Table 4: Content of protection of national statuses

Tolerated status	Yes	No	Other	Details
Residence permit				
Issuance of a residence permit required?	X	<input type="checkbox"/>	<input type="checkbox"/>	
Validity of the first residence permit (or initial length) (in years)	X	<input type="checkbox"/>	<input type="checkbox"/>	
Possibilities of renewal/extension?	X	<input type="checkbox"/>	<input type="checkbox"/>	
Validity of the residence permit after renewal? (in years)	-	-	-	1 year
Time period required to be entitled to permanent residence permit (in years)	-	-	-	The general rules apply.
Does this time period differ from the general rule for applying for permanent residence permit?	<input type="checkbox"/>	X	<input type="checkbox"/>	The general rules apply.
Travel document				
Is a travel document issued ?	<input type="checkbox"/>	X	<input type="checkbox"/>	The beneficiary of tolerated status is entitled to the same rights as the person with a resident permit, which do not contain a travel document.
If so, what type of document is it ?	-	-	-	
Validity (in years)	-	-	-	
Accommodation				
Access to accommodation (on the same basis as other legally residing third-country nationals) ?	X	<input type="checkbox"/>	<input type="checkbox"/>	In accordance the general rules apply for the beneficiary of international protection.
Access to specific schemes/programmes to support access to accommodation?	<input type="checkbox"/>	X	<input type="checkbox"/>	
Dispersal mechanism?	<input type="checkbox"/>	X	<input type="checkbox"/>	
Family reunification				
Right to family reunification ?	<input type="checkbox"/>	X	<input type="checkbox"/>	
Eligible family members, for example:				
- partner in a legal marriage or in a comparable relationship	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- unmarried partner (e.g. registered partnership, cohabitation, attested long term relationship)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- underage partner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Comparative overview of national protection statuses in the EU

Tolerated status	Yes	No	Other	Details
- minor child (beneficiary's and/or partner's; foster or adopted child)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- adult dependent children (beneficiary's and/or partner's or adopted child)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- brother or sisters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- dependent parents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- parents of UAMs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Material requirements sponsor must guarantee, for example:				
- accommodation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- health insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- sufficient income/financial means	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- other (e.g. criminal record, medical certificate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there an equivalent of a 'grace period' during which no material conditions are required? If so, please indicate the duration of the grace period in the comments column.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
What is the validity of the residence permit of the family member?	-	-	-	
Labour market and qualifications				
Specific conditions to be granted access (e.g. hold work permit)?	<input type="checkbox"/>	X	<input type="checkbox"/>	
Access to procedures for recognition of qualifications?	<input type="checkbox"/>	X	<input type="checkbox"/>	
Social assistance				
Social assistance limited to core benefits ? <i>*please note definition of 'core benefits' in the introduction</i>	<input type="checkbox"/>	X	<input type="checkbox"/>	
Health care				
Access to emergency health care?	X	<input type="checkbox"/>	<input type="checkbox"/>	
Access to mainstream services ?	X	<input type="checkbox"/>	<input type="checkbox"/>	
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	X	<input type="checkbox"/>	<input type="checkbox"/>	
Education				

Comparative overview of national protection statuses in the EU

Tolerated status	Yes	No	Other	Details
Access to general system of education (same as nationals)?	X	<input type="checkbox"/>	<input type="checkbox"/>	
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	<input type="checkbox"/>	X	<input type="checkbox"/>	
Integration				
Access to 'mainstream' support (available for legally residing third-country nationals)?	<input type="checkbox"/>	X	<input type="checkbox"/>	
Access to targeted support (i.e. specifically for beneficiaries of the status)?	<input type="checkbox"/>	X	<input type="checkbox"/>	
If so, how long is the support granted for?	-	-	-	
End of protection				
Are there any <i>formal</i> ways foreseen to end or refuse to renew the national protection status (e.g. it is foreseen in national legislation)?	X	<input type="checkbox"/>	<input type="checkbox"/>	In accordance with the general rules that apply for international protections. Every ear the authority review the tolerated status, and if the circumstances doesn't change they renew it.
How can national protection end?				
- The person no longer qualifies for protection	X	<input type="checkbox"/>	<input type="checkbox"/>	
- Protection was fraudulently acquired	X	<input type="checkbox"/>	<input type="checkbox"/>	
- Status ceased	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- Status can no longer be renewed	X	<input type="checkbox"/>	<input type="checkbox"/>	
- Other (please explain)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Naturalisation/citizenship acquisition				
Minimum legal residence required to apply for citizenship/naturalisation <i>*please note that a 2019 EMN study will research in more depth the issue of acquisition of citizenship in Member States</i>				The general rules apply. Minimum 8 years required.
Status offers more or less favourable conditions (compared to either refugee or subsidiary protection)				
Please describe the extent to which the status offers				
a) <i>more</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b) <i>same</i> or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c) <i>less</i> favourable conditions compared to either refugee or subsidiary protection?	X	<input type="checkbox"/>	<input type="checkbox"/>	Since it is a subsidiary status compared to the other two, the beneficiary of tolerated status is entitled less favorable conditions.
Relevant case law				

Comparative overview of national protection statuses in the EU

Tolerated status	Yes	No	Other	Details
<p>Is there any relevant case law (by the highest instance courts and final judgements) that led to systemic changes in the procedure (and/or with major policy implications) concerning this national protection status? Yes/No</p> <p>If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.</p> <p><i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In the last 12 years there hasn't been any changes regarding the tolerated status.

Section 3: National debates and challenges as regards national protection statuses

Q7. Are the national protection statuses the **subject of debate** in your Member State (e.g. political, academic and civil society debate)? Yes/No

Please outline the key debates referencing parliamentary questions or policy documents media, academic literature and commentary or literature from civil society organisations.

Please note that future plans – if any – should be mentioned under question 10.

It is not a subject of debate, since it was introduced in 2007, and is the part of the legal framework ever since. This stay is a necessary subsidiary status, which applies when the principle of non-refoulement cannot be enforced otherwise. Since the principle of non-refoulement is a basic international principle, thus its preservation is an obligation to all countries, the tolerated status is an accepted legal institution.

Q8. What are the **key practical or operational challenges** in your Member State regarding national protection statuses?

Please consider in particular any challenges related to the implementation and uptake of these statuses in practice, challenges observed to ensure consistency with other EU-harmonised protection statuses, etc.

There are no particular challenges regarding the tolerated status. This national protection status is in force since 2007, thus the practice is well-known, and there hasn't been detected any new challenges, not even during the 2015 crisis. The tolerated status is a subsidiary status next to the two EU-harmonised statuses, thus there hasn't been a need to reform it, or create different procedure.

Comparative overview of national protection statuses in the EU

Q9. Did your (Member) State adopt any **measures to tackle the above-mentioned challenges?**

Yes/No

If so, please elaborate.

See answer to Q8.

Q10. Is your Member State planning to introduce any **new protection statuses** that have been announced publicly (i.e. in the form of official strategy documents, existing draft legislation or proposal)?

Yes/No

If so, when and why?

There is no such plan in the near future. Hungary is expected to reform its national law regarding the statuses, once the Common European Asylum System's new regulations are in force.

Q11. Is your Member State planning to **terminate or significantly change** any of the protection statuses currently available? Yes/No

If so, when and why?

There is no such plan in the near future. Hungary is expected to reform its national law regarding the statuses, once the Common European Asylum System's new regulations are in force.

Q12. If applicable, have any of the statuses identified within **the 2010 EMN study**,¹ and within the scope of the present study, ceased to exist or been significantly amended since 2010? Yes/No

Alternatively, if your Member State did not participate in the 2010 EMN study, have any statuses within the scope of the present study and available at the time of the study in 2010 ceased to exist or been significantly amended (regarding grounds and content of protection) since 2010? Yes/No

If so, how, when and why?

In the last 12 years there hasn't been any changes regarding the tolerated status, or any other new, not EU-harmonised statuses.

¹ 'The Different National Practices Concerning Granting of Non-EU-Harmonised Protection Statuses'. Member States that participated in the 2010 EMN study, were Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Malta, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom.

Study is available at : https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/non-eu-harmonised-protection-status/0_emn_synthesis_report_noneuharmonised_finalversion_january2011_en.pdf.

Section 4 Conclusions [max 2 pages]

Q13. With regard to the aims of this study, what conclusions would you draw from your findings reached in elaborating your national contribution? In particular, what is the relevance of your findings to (national and/or EU level) policy-makers?

The protection statuses have not changed since the introduction of the 2011/95/EU directive, which has introduced subsidiary protection. This unchanged framework applies for the national protection status also. New findings cannot be detected, as the national protection status - the tolerated stay - has remained the same since 2007.

The tolerated status is a subsidiary status, a third country national cannot submit an application just for tolerated status. Therefore the basic asylum or return procedure takes place, and during this procedure the authority can decide whether the principle of non-refoulement applies or not. In case the non-refoulement applies, and any higher EU-harmonised status cannot be granted mostly because there is a ground for exclusion, this tolerated status is the maximum.

This status typically granted to those who has committed a crime, therefore not eligible for international protection, but the principle of non-refoulement applies. This case, these third country nationals are granted a limited status, less favorable than the two EU-harmonised statuses. Because the most common ground is the exclusion from the international protection, the holders of the tolerated status often pose a threat to the national security, thus the frequent review of their status is very much needed.

The Hungarian legal framework has been created in a way to answer the problems, and to protect the native society. Therefore there are not any other national statuses. Since Hungary is not taking part in any resettlement schemes a need for a different status or procedure has not been occurred. The three statuses - refugee, beneficiary of subsidiary protection in accordance with the Qualification Directive and the tolerated status - seem sufficient for the law makers and the relevant authorities.

There are no information concerning that this policy is about to change. The intense political debates are not touching this topic in Hungary, most of the questions are related to the asylum and return procedures, and the reception conditions. The standards for the qualification of third-country nationals as beneficiaries of international protection, is a secondary topic either among the policy makers and among the society.

The one national status has a mature practice, both the asylum and return authorities and the judicial bodies are well-trained in this regard, with years of experiences, therefore during our research we could not find any challenges regarding the status.

In the light of the above mentioned the Hungarian contribution does not contain new finding compared to the 2010 study on the same topic, and does not have any impact on the policy-makers.

Annex 1 National statistics

Please note the scope of national statistics:

- Temporal scope 2010–2018 to capture changes from previous study.
- Ask Member States and Norway for total number of national protection statuses granted where available.
- Ask Member States and Norway for the above data to be disaggregated by individual status where available.
- The data will be disaggregated by year and country of origin, sex and age if available, but these will not be cross tabulated.

These data will not be comparable.

Please complete the following tables with available information:

Table A1.1: Number of persons granted national protection status by nationality (2010-2018).

Table A1.2: Number of persons granted national protection status by age (2010-2018).

Table A1.3: Number of persons granted national protection status by gender (2010-2018).

Annex 2 Overview of EU-harmonised statuses and implementation by Member States

All Member States implemented the provisions of the recast Qualification Directive, with the exception of Ireland and the UK,² and of the Temporary Protection Directive. Norway, a State not participating to these Directives, has adopted in its national legislation equivalent protection statuses.

Table A2.1 will present an overview of the content of protection under each of the three harmonised statuses. A more detailed overview of the implementation of these standards by Member States will be included in Annex 2 in the synthesis report. This will support a comparative analysis in the synthesis report between the minimum standards of protection as set out in EU legislation and the content of protection offered by national protection statuses.

This Annex will be prepared by the EMN Service Provider with the support of EASO.

Table A2.1 Content of protection of EU-harmonised statuses

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
Residence permit	Article 24 recast QD	Article 24 recast QD	Articles 4 and 8 TPD
<i>Issuance of a residence permit required?</i>	Yes As soon as possible after refugee protection status has been granted	Yes As soon as possible after subsidiary protection status has been granted	Yes
<i>Validity of the first residence permit (or initial length) (in years)</i>	Minimum 3 years	Minimum 1 year	Minimum 1 year
<i>Possibilities of renewal/extension?</i>	Yes	Yes (at least 2 years)	Yes (up to maximum 2 additional years)
<i>Time period required to be entitled to permanent residence permit (in years)</i>	No harmonisation	No harmonisation	No harmonisation
<i>Does this time period differ from the general rule for applying for permanent residence permit?</i>	No harmonisation	No harmonisation	No harmonisation

² Ireland participated in Directive 2004/83/EC but is not bound by the recast Directive 2011/95/EU. The UK participated in Directive 2004/83/EC and is not bound by the recast Directive 2011/95/EU.

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
Travel document	Article 25(1) QD	Article 25(2) QD	No harmonisation
<i>Is a travel document issued ?</i>	Yes	Yes	-
<i>If so, what type of document is it ? (e.g. Geneva travel document or a national travel document)</i>	Travel documents in the form set out in the Schedule to the Geneva Convention	If unable to obtain a national passport should be issued with documents which enable to travel	-
<i>Validity (in years)</i>	No harmonisation	No harmonisation	-
Accommodation	Article 32 recast QD	Article 32 recast QD	Article 13 TPD
<i>Access to accommodation (as other legally residing third-country nationals) ?</i>	Yes	Yes	Yes (but only access to 'suitable accommodation' or provide 'means to obtain housing')
<i>Access to specific schemes/programmes to support access to accommodation?</i>	No harmonisation	No harmonisation	-
<i>Dispersal mechanism?</i>	Allowed on condition of non-discrimination of beneficiaries of international protection (Article 32(2) QD)	Allowed on condition of non-discrimination of beneficiaries of international protection (Article 32(2) QD)	No harmonisation
Family unity & reunification	Articles 2 and 23 recast QD	Articles 2 and 23 recast QD	Article 15 TPD
<i>Right to family reunification?</i>	Yes Obligation of MS to maintain family unity	Yes Same as for refugees	Yes

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
<i>Eligible family members</i>	<p>Family ties should have already existed in the country of origin</p> <p>Spouse; unmarried partner in a stable relationship; minor unmarried children; father, mother or another adult responsible for the refugee</p> <p>Possibility to restrict family reunification with close relatives on the condition that family ties have already existed in the country of origin and who were dependent on the sponsor</p>	<p>Same as for refugees</p>	<p>Family ties should have already existed in the country of origin</p> <p>Spouse, unmarried partner in a stable relationship, minor unmarried children of the sponsor or of the spouse, other close relatives who lived together as part of the family unit and who were dependent on the sponsor</p>
<i>Material requirements sponsor must guarantee</i>	<p>Articles 6-9 Family Reunification Directive: Accommodation, health insurance and/or sufficient financial resources</p>	<p>Excluded from the scope of the FRD</p>	<p>No harmonisation</p>
<p><i>'Grace period'?</i></p> <p><i>If so, please indicate the duration of the grace period</i></p>	<p>Article 12 Family Reunification Directive: Exemption to from the obligation to meet the material requirements for a minimum period of three months after the granting of refugee status</p>	<p>Excluded from the scope of the FRD</p>	<p>No</p>
<i>What is the validity of the residence permit of the family member?</i>	<p>It may be valid for less than 3 years and renewable (Article 24(1) recast QD)</p>	<p>It may be valid for less than 3 years and renewable (Article 24(1) recast QD)</p>	<p>For the duration of the temporary protection of the sponsor (Article 15(6) TPD)</p>

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
Labour market and qualifications	Articles 26 and 28 recast QD	Articles 26 and 28 recast QD	Article 12 TPD
<i>Specific conditions to be granted access (e.g. hold work permit)?</i>	Yes, possible (Article 26(1): access can be subject to rules generally applicable to the profession and to the public service)	Yes, possible (as for refugees)	Yes Member States may give priority to EU and EEA citizens, and to legally resident third-country nationals receiving unemployment benefit
<i>Access to procedures for recognition of qualifications?</i>	Yes (equal treatment with nationals)	Yes (as for refugees)	No harmonisation
Social assistance	Article 29(1) recast QD	Article 29(2) recast QD	Article 13 TPD
<i>Social assistance limited to core benefits ?</i>	No	Yes	Yes ('necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources')
Health care	Article 30 recast QD	Article 30 recast QD	Article 13 TPD
<i>Access to emergency health care?</i>	No harmonisation	No harmonisation	Yes ('emergency care and essential treatment of illness')
<i>Access to mainstream services ?</i>	Yes	Yes	No

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
<i>Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?</i>	Yes	Yes	Yes
Education	Article 27 recast QD	Article 27 recast QD	Article 14 TPD
<i>Access to general system of education (same as nationals)?</i>	Yes	Yes	Yes
<i>Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?</i>	No harmonisation	No harmonisation	No harmonisation
Integration	Article 34 recast QD	Article 34 recast QD	No harmonisation
<i>Access to 'mainstream' support (available for legally residing third-country nationals)?</i>	Yes Access to integration programmes which are considered to be appropriate so as to take into account the specific needs of beneficiaries of international protection or create pre-conditions which guarantee access to such programmes	Yes Same as refugees	-
<i>Access to targeted support (i.e. specifically for beneficiaries of the status)?</i>	Yes	Yes	-

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
<i>If so, how long is the support granted for?</i>	No harmonisation		-
Ending or refusal to renew protection	Articles 11, 12 and 14 recast QD	Articles 16, 17 and 19 recast QD	Article 6 TPD
<i>Are grounds to end or refusal to renew protection formally foreseen?</i>	Yes	Yes	Yes
Change of status			Articles 3 and 17 TPD
Possibility to lodge an application for another protection status?	Yes, to subsidiary protection	Yes	Beneficiaries of TP can lodge an application for asylum at any point in time.