

Annual Report on Asylum and Migration Statistics for Hungary

(Reference Year: 2006)

1 INTRODUCTION

In 1989 Hungary acceded to the Geneva Convention as the first among the countries of the eastern socialist bloc. Hungary acceded to the Geneva Convention with a geographical reservation.

The first Hungarian Asylum Act was adopted by the Hungarian Parliament in 1997 and entered into force on 1 March 1998. The Asylum Act (1997:CXXXIX) lifted the geographical limitation made to the Geneva Convention and contained detailed provisions on the refugee status determination procedure and on the legal status of asylum-seekers, refugees and beneficiaries of temporary protection. Until 1997, Hungary accepted refugees only from European countries. Immediately after lifting this limitation, nearly half of the asylum applications were submitted by non-European citizens (mostly from Afghanistan, Bangladesh and Iraq). The other half came from Yugoslavians fleeing the Kosovo crisis. In 1999, there were 11,500 applications (5,100 submitted by Yugoslavians and 6,000 by non-European citizens). Since then, the number of European applicants dropped; in 2002 they amounted to only seven percent of all applicants. Following the entry into force of the first Asylum Act the composition of the asylum-seekers went through significant changes. With the evolvement of the peace process at the Balkans the majority of the ethnic Hungarian refugees and temporarily protected persons returned home while others settled down in Hungary and gained Hungarian citizenship.

The Hungarian Parliament amended the first Asylum Act several times following its passage. A more extensive amendment was required in connection with Hungary's accession to the European Union, as part of the process of legal harmonisation, in 2001. In 2004, the year of Hungary's accession to the EU, some other modifications were needed, so the following modification of the Asylum Act entered into force in 2004. (Act 2004: XXIX) These revisions at the time did not necessitate the creation of new laws as it was possible to integrate the changed provisions into the structure of the legislation so only the number of the Act was changed.

The Act 2004: XXIX is the relevant legislation for the present statistical analyses (for the reference year 2006 and also for 2005). This modification introduced the Dublin procedure, EURODAC system into the national legislation as implementation of the necessary legal harmonisation at that time. This Act introduced another and even more **significant change into the Hungarian asylum system concerning the appeal system**. Before the modification the asylum procedure had four instances: two administrative and two judicial, so there was redress on both levels, administrative and judicial. The new legislation simplified the appeal procedure with the aim to make it quicker and more effective by introducing only one administrative and one judicial instance. This means that since 2004, in the **two-instance asylum procedure**, an asylum seeker can lodge an appeal against the negative decision of the asylum authority to the Budapest Metropolitan Court, which has exclusive and country-wide jurisdiction over asylum appeals. According to this modification **the appeal procedure** before the Budapest Metropolitan Court **became litigious**. (The previous appeal procedure was non-litigious, which means that the court decided on the basis of the documents and personal hearing was optional and exceptional). In a litigious procedure the asylum applicant must be heard personally in a trial before the judgement. (The personal hearing may be omitted only in some exceptional cases enumerated by the Asylum Act.) The Asylum Act also stipulated that a foreigner seeking recognition as a refugee is entitled to stay in the territory of the Republic of Hungary. According to this regulation an asylum seeker has the right to stay in Hungary during the whole asylum procedure including judicial redress, so the submission of an appeal against a negative decision has a suspensive effect on expulsion. The time limit within which the court had to make a decision was 30 days but in practice the court could not keep this deadline. Appeal procedures lasted on average for one year. Another fact that the Asylum Act did not contained any restrictions on the number of asylum applications or any sanctions or consequences concerning subsequent applications.

This legal background created a **pull effect by 2005 and 2006** for asylum seekers from two countries of origin: Vietnam and China. The applicants from these countries misused the system because despite of being economical migrants submitted asylum applications, so they obtained the right to stay in the territory and to receive a residence permit for at least one year. After the court had brought its negative judgement so the asylum procedure had been ended, the rejected asylum seekers (mostly Vietnamese and Chinese nationals) submitted a subsequent application to receive a new residence permit valid for the whole period of the repeated asylum procedure and so legalised their stay and also prevented their expulsion.

These Vietnamese and Chinese applicants typically lived in the capital in private accommodations and worked illegally on one special market, where they generally traded in clothes. They needed residence permit (pending asylum procedure) to be able to continue their trading activity.

So the main phenomenon in the years 2005 and 2006 was the high number of subsequent and unfounded asylum applications submitted by Vietnamese and Chinese applicants, which had a strong effect on the statistics concerning the composition of top 5 country of origin and low recognition rate in 2005 and 2006. This phenomenon is described in the introduction because subsequent applications are not among the subjects of the present analyses, but this phenomenon has a significant impact on the statistical figures of Hungary concerning the year 2005 and 2006.

1.1 Methodology

Outline methodology followed in the production of your National Report, including in the verification of your data (e.g. sources used for data), their reliability, any changes in definitions compared to previous years, what (if any) caveats should be applied and any difficulties encountered. If possible, include also whether it was (yet) possible to provide data consistent with the Migration Statistics Regulation.

The methodology followed in this section was to take the annual reports on asylum of the Office of Immigration and Nationality (hereinafter referred to as: OIN) as a basis because they are the official and therefore reliable analyses of asylum data and to use those parts of these reports which are relevant for the questions of the EMN Annual Report on Asylum and Migration Statistics. The OIN databases were used as sources for all figures, illustrations or additional data for this report. In the reference year 2006 there were no changes in the definitions compared to the previous years concerning statistical data collection or methodology. Concerning the reference year of 2006 and the previous year 2005 it was not possible to provide data consistent with the Migration Statistics Regulation. Caveats should be applied concerning asylum data from the judicial phase. Difficulties were faced when collecting data on asylum decisions brought by the court, because the Budapest Metropolitan Court does not collect specific data on asylum decisions (e.g.: the nationality of the recognised person or the reason for recognition). These data were collected also by the OIN. Another difficulty was that if a person submits an application for asylum in 2006 it easily may occur that the judicial phase of this asylum procedure extends over the following year,

therefore a possible ‘final’ positive decision will not appear in the statistics of the year when the application was lodged.

2. ASYLUM

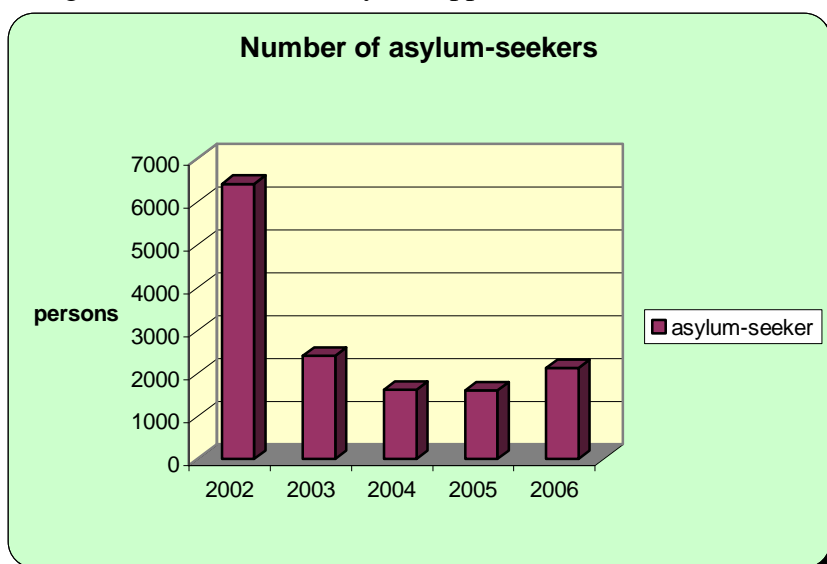
In the field of asylum no significant changes could be observed from 2005 to 2006. The data and trends concerning the number of applications or the main countries of origins of asylum seekers seem to be stabilized in this period. The legal background did also not change since 2004.

2.1 Analysis and interpretation of asylum statistics

2.1.1 *Please describe trends in first-time asylum applications (on the **basis of persons**, e.g. dependant children¹ should be included, but counted separately) in 2006 compared to the previous year. Are these trends related to legislative or administrative developments/ changes?*

In 2006 2117 persons applied for asylum in Hungary, which means a 31% increase in the number of asylum applicants compared to the previous year. In 2005 1609 persons lodged an asylum application in Hungary.

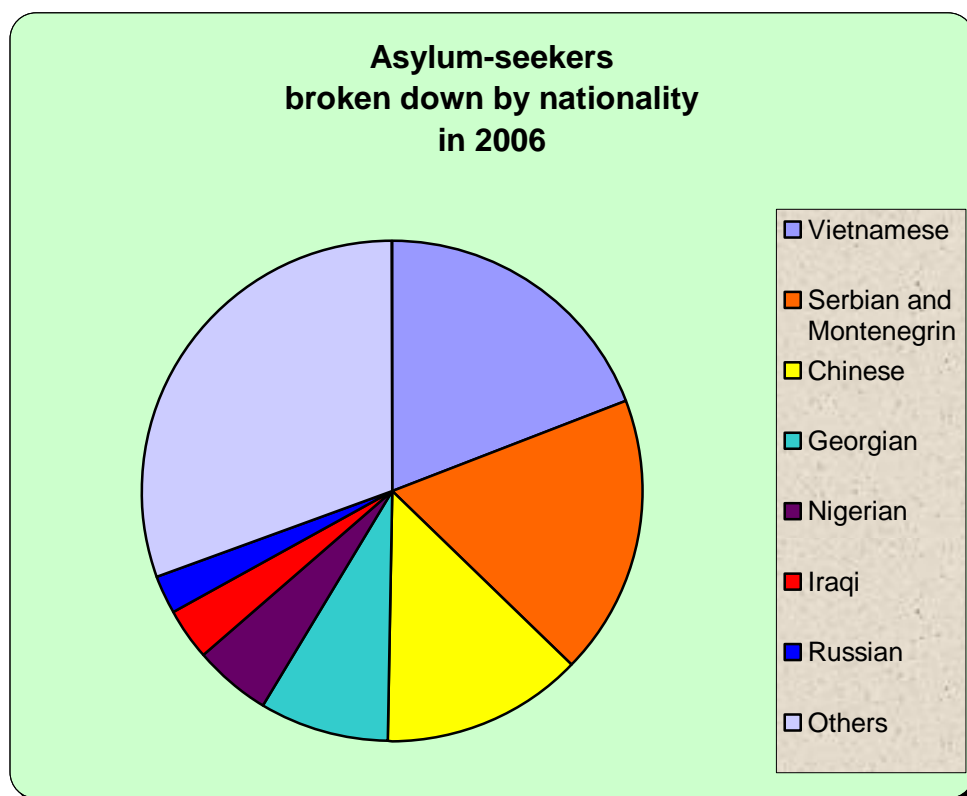
Changes in the number of asylum applicants from 2002 to 2006



Source: OIN database

In 2006 there were not any significant changes in the main countries of origin compared to the previous year.

The main nationalities of asylum seekers in 2006 see below:



Source: OIN database

Changes in the order within the top 5 countries from 2005 to 2006

	2005	2006
1.	Vietnam (319 persons)	Vietnam (406 persons)
2.	Serbia and Montenegro (243 persons)	Serbia and Montenegro (384 persons)
3.	China (173 persons)	China (275 persons)
4.	Georgia (114 persons)	Georgia (175 persons)
5.	Bangladesh (90 persons)	Nigeria (109 persons)

Source: OIN database

Asylum applications submitted by unaccompanied minors in 2005 and in 2006

Place of submission of application*	Number of asylum-seekers (person)	
	2005	2006
Regional Directorate of Budapest and Pest County	1	3
Regional Directorate Northern-Lowland	4	11
Regional Directorate Southern-Lowland	5	6
Regional Directorate Central Trans Danubia	1	0
Regional Directorate Western Trans Danubia	0	0
Regional Directorate Southern Trans Danubia (Nagykanizsa)	31	23
Total	42	43

Source: OIN database

¹ A *dependant child* refers to a person below the age of 18 years who claims asylum with their dependants (e.g. parents, guardians) and would then be counted as an individual person. In addition, their dependant(s) would also be counted as separate person(s).

* The Office of Immigration and Nationality has seven regional directorates having the same functions. The directorates act as first instance authorities in their own jurisdiction. They operate customer service offices for immigration issues and one asylum department within the region they cover. This means that an asylum application can be submitted at seven places throughout the country. Nagykanizsa is the town, where the shelter for unaccompanied minors operates, so unaccompanied minors can lodge an asylum application also there, but Nagykanizsa belongs under the competency of Regional Directorate Southern Trans Danubia.

2.1.2 What is the total number of first and final positive decisions (again on the basis of persons) in 2006, disaggregated by the citizenship of the person concerned? Please explain changes in the total number of positive decisions in comparison to the previous year.

On the basis of the new system of the two-instance asylum procedure entered into force in 2004 (see detailed description above in 1. Introduction), Hungary interprets **‘first’ positive decision** as recognition as a refugee or a person authorised to stay (on the basis of the principle of non-refoulement) by the OIN in the administrative phase and **‘final’ positive decision** as recognition as a refugee or a person authorised to stay (on the basis of the principle of non-refoulement) by the Budapest Metropolitan Court in the judicial phase.

‘First’ positive decisions

In 2006 **99 persons** were recognised as refugees by the OIN by first positive decisions. These persons were mostly Somalians, Iraqis and Afghans, fleeing from crisis-zones. Out of this 99 recognised refugees 8 persons were unaccompanied minors (6 Somalians, 1 Nigerian and 1 Iranian).

This number means a **4,6% refugee recognition rate**. This relatively low refugee recognition rate can be explained by the high number of subsequent applications which cause a shift in the proportion on the one hand and the high number of economic migrants who submit asylum applications to legalise their stay this way on the other.

In 2006 the OIN established that 99 persons can not be sent back on the basis of the non-refoulement principle, so **99 persons** were recognised as persons authorized to stay by a first positive decision. Out of this 99 persons authorised to stay 6 persons were unaccompanied minors (3 Afghans, 1 Guinean, 1 Iranian, 1 Zimbabwean).

These data on positive decisions mean **altogether 198 ‘first’ positive decisions and a 9,3% recognition rate** (including recognition as refugee and person authorised to stay).

The data on ‘first’ positive asylum decisions were almost the same in 2005 as in 2006.

In 2005 the refugee recognition rate was 6%. 97 persons were recognised as refugee out of these persons only 1 was unaccompanied minor (Afghan) and mostly Pakistanis were recognised (12 persons). 95 persons were recognised as persons authorised to stay out of them only 3 persons were unaccompanied minors (1 Moldavian, 1 Vietnamese, 1 Georgian). Altogether 197 ‘first’ positive decision were brought in 2005, which equals a 12.2% recognition rate (including recognition as refugee and person authorised to stay).

Top 5 nationalities among refugees recognised by ‘first’ positive decision in 2005 and 2006

	2005	2006
1.	Pakistani (12 persons)	Somalian (29 persons)
2.	Iranian (10 persons)	Iraqi (15 persons)
3.	Somalian (8 persons)	Iranian (6 persons)
4.	Serbia and Montenegro (7 persons) Afghan(7 persons)	Afghan (5 persons) Turkish (Kurdish) (5 persons)
5.	Iraqi (5 persons) Sudanese (5 persons) Nigerian (5 persons)	Nigerian (4 persons) Russian (4 persons)

Source: OIN database

As the tables show the Somalians became the main nationality concerning refugee recognition rate by 2006. Iraqis also stepped forward from the fifth place by 2006 and became the second largest nationality group in the ranking concerning refugee recognition. The position of Afghans and Nigerians stayed the same in these two years. Serbian and Montenegrin dropped out of the top 5 nationalities of recognised refugees by 2006. Another significant change is that the leading nationality in 2005, the Pakistanis disappeared from the top 5 nationalities by 2006 and also the Iranians stepped back one place in the ranking by 2006. These changes can be explained by the development of different crisis zones from 2005 to 2006.

Top 5 nationalities among persons authorized to stay recognised by ‘first’ positive decision in 2005 and 2006

	2005	2006
1.	Serbian and Montenegrin (18 persons)	Serbian and Montenegrin (26 persons)
2.	Pakistani (11 persons)	Afghan (12 persons)
3.	Afghan (10 persons)	Iraqi (11 persons)
4.	Iraqi (7 persons)	Armenian (8 persons)
5.	Iranian (6 persons) Georgian (6 persons)	Iranian(3 persons) Turkish (Kurdish) (3 persons)

Source: OIN database

According to the data of these tables it can be stated that for two years Serbian and Montenegrin was the main nationality concerning person authorized to stay. This category contains several ethnics (Albanian, Hungarian, Serbian, Roma, Bosnian). Most of these people flee from the poverty or weak security conditions with the aim of finding a better life abroad. Pakistanis disappeared from the top 5 nationalities of persons authorized to stay by 2006, too. The positions of Afghans, Iraqis and Iranians did not change significantly in these two years. The appearance of Armenians, Georgians or Kurdish among the top 5 nationalities depends on the political or ethnical conflicts that might take place in these countries of origins.

'Final' positive decisions

As the Budapest Metropolitan Court does not collect specific data on asylum decisions (e.g.: the nationality of the recognised person or the reason for recognition), the following data, which were collected by the OIN are the only ones available on 'final' positive asylum decisions.

In 2005 the Budapest Metropolitan Court changed the decision of the asylum authority seven times according to which it recognised **4 persons as refugee** and established that in connection with 3 persons the non-refoulement principle applies, on the basis of these decisions **3 persons were recognised as person authorised to stay**.

In 2006 on the basis of the decisions of the Budapest Metropolitan Court **3 persons** were recognised **as refugee** and **4 persons** were recognised as **person authorised to stay**.

2.1.3 When compared with the previous year, can you observe changes in the statuses regularly granted to particular citizenship groups? How do you explain these changes or continuity?

In 2005 the **Serbian Montenegrin** were recognised as refugees mostly on the basis of membership of ethnic minority in a great number according to which they were the forth main nationality among recognised refugees. In 2006 no Serbian and Montenegrin was recognised as refugee, but this nationality was the first among the nationalities of persons authorised to stay. The reason for this change was that the reasons for asylum application of Serbian and Montenegrin had been changed.

Their grounds for seeking refuge were mostly to flee from the poverty or weak security conditions in their country of origin with the aim of finding a better life abroad.

Pakistani was the main nationality among recognized refugees and the second main nationality among person authorized to stay in 2005, but they ‘disappeared’ from the top 5 nationalities by 2006. In 2005 their recognition as refugee was based on religious grounds. Their disappearance can be explained by the significant decrease in the number of Pakistani asylum seekers from 2005 to 2006. (Perhaps they changed their migration routes.)

As **Iraqis and Afghans** fled from serious crises some kind of international protection was continuously provided for them in 2005 and 2006. If it could not be established on the basis of a case by case and individualized assessment that the Iraqi or Afghan asylum seeker qualified as a refugee, the status of person authorized to stay had been granted for them anyway. Almost every Somalian were granted refugee status in both year.

2.2 Contextual interpretations (legal, political and international factors)

2.2.1 New or amended laws effective in 2006

Please describe briefly any new or amended laws on asylum and relevant case law effective in 2006. Have there been important changes in comparison with the previous year?

Not applicable. The last modification was in 2004. (see above in 1. Introduction).

2.2.2 Procedural changes effective in 2006

Please explain briefly administrative or legal changes in the application, decision, or appeals process contributing to any numerical changes. Have there been important changes in comparison with the previous year?

Not applicable.

2.2.3 Can you identify European / international factors explaining certain changes regarding asylum trends in 2006 in your Member State? Has the situation changed in comparison with the previous year?

Not applicable.

3. MIGRATION

The Act XXXIX of 2001 on the entry and stay of foreigners (hereinafter referred to as New Aliens Act) that replaced the Act LXXXVI of 1993 on aliens was passed by the Hungarian Parliament at the end of May 2001. The Act and the Government decree no. 170/2001 on its

implementation entered into force on 1 January 2002. The migration related regulations were amended several times following their passage which was required by preparations for Hungary's accession to the European Union as part of the process of legal harmonisation. Rules pertaining to residence permits have changed significantly.

The temporary resident permit authorizing to stay for a period of no longer than one year, the long-term resident permit that entitles to a residence of longer than one year and the former permanent immigration permit have been replaced by two other permits. The New Aliens Act has introduced the **unified residence permit** and the **permanent residence permit**. The unified residence permit may be issued for up to 2 years or exceptionally for 4 years and may be extended for 2 additional years. The previous immigration permit was replaced by the permanent residence permit that entitles to a residence of an indefinite period.

The category of so-called "**person authorized to stay**" has been withdrawn from the protection categories listed by the Act on Asylum, and **is included in the personal scope of the New Aliens Act**. This category provides temporary protection to foreigners who, according to the 1951 Geneva Convention, do not qualify as refugees but cannot be returned to their countries owing to the serious risk of violation of their human rights. Similar to the practice of some Member States, these persons are permitted to remain in Hungary on a humanitarian basis.

3.1 Analysis and interpretation of migration statistics

Note that asylum applicants should not be counted, as far as possible, as new migrants. However, once they have received a status and settle in the country, they can be counted in the stock of legal migrants. The immigration flow (for family, work, study) should not include the asylum-seekers flow.

3.1.1 Migration Flows

How did migration flows in your Member State change compared to the previous years, from 2002 onwards? Please explain the reasons for changes. Did the migration trends observed in this field reflect immigration policies at the time?

According to the data given by the Central Statistical Office the number of migrants coming to the territory of Hungary in 2005 increased with 8% in comparison to the data given in 2004. The reason for the increase could be – as mentioned above – that Hungary joined the European Union in 2004 and its southern and eastern border became one segment of the EU's external border, which prompted the development of a migration strategy, and amendments of

acts with regard to migration. However, a slight decrease can be observed in the latest years which could be resulted from the fact that Hungary still has not adopted a declared integration policy and it contributes to the increasing emigration among foreign citizens.

Migration flows 2002-2006

	2002	2003	2004	2005	2006
Legally resident population (1st January)	10 174 853	10 142 362	10 116 742	10 097 549	10 076 581
Recorded immigration*	17 972	19 365	22 164	25 582	23 569
Recorded emigration*	2 388	2 553	3 466	3 320	3 965

Source: EUROSTAT modified by the Hungarian Central Statistical Office (HCSO)

*only foreign citizen

3.1.2 Population by Citizenship in 2006

What were the largest groups² (by citizenship) of third country nationals in 2006? If significant changes occurred in reference to the size of particular groups of third country nationals in 2006, what were the underlying causes of these changes (e.g. legal, political, economical, other)?

The number of **foreigners who stay in Hungary** for more than a year has been stable at **around 1.1 to 1.5 per cent** of the native population over the past decade. In Hungary, the immigration records reveal a stable pattern of immigrants arriving from key countries in the region. The overwhelming majority (round 85 per cent) of immigrants is of European origin, and an additional 11 per cent come from Asia. Immigration from other parts of the world is marginal.

The migration flows of third country nationals have been **dominated by returning ethnic Hungarian minorities from neighbouring countries**, and as a result of this in the recent years policy debates have focused on simplified visas and facilitated naturalisation procedures for these preferred groups. Among the European immigrants, half are Romanian citizens (mostly ethnic Hungarians), 11 to 12 per cent are of Serbian-Montenegrin or Ukrainian origin (also partly ethnic Hungarians) and nearly a quarter of the total (22.5 per cent) come from various EU countries. Around half of the Asian immigrants come from China and a smaller part from Vietnam.

Population by main groups of citizenship 2006

		1-01-2007
Total Population		10 066 158
Nationals		9 900 128
Other EU25-Nationals (24)		32 970
of which EU-10 Nationals (9)		7 576
Total Non-EU25 nationals		133 060
of which EU-2 (BG, RO) Nationals		68 074
<i>Most important third country nationals:</i>		
	Romania	66 951
	Ukraine	15 866
	Serbia and Montenegro	12 638
	China	8 979
	Former Soviet Union	3 127
	Vietnam	3 095
	Russian Federation	2 760
	United States of America	1 931
	Former Czechoslovakia	1 849
	Bulgaria	1 123
Others		14 741

3.1.3 Residence Permits:³ annual total of first issuing in 2006

How did the total number of residence permits issued for the first time in 2006 change in comparison to the previous year? Please explain the reasons for this (legal, political, administrative changes, etc.). Note that this section should refer only to the first issuing of residence permits and not any subsequent extensions to a residence permit issued in previous years.

In 2006 Hungary had different authorizations for entry and stay in particular **the visa; the residence permit; the former immigration permit and the permanent residence permit.**

The short-term entry visa shall mean an authorization for single or multiple entry within a six-month period, and stay for maximum ninety consecutive days from the date of entry, or, in respect of multiple entry, for maximum ninety days on the aggregate within a period of six months from the date of first entry (type "C" visa).

² Normally up to and including at least the 10 largest groups is sufficient. More can be provided if you consider relevant, e.g. a particular interest in a specific group at EU-level.

³ Owing to the different definitions and practices between the Member States, prior to the entry into force of Regulation 862/2007, there are limited comparable data. You are, therefore, requested to provide the data you have, according to the manner in which data are recorded in your Member State, noting that it should be only for the first issuing of such permits.

The extended stay visa (also referred to as 'long-term visa') shall mean an authorization for single or multiple entry and stay in the Republic of Hungary for a period in excess of ninety days and for a maximum period of one year for a specific purpose (type "D" visa).

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

A permanent residence permit is issued for unspecified durations. Foreign nationals to whom such authorization is granted are entitled to the rights afforded to holders of residence permits by specific other legislation.

Annual total number of residence permits issued according the main categories for migration (excluding seasonal workers), 2004-2006 *)

	2004		2005		2006	
	Pos. decisions		Pos. decisions		Pos. decisions	
	Total	sub-total	Total	sub-total	Total	sub-total
Total	89 133		79 688		83 373	
Family formation/reunification	7 012		8 030		9 147	
- spouse		:		:		:
- children < 18 years		:		:		:
- other family members		:		:		:
Study	8 359		7 620		8 680	
- pupils		:		:		:
- students		:		:		:
Employment	53 857		44 221		47 653	
- self-empl. persons		3 347		1 222		855
- employed		50		42 999		46 798

	persons		510			
Other categories		19 905		19 817		17 893

* Notes of Hungary

1. The permit figures refer to persons
2. The data refer only to third country nationals
3. The data refer to visa applications submitted to the Office of Immigration and Nationality
4. Source concerning the data on the purpose of resident permits is: Office of Immigration and Nationality
5. The data on extended stay visa include the number of seasonal employment visa

3.2 Contextual interpretations (legal, political and international factors)

3.2.1 *What have been the main trends and most important developments in the area of migration policy in your Member State since the previous year (political stance; new or amended laws⁴; procedural changes⁵; etc.? Please give a short overview.*

Hungary became an EU Member State on the 1st of May 2004. This development had many consequences for the country's migration policy.

In recent years migration has drawn political and media attention, most frequently in connection with the EU accession process. This attention has prompted new administrative and legal measures with regard to migration. It has also been a determining factor in connection with measures and statements on the issue of illegal migration, stricter border controls but also visa requirements with neighbouring countries.

3.2.2 *What were the existing categories of admission or non-admission⁶ in 2006?*

Admission

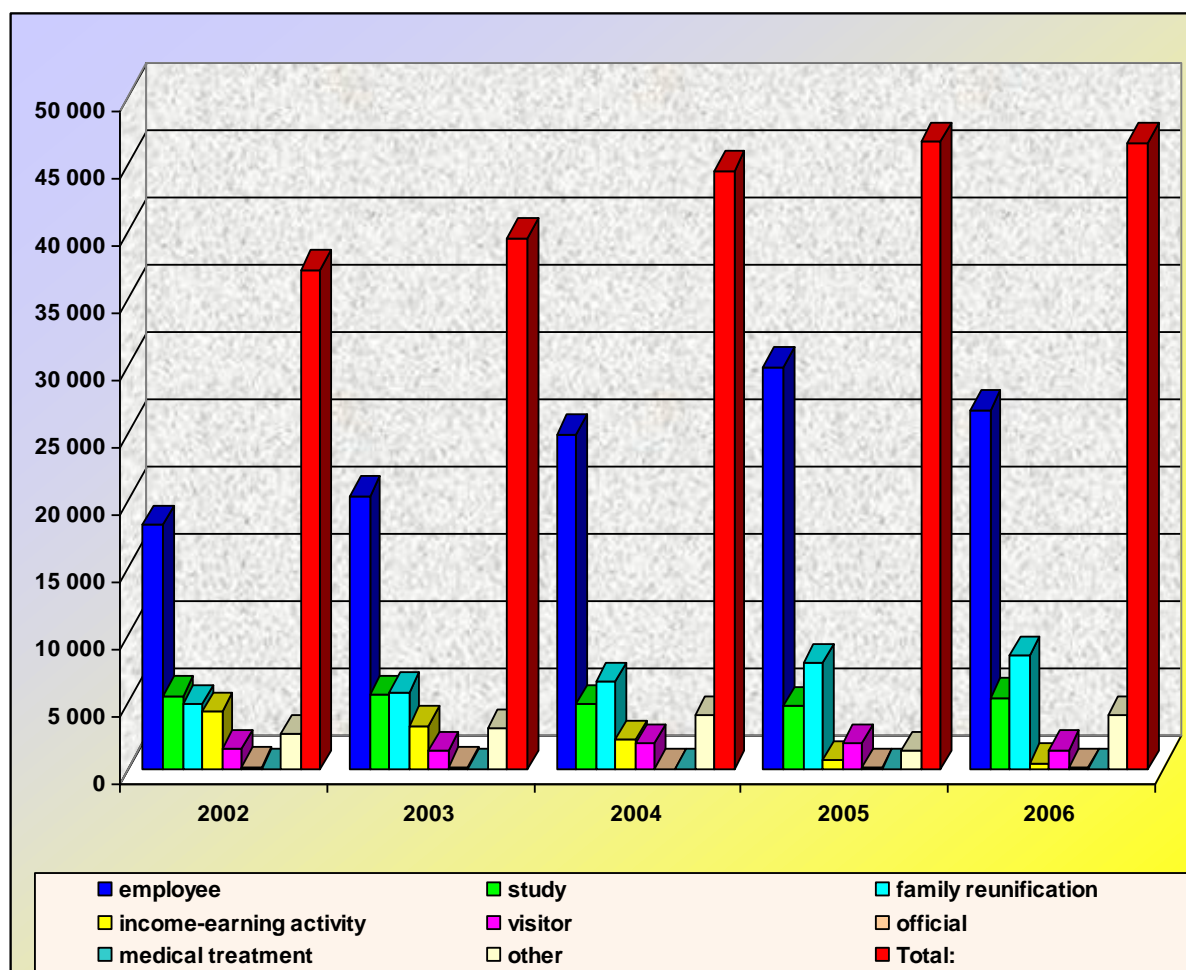
According to the data of the tables below it can be stated that in the last years the main purpose of stay was **employment** following by the increasing number of the purpose of **family reunification**.

Number of applications for the issue and extension of residence permit with a breakdown by the purpose of stay 2002-2006

⁴ Please explain briefly new or amended immigration laws, and the areas they cover.

⁵ Please describe modifications to immigration procedure, including changes in application stages and agencies responsible. Include changes that are the result of both administrative and legal developments.

⁶ This refers to the categories which might be used in your Member State for the admission or non-admission of migrants. Examples for admission are family reunification, work, study; and, for non-admission, examples are false documents, known criminal activities, potential threat to national security. Please list the categories used in your Member State (or, if none, state this also) and breakdown any data provided using these categories.



Non-admission

“In the interest of protecting state sovereignty, national security, constitutional order and public security, the foreign national

- a) who is engaged in activities jeopardizing the constitutional order or security of the Republic of Hungary, or is a member of an organization engaged in such activities;
- b) who is a member of a terrorist organization, or is engaged in the smuggling of arms, explosives, radioactive substances or narcotic drugs or is a member or accomplice of an organization engaged in such, or actively participates in the illegal trading of equipment and/or materials used for the production of weapons of mass destruction, furthermore, manufactures or possesses drugs, narcotic or psychotropic substances;
- c) who organizes the illegal entry or exit (crossing the border) of a person or a group, or is engaged in the smuggling of illegal aliens; or
- d) who is subject to restriction of entry and stay as such restriction is enforced by the Republic of Hungary pursuant to its commitment under treaty or as part of international cooperation; shall be expelled in conjunction with restriction of entry and stay, or shall be

subject to restriction of entry and stay if the foreign national's whereabouts are unknown or if the foreign national is not in the territory of the Republic of Hungary.”

“Expulsion or restriction of entry and stay may be imposed in respect of foreign nationals

- a) who have violated or have attempted to violate the rules of entering and exiting the country;
- b) who have violated the regulations on staying in the country;
- c) who have engaged in employment or in other gainful activities in Hungary without the prescribed official permit;
- d) who have disclosed false information or untrue facts to the authority in the interest of obtaining the right to entry or stay in the country;
- e) who have failed to repay any refundable financial aid received from the State of Hungary;
- f) whose entry and stay may injure or jeopardize national security, public security, the national economy, public health and/or the human environment;
- g) who have failed to pay any fine imposed in conclusion by final order of a misdemeanour proceeding or to effect payment of an instant fine levied by an officer of an agency empowered to levy instant fines, until such fine is paid, or for a period of two years following the date when the instant fine was levied or the date when the decision imposing the fine became final;
- h) who have applied for entry or residence permit on the grounds of reunification with their spouse, yet did not establish a family with said spouse, or have allegedly provided some form of payment for contracting marriage (marriage of convenience);
- i) who was returned under treaty without expulsion to the authorities of another state.”

“Any foreign national **who fails to satisfy the conditions for admission shall be returned** by the immigration division of the Border Guard in due observation of the provisions laid down in Section 43.”

No graphics are available.

3.2.3 *Could you identify European / international factors explaining certain changes/continuity regarding migration in your Member State in comparison to the previous year?*

The explanation for the main changes is that – as mentioned above – Hungary joined the European Union in 2004.

4. REFUSALS, APPREHENSIONS AND REMOVALS

4.1 Analysis and interpretation of statistics

4.1.1 Please describe developments/trends⁷ pertaining to the number of refusals⁸ in 2006 in comparison to the previous year.⁹ Have there been changes in the main countries of citizenship of refused migrants since the previous year? If possible, give reasons for these changes/continuity.

Total number of refused aliens during the period 1997-2006:

	1998	1999	2000	2001	2002	2003	2004	2005	2006
Number of refused aliens	54 672	32 854	31 881	33 517	23 188	23 862	24 600	20 197	23 015

Source: EUROSTAT modified by the Police Headquarters.

The data received from EUROSTAT have been modified by the Hungarian Police Headquarters, the reason for the discrepancies (indicated in red) were not clarified but these are the correct data.

According to data given by the Police Headquarters the number of aliens who were not allowed to enter into the territory of Hungary and were refused in 2006 increased with 13% in comparison to the data given in 2005. This increase could be the result of the fact that the border monitoring system of Hungary reinforced during the given years. However, a slight decrease can be observed in the numbers of the three years preceding 2005. The reason of that three years' increase could be that in 2003, Hungary concluded bilateral agreements on the introduction of visa regime with Ukraine and with Serbia-Montenegro. On the basis of these agreements, nationals of Ukraine and Serbia-Montenegro who are holders of ordinary passports have to be in possession of a visa in order to enter into the territory of Hungary from the 1st of November 2003. Before 2003, visa obligation was introduced for ordinary passport holders from Russia (on the 3rd of June 2001), Belarus (on the 1st of June 2001), Bosnia-Herzegovina

⁷ This includes, for letters a) to c): information on the *number* of refusals; their *citizenship*; the difficulties in return of migrants; and special arrangements with certain countries of origin or transit regarding return and deportation.

⁸ A "Third-country national refused entry" means a third-country national who is refused entry at the external border because they do not fulfil all the entry conditions laid down in Article 5(1) of Regulation (EC) No 562/2006 and do not belong to the categories of persons referred to in Article 5(4) of that Regulation.

⁹ In case your Member State does not collect data on refused aliens, we kindly ask you to send us your enforcement statistics, even if they are not directly comparable.

(on the 1st of June 2001), Moldova (on the 1st of June 2001), and the Former Yugoslav Republic of Macedonia (on the 30th of September 2001). The lack of the requirements for entry could have been revealed during the visa procedure therefore these cases have not appeared at the border anymore, thus the number of the refusals had declined.

Refused aliens by main country of citizenship, 2006

	Total
TOTAL	23 015
Romania	9 614
Ukraine	4 618
FYR of Macedonia	1 704
Serbia & Montenegro	1 355
ex-Yugoslavia (*)	946
Moldova	761
Unknown	614
stateless	468
Bosnia & Herzegovina	401
Turkey	392
Others	2 142

The main countries of origin of the refused aliens were Romania (41%), Ukraine (20%), Macedonia (7,4%) Serbia and Montenegro (5,8%) ex Yugoslavia (4,1%) Moldova (3,3%) Bosnia Herzegovina (1,7%) Turkey (1,7%). It is also important to note that 2% of the refused aliens were stateless persons. In comparison to the year 2005, the number of Romanians shows a significant decrease of 25% and the number of Ukrainians also declined with 10%. The number of the former Yugoslav Republic of Macedonia increased significantly (from 304 to 1704). Possible explanation for the composition of refused aliens could be that Hungary have a relative long border with Serbia, Romania and Ukraine.

4.1.2 *Please describe developments/trends pertaining to the number of apprehensions of illegally-resident third-country nationals in 2006 in comparison to the previous year.¹⁰ Have there been changes in the main countries of citizenship of those apprehended in 2006? If possible, give reasons for these changes/continuity.*

Annual totals of apprehended aliens illegally present during the period 1997-2006

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Number of apprehended aliens	4415	4 933	4 805	3 469	3 564	3 808	5 197	5 651	9 780	9 961

¹⁰ In case your country does not collect data on apprehensions, please provide your Enforcement Statistics, even if they are not directly comparable.

Source: EUROSTAT modified by the Police Headquarters.

The differences between the data before 2005 and after 2006 rise from the fact that in our national legal background the term „third country national illegally present” were not clarified and therefore there was different interpretation before and after 2005. Before 2005 the data include only the number of persons apprehended for breaching ban on entry and residence; however, after the revisions of the definitions we found that the category should reasonably include the numbers of third country nationals apprehended for some contravention of alien policy rules (such as overstayers, etc.) Therefore the reference year of 2005 the category “third country national illegally present” includes the persons apprehended for both of the above mentioned reasons, yielding the significantly bigger numbers.

Apprehended aliens illegally present by main countries of citizenship, 2006

	Total
TOTAL	9 961
Romania	7 847
Ukraine	1 343
Serbia & Montenegro	205
Turkey	190
Moldova	68
China	45
Vietnam	34
Bosnia Hercegovina	32
Georgia	19
Bulgaria	15
Others	163

(time of the data provision: 25. September 2008.)

nationality	Apprehension due to breaching ban on entry and residence	Apprehension due to contravention of alien policy rules	Total
Total	520	9441	9961
Romania	383	7464	7847
Ukraine	37	1306	1343
Serbia & Montenegro	70	135	205
Turkey	2	188	190
Moldova	8	60	68
China		45	45
Vietnam		34	34
Bosnia Hercegovina		32	32
Georgia		19	19

Bulgaria	5	10	15
Others	15	148	163

The main countries of origin of the apprehended aliens were Romania (78%), Ukrainian (13%), Serbia and Montenegro (2%) Turkey (1,9%), Moldova, China, Vietnam, Bosnia Herzegovina, Georgia and Bulgaria. There had been a slight increase in the number of Romanians (1,02%), and a considerable decrease of Ukrainians (22%) in comparison to the previous year.

4.1.3 Please describe developments/trends pertaining to the number of removals in 2006 in comparison to the previous year. Have there been changes in the main countries of citizenship of removed migrants? If possible, explain the underlying factors for these changes/continuity.

Annual totals of removed aliens during the period 1997-2006

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Number of apprehended aliens	*	*	*	*	*	1759	1605	619	720	741

*data not available

Source: data given by EUROSTAT modified by the Police Headquarters. These data contain the number of removals by deportation by air and by land implemented by the Police Headquarters. The data given before were not correct as they included only the number of expulsion decisions.

Total removed aliens by main countries of citizenship, 2006

	Total
TOTAL	741
Romania	432
Ukraine	93
Serbia & Montenegro	119
Russia	6
Moldova	22
Vietnam	4
China	14
Turkey	12
Mongolia	9
Slovak Republic	10
Others	20

4.1.4 In cases of refused, apprehended, and removed migrants in 2006, are these from the same countries in all categories, or are particular citizenship groups more common in a particular category? If possible, explain the underlying causes.

[Text here, plus any graphics]

4.2 Contextual interpretations (legal, political and international factors)

We can state that in both cases, Romanians, Ukrainians, Serbia & Montenegrin, Turkish, Chinese, Bosnians, Moldovan, Vietnamese are the main nationalities of illegal migration.

4.2 Contextual interpretations (legal, political and international factors)

Concerning the legal background of the migration policy the applicable rules were prescribed that time by the Act XXXIX of 2001 on the entry and stay of foreigners (hereinafter referred to as: Aliens Act). The Aliens Act differentiated among the following categories:

Refusal (visszairányítás): The Border Guards had to apply the refusal if the foreigner had not met the conditions for entry. The foreigner could be refused to the territory of the country from which he/she had arrived or which had been under a readmission obligation or where the foreigner had resided or to any other state into which the foreigner had been entitled to enter. The foreigner had to be informed about the place of return.

Return (visszautasítás): The Border Guard could order the return of the foreigner who

- had crossed or had attempted to cross illegally the state border of the Republic of Hungary and therefore a readmission agreement had to be applied, provided that the foreigner had been put into detention within thirty days from the time of the border crossing;
- had been taken over from the authorities of another state pursuant to a readmission agreement, provided that the foreigner could be returned to his/her country of origin or other state obliged to readmit him or her within thirty days from the date of the readmission.

Expulsion (idegenrendészeti kiutasítás) and ban of entry and stay (beutazási és tartózkodási tilalom):

In order to protect the sovereignty of the state, national security, constitutional order and public security, **expulsion and the ban of entry and stay**, or - when the foreigner is staying in an unknown location or not in the territory of the Republic of Hungary - a **ban of entry and stay had to be ordered** against a foreigner

- who had pursued an activity endangering the constitutional order or security of the Republic of Hungary or had participated in an organisation pursuing such activities;
- who had participated in a terrorist organisation or had been involved in the smuggling of firearms, explosives, radioactive materials or narcotic drugs or is a member or proxy of an

organisation of this type and who participates in the illegal trafficking of materials and equipment required for the manufacturing of arms of mass destruction or who manufactures or possesses narcotic drugs or psychotropic substances for commercial purposes;

- who had organised or facilitated the illegal entry, exit (crossing of the border) or stay of persons or groups or is engaged in smuggling of migrants;
- who falls within the scope of an international obligation, and who falls within the scope of the decision made by the European Union.

Expulsion or ban of entry and **could be ordered** against the foreigner

- who had violated or attempted to violate the rules of and entry and exit;
- who had violated the rules of stay;
- who had worked or pursued any other gainful activity in Hungary without the prescribed official permit;
- who had provided false data or false facts to the authorities in order to obtain the title of entry or stay;
- who had failed to reimburse the costs paid to him by the Hungarian state as an advance under the condition of repayment;
- whose entry and stay violates or endangers national security, public security, economic order, public health or the human environment;
- who has applied for authorisation to enter or stay with a view to living with his/her spouse but has failed to live with the spouse or it may be presumed that he/she provided pecuniary benefit in order to be married (marriage of convenience);
- who had been returned to the authorities of another state without an expulsion order pursuant to an international agreement.

The decision on refusal, return or expulsion delivered by the court or the immigration authorities had to be implemented by removal by deportation, taking into account the principle of non-refoulement, when

- the expelled foreigner had been released from imprisonment imposed for a criminal act committed deliberately;
- the foreigner had been under detention or detention for return;
- the supervision of his/her departure was necessary for reasons of national security, to meet an obligation undertaken in international agreements or to protect public security.

The immigration authority could put into **detention prior to expulsion** the foreigner whose personal identity or right of residence had not been clarified. This had to be ordered by decision and implemented simultaneously with its notification. It could be ordered for a maximum period of five days which could have been extended by the responsible local court competent according to the place of detention until the departure of the foreigner but no later than thirty days.

4.2.1 New or amended laws influencing illegal immigration in 2006

Please explain the most important changes in policies regarding refusal of entry or return from the previous year.

There was no new or amended law influencing illegal immigration in 2006. The following changes occurred in 2005 which probably affected the situation of 2006:

- The implementing Government Decree No. 170/2001 (IX.26.) of the Aliens Act was amended.
- As the Act CXV of 2005 on the administrative procedure entered into force on the 1st November 2005 the Aliens Act had to be modified too. Before the amendment the appeal against the expulsion decision could be submitted to the immigration authority as a second instance authority. After the amendment appeal could not be submitted against the expulsion decision but judicial review could be required from the regional (capital) court.
- The Act IV of 1978 on the Criminal Code was amended concerning that the application of the expulsion as a supplementary punishment were specified more concretely.

4.2.2 Procedural changes influencing illegal immigration in 2006

Please describe modifications to the procedure in cases of identified illegal entry, illegal residence and return since the previous year. Include changes that are the result of both administrative and legal developments.

There were no significant procedural changes in 2006.

4.2.3 Can you identify European / international factors explaining certain changes/continuity regarding illegal entry in 2006 in your Member State?

There had been no significant European or international factors explaining the continuity of illegal entry in 2006.

5. OPTIONAL: OTHER DATA AND INFORMATION AVAILABLE

The presentation and analysis of the data categories mentioned below are optional. EMN NCPs are, however, strongly encouraged to present any available and relevant national statistics in respect to migration and asylum on the following topics:

- *Brain gain/drain: Health sector, Education, Science and research, IT-Sector*
- *Unskilled Labour Migration: Domestic, Agriculture, Construction*
- *Migration based on bi- and multilateral arrangements: seasonal labour, labour migration in combination with training*
- *Illegal immigration*
- *Regularisations*
- *Naturalisations*
- *Cross-border labour employment*
- *Return migration*
- *Emigration*
- *Border controls¹¹*
- *Student Migration, educational success rates*
- *Migration for self employment and entrepreneurship*
- *Intra-corporate Migration*
- *Fertility/ Mortality rates of third country nationals*

If there are any other topics you consider appropriate, include these also.

The data should ideally contain information about Country of Origin (on the basis of nationality, not country of birth), gender and age, as well as being presented in total numbers and percentages. The source(s) of the data should be quoted.

[Text here, plus any graphics, with sub-headings added for each topic given above]

ANNEX(ES)

[Add extensive tables of data as an annex to the report, with references in the main report to these Tables]

¹¹ Border should be 'External Border' as defined in Article 2(2) of Regulation (EC) 562/2006, i.e. "Member States' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders." This includes airports with flights outside Schengen. For the UK and Ireland, any airport with flights overseas is an external border.

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

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty establishing the European Community, and in particular Article 285(1) thereof,
Having regard to the proposal from the Commission,
Having regard to the opinion of the European Economic and Social Committee [1],
Acting in accordance with the procedure laid down in Article 251 of the Treaty [2],
Whereas:

- (1) The conclusions of the Justice and Home Affairs Council of 28- 29 May 2001 considered, regarding common analysis and the improved exchange of statistics on asylum and migration, that there is a need for a comprehensive and coherent framework for future action on improving statistics.
- (2) In April 2003, the Commission released a Communication to the Council and to the European Parliament, setting out an Action Plan for the collection and analysis of Community Statistics in the field of migration. This included a number of important changes designed to improve the completeness and degree of harmonisation of these statistics. Under the Action Plan, the Commission aimed to propose legislation on Community statistics on migration and asylum.
- (3) The Thessaloniki European Council of 19 and 20 June 2003 concluded that more effective mechanisms were needed for the collection and analysis of information on migration and asylum in the European Union.
- (4) The European Parliament in its resolution of 6 November 2003 [3] on the abovementioned Communication from the Commission noted that legislation was required to ensure the production of comprehensive statistics necessary for the development of fair and effective Community policies on migration. The resolution supports the Commission's plans to propose legislation for migration and asylum statistics.
- (5) Enlargement of the European Union has brought an added geographical and political dimension to the scale of the phenomena associated with migration. It has also brought a further impetus to the demand for accurate, timely and harmonised statistical information. There is also an increasing need for statistical information regarding the profession, education, qualifications and type of activity of migrants.
- (6) Harmonised and comparable Community statistics on migration and asylum are essential for the development and monitoring of Community legislation and policies relating to immigration and asylum, and to the free movement of persons.
- (7) There is a need to reinforce the exchange of statistical information on asylum and migration and to improve the quality of Community statistical collections and outputs which have, hitherto, taken place on the basis of a series of "gentlemen's agreements".
- (8) It is essential that information be available, throughout the European Union, for the purposes of monitoring the development and implementation of Community legislation and policy. In the main, current practice does not sufficiently ensure, in a uniform manner, regular, timely and rapid delivery and dissemination of harmonised data.
- (9) This Regulation does not cover estimates of the number of persons illegally resident in the Member States. Member States should not provide such estimates or data on such persons to the Commission (Eurostat), although they may be included in population stocks due to surveys.
- (10) Wherever possible, the definitions used for the purposes of this Regulation are taken from the United Nations Recommendations on Statistics of International Migration, the United Nations Recommendations for the Censuses of Population and Housing in the ECE Region or EC legislation, and should be updated following the relevant procedures.
- (11) New Community needs on statistics on migration and asylum render obsolete the provisions of Council Regulation (EEC) No 311/76 of 9 February 1976 on the compilation of statistics on foreign workers [4].
- (12) Regulation (EEC) No 311/76 should therefore be repealed.
- (13) Since the objective of this Regulation to establish common rules for the collection and compilation of Community statistics on migration and international protection cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (14) Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics [5] constitutes the reference framework for the provisions of this Regulation. In particular, it requires conformity to standards of impartiality, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality.

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

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

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

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

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

- (a) immigration to and emigration from the Member State territories, including flows from the territory of one Member State to that of another Member State and flows between a Member State and the territory of a third country;
- (b) the citizenship and country of birth of persons usually resident in the territory of the Member States;
- (c) administrative and judicial procedures and processes in the Member States relating to immigration, granting of permission to reside, citizenship, asylum and other forms of international protection and the prevention of illegal immigration.

Article 2

Definitions

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

- (a) "usual residence" means the place at which a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage or, in default, the place of legal or registered residence;
- (b) "immigration" means the action by which a person establishes his or her usual residence in the territory of a Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another Member State or a third country;
- (c) "emigration" means the action by which a person, having previously been usually resident in the territory of a Member State, ceases to have his or her usual residence in that Member State for a period that is, or is expected to be, of at least 12 months;
- (d) "citizenship" means the particular legal bond between an individual and his or her State, acquired by birth or naturalisation, whether by declaration, choice, marriage or other means according to national legislation;
- (e) "country of birth" means the country of residence (in its current borders, if the information is available) of the mother at the time of the birth or, in default, the country (in its current borders, if the information is available) in which the birth took place;
- (f) "immigrant" means a person undertaking an immigration;
- (g) "emigrant" means a person undertaking an emigration;
- (h) "long-term resident" means long-term resident as defined in Article 2(b) of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents [8];
- (i) "third-country national" means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty, including stateless persons;
- (j) "application for international protection" means application for international protection as defined in Article 2(g) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted [9];
- (k) "refugee status" means refugee status as defined in Article 2(d) of Directive 2004/83/EC;
- (l) "subsidiary protection status" means subsidiary protection status as defined in Article 2(f) of Directive 2004/83/EC;
- (m) "family members" means family members as defined in Article 2(i) of Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national [10];
- (n) "temporary protection" means temporary protection as defined in Article 2(a) of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof [11];

- (o) "unaccompanied minor" means an unaccompanied minor as defined in Article 2(i) of Directive 2004/83/EC;
- (p) "external borders" means external borders as defined in Article 2(2) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) [12];
- (q) "third-country nationals refused entry" means third-country nationals who are refused entry at the external border because they do not fulfil all the entry conditions laid down in Article 5(1) of Regulation (EC) No 562/2006 and do not belong to the categories of persons referred to in Article 5(4) of that Regulation;
- (r) "third-country nationals found to be illegally present" means third-country nationals who are officially found to be on the territory of a Member State and who do not fulfil, or no longer fulfil, the conditions for stay or residence in that Member State;
- (s) "resettlement" means the transfer of third-country nationals or stateless persons on the basis of an assessment of their need for international protection and a durable solution, to a Member State, where they are permitted to reside with a secure legal status.

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

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

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

Article 3

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

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

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

- (i) groups of citizenship by age and sex;
- (ii) groups of country of birth by age and sex;
- (iii) groups of country of previous usual residence by age and sex;

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

- (i) groups of citizenships;
- (ii) age;
- (iii) sex;
- (iv) groups of countries of next usual residence;

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

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

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

Article 4

Statistics on international protection

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

- (a) persons having submitted an application for international protection or having been included in such an application as a family member during the reference period;
- (b) persons who are the subject of applications for international protection under consideration by the responsible national authority at the end of the reference period;
- (c) applications for international protection having been withdrawn during the reference period.

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

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

- (a) persons covered by first instance decisions rejecting applications for international protection, such as decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period;
- (b) persons covered by first instance decisions granting or withdrawing refugee status, taken by administrative or judicial bodies during the reference period;
- (c) persons covered by first instance decisions granting or withdrawing subsidiary protection status, taken by administrative or judicial bodies during the reference period;
- (d) persons covered by first instance decisions granting or withdrawing temporary protection, taken by administrative or judicial bodies during the reference period;
- (e) persons covered by other first instance decisions granting or withdrawing authorisation to stay for humanitarian reasons under national law concerning international protection, taken by administrative or judicial bodies during the reference period.

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

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

- (a) applicants for international protection who are considered by the responsible national authority to be unaccompanied minors during the reference period;
- (b) persons covered by final decisions rejecting applications for international protection, such as decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies in appeal or review during the reference period;
- (c) persons covered by final decisions granting or withdrawing refugee status taken by administrative or judicial bodies in appeal or review during the reference period;
- (d) persons covered by final decisions granting or withdrawing subsidiary protection status taken by administrative or judicial bodies in appeal or review during the reference period;
- (e) persons covered by final decisions granting or withdrawing temporary protection taken by administrative or judicial bodies in appeal or review during the reference period;
- (f) persons covered by other final decisions, taken by administrative or judicial bodies in appeal or review, granting or withdrawing authorisations to stay for humanitarian reasons under national law concerning international protection during the reference period;
- (g) persons who have been granted an authorisation to reside in a Member State within the framework of a national or Community resettlement scheme during the reference period, where such a scheme is implemented in that Member State.

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

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

- (a) the numbers of requests for taking back or taking charge of an asylum seeker;
- (b) the provisions on which the requests referred to in point (a) are based;
- (c) the decisions taken in response to the requests referred to in point (a);
- (d) the numbers of transfers to which the decisions referred to in point (c) lead;
- (e) the number of requests for information.

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

Article 5

Statistics on the prevention of illegal entry and stay

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

- (a) third-country nationals refused entry to the Member State's territory at the external border;
- (b) third-country nationals found to be illegally present in the Member State's territory under national laws relating to immigration.

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

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

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

Article 6

Statistics on residence permits and residence of third-country nationals

1. Member States shall supply to the Commission (Eurostat) statistics on:
 - (a) the number of residence permits issued to persons who are third-country nationals, disaggregated as follows:
 - (i) permits issued during the reference period whereby the person is being granted permission to reside for the first time, disaggregated by citizenship, by the reason for the permit being issued and by the length of validity of the permit;
 - (ii) permits issued during the reference period and granted on the occasion of a person changing immigration status or reason for stay, disaggregated by citizenship, by the reason for the permit being issued and by the length of validity of the permit;
 - (iii) valid permits at the end of the reference period (number of permits issued, not withdrawn and not expired), disaggregated by citizenship, by the reason for the issue of the permit and by the length of validity of the permit;
 - (b) the number of long-term residents at the end of the reference period, disaggregated by citizenship.
2. Where the national laws and administrative practices of a Member State allow for specific categories of long-term visa or immigration status to be granted instead of residence permits, counts of such visas and grants of status are to be included in the statistics required under paragraph 1.
3. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within six months of the end of the reference year. The first reference year shall be 2008.

Article 7

Statistics on returns

1. Member States shall supply to the Commission (Eurostat) statistics relating to:
 - (a) the number of third-country nationals found to be illegally present in the territory of the Member State who are subject to an administrative or judicial decision or act stating or declaring that their stay is illegal and imposing an obligation to leave the territory of the Member State, disaggregated by citizenship of the persons concerned;
 - (b) the number of third-country nationals who have in fact left the territory of the Member State, following an administrative or judicial decision or act, as referred to in point (a), disaggregated by the citizenship of the persons returned.
2. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within three months of the end of the reference year. The first reference year shall be 2008.
3. The statistics referred to in paragraph 1 shall not include third-country nationals who are transferred from one Member State to another Member State under the mechanism established by Regulations (EC) No 343/2003 and (EC) No 1560/2003.

Article 8

Additional disaggregations

1. The Commission may adopt measures relating to the definition of additional disaggregations as set out below for the following statistics:
 - (a) for statistics required under Article 4 as a whole, disaggregations by:
 - (i) year of submission of the application;
 - (b) for statistics required under Article 4(4), disaggregations by:
 - (i) number of persons concerned by the request, decision and transfer;
 - (c) for statistics required under Article 5(1)(a), disaggregations by:
 - (i) age;
 - (ii) sex;
 - (d) for statistics required under Article 5(1)(b), disaggregations by:
 - (i) grounds for the apprehension;
 - (ii) place of the apprehension;
 - (e) for statistics required under Article 6, disaggregations by:
 - (i) year in which permission to reside was first granted;
 - (ii) age;
 - (iii) sex;
 - (f) for statistics required under Article 7, disaggregations by:
 - (i) reason for the decision or act imposing an obligation to leave;
 - (ii) age;
 - (iii) sex.

2. The additional disaggregations mentioned in paragraph 1 shall be supplied only separately, and not cross-classified with the disaggregations required under Articles 4 to 7.
3. When deciding whether additional disaggregations are required, the Commission shall consider the need for this information for the purposes of developing and monitoring Community policies and shall consider the availability of appropriate data sources and the costs involved.
Negotiations on additional disaggregations that may be needed for the application of Articles 4 to 7 shall be initiated not later than 20 August 2009. The earliest reference year for the implementation of additional disaggregations shall be 2010.

Article 9

Data sources and quality standards

1. The statistics shall be based on the following data sources according to their availability in the Member State and in accordance with national laws and practices:
 - (a) records of administrative and judicial actions;
 - (b) registers relating to administrative actions;
 - (c) registers of the population of persons or of a particular sub-group of that population;
 - (d) censuses;
 - (e) sample surveys;
 - (f) other appropriate sources.As part of the statistics process, scientifically based and well documented statistical estimation methods may be used.
2. Member States shall report to the Commission (Eurostat) on the data sources used, the reasons for the selection of these sources and the effects of the selected data sources on the quality of the statistics, and on the estimation methods used, and shall keep the Commission (Eurostat) informed of changes thereto.
3. At the request of the Commission (Eurostat), Member States shall provide it with all the information necessary to evaluate the quality, comparability and completeness of the statistical information.
4. Member States shall inform the Commission (Eurostat) without delay of revisions and corrections to the statistics supplied under this Regulation, and of any changes in the methods and data sources used.
5. The measures relating to the definition of the appropriate formats for the transmission of data shall be adopted in accordance with the regulatory procedure referred to in Article 11(2).

Article 10

Implementing measures

1. The measures necessary for the implementation of this Regulation laying down the rules on the appropriate formats for the transmission of data as provided for in Article 9 shall be adopted in accordance with the regulatory procedure referred to in Article 11(2).
2. The following measures necessary for the implementation of this Regulation and designed to amend its non-essential elements, inter alia, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3):
 - (a) updating the definitions set out in Article 2(1);
 - (b) defining the categories of groups of country of birth, groups of country of previous and next usual residence and groups of citizenship as provided for in Article 3(1);
 - (c) defining the categories of the reasons for the permit as provided for in Article 6(1)(a);
 - (d) defining the additional disaggregations and the levels of disaggregations to be applied to the variables as provided for in Article 8;
 - (e) laying down the rules on accuracy and quality standards.

Article 11

Committee

1. In adopting the implementing measures, the Commission shall be assisted by the Statistical Programme Committee, established by Decision 89/382/EEC, Euratom.
2. Where reference is made to this paragraph, Article 5 and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

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

Article 12

Report

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

Article 13

Repeal

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

Article 14

Entry into force

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