



**HUNGARY**  
**ANNUAL POLICY REPORT 2009**



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## **EXECUTIVE SUMMARY** (2-3 pages)

*This should summarise the key findings of the report and again should be divided in two sections. The first summarising developments relevant to the Pact, and the second summarising developments additional or complementary to the Pact.*

The Annual Policy Report 2009 of Hungary aims to highlight and summarize the most significant developments that took place in the fields of migration and asylum. The reference period of the report is the period from 1<sup>st</sup> January 2009 until 31<sup>st</sup> December 2009, unless stated otherwise because of the lack of the most recent data regarding migration.

On 14 April 2009 a vote of no confidence took place in the Hungarian Parliament. As a result a new government was established and Mr Gordon BAJNAI became the new Prime Minister. In December 2009 Tibor DRASKOVICS dr., the responsible minister for asylum and migration issues tendered his resignation. The new appointed minister is Imre FORGÁCS dr..

The most significant development in the field of migration, asylum and integration occurred in April 2009 when the Government adopted the decision no. 1057/2009 (IV.24.) on the Strategy of the Cooperation in the Area of Freedom, Security and Justice of the Republic of Hungary for a 5 year period of time, as the first officially adopted document which drawing up guidelines and goals to be fulfilled in the field of migration, asylum and integration.

### *Developments relevant to the Pact*

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

As for refugee resettlement, Hungary does not take part in a resettlement program at the moment, but the possibility of establishing a resettlement programme or engaging in relocation has been discussed in the course of 2009. In December 2009 the Prime Minister of Hungary has decided to participate in a solidarity programme, therefore Hungary will relocate 8-10 persons from Malta in the course of 2010 within the framework of a project under the Community Actions for 2009 of the European Refugee Fund.

On 1<sup>st</sup> of January 2009 Hungary opened its labour market to workers coming from countries of the European Economic Area (hereinafter referred to as: EEA) irrespective of their skills or the principle of reciprocity. This means that from 1<sup>st</sup> of January 2009, all persons concerned can work in the territory of Hungary without a work permit. However, the number of the work permits issued in 2009 shows a decrease with one third compared to the number in 2008, mainly attributable to the economic crisis.

Since the deepening of the economic crisis a significant increase was detected in the number of illegal migrants, whose destination is Western Europe, and Hungary has remained a transit country. Typically Serbian, Kosovar and Ukrainian nationals has tried to reach Germany, Italy or France through Hungary. Furthermore, many Afghan citizens have arrived from Turkish and Greek refugee camps through Kosovo and Serbia since March 2009.



As for the national activity of EMN, during the reference period, Hungary further strengthened its national network of the **EMN** which was established in 2008. After October 2008, altogether three national network meetings and one thematic meeting on statistical data collection relating to migration and asylum were held.

*Additional/complementary developments:*

The Hungarian Government adopted the Strategy in April 2009. The Strategy aims to set down the aims of the Hungarian JHA policies from 2009 until 2014 with special focus on the fact that the Hungarian Presidency will take place in the first half of 2011.

Hungary took part in the quality management program of the UNHCR and the European Commission called ASQAEM (Asylum Systems Quality Assurance and Evaluation Mechanism Project) and monitored the asylum procedure at different stages with increased focus.

A new program was introduced to meet the special needs of minors (at the age of 6-14) who do not have the skills or previous experiences of basic cultural, educational or even hygienic requirements, therefore the Hungarian school system is not able to integrate them. The program is a pre-school and after-school project, providing necessary skills to fit in and fulfil the requirements of the Hungarian education system.

In 2009 a new centre was established meeting the needs of young adults. The Centre for Young Adults is designed for recognized refugees or subsidiary protected persons who were unaccompanied minors during the asylum procedure, but they reached 18 years of age before their recognition as a beneficiary of international protection.



## 1. GENERAL STRUCTURE OF POLITICAL AND LEGAL SYSTEM IN HUNGARY (2-3 PAGES)

### 1.1 Outline briefly the general structure of the political system and institutional context relevant for migration and asylum, with particular emphasis on any developments in 2009. What are the main Ministries/institutions? Who are the main actors involved?

The Hungarian EMN NCP submitted the study on the „Organisation of Asylum and Migration Policies”, therefore only a short summary will be provided under this section and the most important actors are mentioned. More detailed information can be found in the study.

This information was also provided in previous Annual Policy Reports. No additional changes occurred in 2009.

The abovementioned reports and studies can be found at <http://emn.sarenet.es>.

#### 1.1.1 Governmental level

On the basis of the Hungarian Constitution, several acts, such as Act LV of 2006 and Act LVII of 2006, regulate in detail the structure of governmental and other bodies, and also the rights and obligations of the respective ministers. These acts state that in Hungary the Minister of Justice and Law Enforcement, and thus the Ministry of Justice and Law Enforcement (hereinafter referred to as MoJLE) has the main responsibility in the field of migration, integration and asylum. More closely it is the Department of Cooperation in Justice and Home Affairs and Migration – which is under the competence of the State Secretary for EU Law – that is dealing with these questions within the ministry.

#### 1.1.2 Implementing bodies

The Office of Immigration and Nationality (hereinafter referred to as OIN) has an overall responsibility concerning the decision-making in admission procedures (certain types of visas, residence permits and permanent residence permits); decision-making in asylum procedures; the implementation of the Dublin Regulation; tasks related to illegal immigration; citizenship-related tasks; tasks related to the Country of Origin Information System and database, the central visa, asylum and immigration register; the management of reception centers, temporary accommodations and community shelters. Its Director General is working under the supervision of the Minister of Justice and Law Enforcement.

The **Police Headquarters** fulfill its tasks under the supervision of the MoJLE. The main tasks are carried out by the Border Policing Unit which operates at central (General Directorate for Policing), regional (County Police Headquarters, Ferihegy Airport) and local level.

Other important implementing bodies in the field of migration and asylum are:

- The **Public Employment Service** consists of the National Employment and Social Office and seven regional labour centres. The regional labour centres are responsible for granting unemployment benefits, for labour exchange and other employment services,

adult training activities and for issuing work permits to third-country nationals.

- The **Hungarian Central Statistical Office** conducts surveys; processes, stores and disseminates data relating to migration and asylum.

### 1.1.3 International organizations

There are two main international organizations working in the field of migration in Hungary: namely the **United Nations High Commissioners for Refugees** and the **International Organization for Migration**.

### 1.1.4 Non governmental organizations

There are over hundred NGOs working in Hungary aiming to provide different types of services to migrants or asylum-seekers, refugees or those in need of international protection. These NGOs vary depending on the size, the specific aims and target groups. The main and most active actors in this field are the following: **Menedék – Association for Migrants, Artemisszió Foundation, the Hungarian Helsinki Committee and Hungarian Interchurch Aid.**

## 1.2 Outline briefly the general structure of the legal system in the area of migration and asylum. Which are the relevant laws? On which levels are decisions made? Who are the main actors involved?

The Hungarian EMN NCP submitted the study on the „Organisation of Asylum and Migration Policies”, therefore only a short summary will be provided under this section and only the most important actors will be mentioned. More detailed information can be found in the study.

This information was also provided in previous Annual Policy Reports. The abovementioned reports and studies can be found at <http://emn.sarenet.es>.

A significant development occurred in April 2009 when the Government adopted the **strategy on the Cooperation in the Area of Freedom, Security and Justice of the Republic of Hungary**<sup>1</sup> (hereinafter referred to as: Strategy) for a 5 year period.

As regards the institutional aspect and the main actors involved, the **MoJLE** is responsible for setting the policy guidelines and carrying out legislative tasks in the areas of migration and asylum. It works in close cooperation with **other relevant ministries**, such as the Ministry of Social Affairs and Labour, the Ministry of Foreign Affairs and the Ministry of Education and Culture. The most important **executing authorities** are the OIN and the National Police Headquarters. Relevant international organizations, such as UNHCR and IOM, also contribute to the work of the MoJLE with their expertise and close collaboration is maintained with them and with NGOs as well.

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<sup>1</sup> 1057/2009. (IV. 24.) Korm. határozata Magyar Köztársaságnak a szabadság, biztonság és a jog érvényesülése térségében való együttműködésére vonatkozó 2009-2014 közötti kormányzati stratégiájáról

## **2. POLITICAL; POLICY AND LEGISLATIVE; AND INSTITUTIONAL DEVELOPMENTS (5-8 PAGES)**

### **2.1 Outline the general political developments during the reference period, e.g. elections on regional or national levels, government changes/reshuffles, appointment of new Ministers responsible for asylum, migration and/or integration.**

On 14 April 2009 a vote of no confidence took place in the Hungarian Parliament. 78 parliamentarians from the then governing Hungarian Socialist Party submitted the proposal against the Prime Minister Ferenc GYURCSÁNY. As a result a new government was established<sup>2</sup> (204 voted for, 8 against, several abstained) and Mr Gordon BAJNAI became the new Prime Minister. In April 2009 several ministers resigned but the minister responsible for asylum and migration issues remained the same.

However, in December 2009 Tibor DRASKOVICS dr., the responsible minister for asylum and migration issues tendered his resignation saying his legislative work for the parliamentary term was done. The coming months will be “dominated by party politics rather than technical issues”, Draskovics said in a statement the following day. Although an exact date has not yet been announced, less than five months remained until the next general elections must be held in Hungary. The new appointed minister is Imre FORGÁCS dr..

**2.2 Provide a general overview of the main policy and/or legislative debates that have occurred on migration and asylum issues during 2009. This section is intended to provide the general context in which to place the specific developments detailed in the next section. This could include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers). Examples of what could be included here are the publication (and subsequent debate) of proposals to amend current asylum/migration legislation; the entry into force of new legislation in 2009 and any immediate impact this has had; actions by migrant (support) groups (e.g. hunger strikes). For those Member States who held the Presidency of the EU during 2009 (Czech Republic, Sweden) provide an overview of the main developments and achievements. Do not focus too much on specific topics as this can be covered in the following sections.**

The most significant development in the field of migration, asylum and integration occurred in April 2009 when the Government adopted the decision no. 1057/2009 (IV.24.) on the Strategy of the Cooperation in the Area of Freedom, Security and Justice of the Republic of Hungary<sup>3</sup> (Strategy) for a 5 year period of time. It should be underlined that this document is the first officially adopted document which draws up guidelines and goals to be fulfilled in the field of migration, asylum and integration.

There is still an ongoing legal debate whether to amend current legislation on asylum or not. The amendment of the implementing decree of the Act on Asylum is under discussion. The amendments target the reception system: mainly financial cut backs are proposed. Some argue

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<sup>2</sup> According to the Hungarian Constitution (Act XX of 1949) a constructive vote of no confidence is possible.

<sup>3</sup> 1057/2009. (IV. 24.) Korm. határozata Magyar Köztársaságnak a szabadság, biztonság és a jog érvényesülése térségében való együttműködésére vonatkozó 2009-2014 közötti kormányzati stratégiájáról

that the burden is disproportionate on the relevant budgetary institutions due to the introduction (in 2008) of the new form of protection (subsidiary protection based on the Qualification Directive) and together with the fact that there is an increasing number of asylum seekers. Others – also NGOs – argue that even the current system does not provide asylum seekers or recognized refugees/beneficiaries of subsidiary protection with adequate reception conditions.

There are also debates regarding the right to family reunification of beneficiaries of subsidiary protection and the exclusive authority/jurisdiction of the Metropolitan Court of Budapest in the appeals in asylum cases. In the first case the implementing authorities do not agree with and therefore do not apply the legal interpretation of the legislative body regarding the right to family reunification of beneficiaries of subsidiary protection. In the latter case some stakeholders argue that the current jurisdiction of the Metropolitan Court cannot be justified and it would be necessary to adapt the system to the current situation. In their opinion the Court is so overburdened with several exclusive jurisdiction fields (including asylum appeals), that there are not enough judges to decide on the cases in time and furthermore the geographical location of the Court is not adapted to the place of residence of asylum-seekers (250 kms from the capital). As opposed to this, other stakeholders argue that the judges rendering the decisions currently have been trained continuously (also by UNHCR) and they are perfectly aware of the special features of this field, while the local court (which would be competent in default of exclusive jurisdiction) judges would need many years of trainings. In their view more judges should be appointed to the Metropolitan Court for asylum appeals in order to shorten the timeframe for deciding on an appeal. This way advantage could be taken on the already existing resources (professional and technical as well), therefore the efficiency of the existing system could be enhanced without any decline in the quality of court decisions on asylum appeals.

On 14 January 2009 31 Afghans (asylum-seekers and tolerated persons<sup>4</sup>) protested in the Saint Stephan's Basilica in Budapest. They explained that they are not discontented with the reception conditions but they demanded refugee status in order to be able to work and to travel inside and outside the EU. Two days later a few Afghan asylum-seekers protested in front of the Parliament and on 26 January 2009 at the Office of Immigration and Nationality.<sup>5</sup>

**2.3 Describe (if applicable) Institutional developments that have occurred in 2009, such as any new Ministries, institutions, organisations, agencies or other actors established to deal with migration, asylum, refugee protection or integration issues in the Member States. If there have been none, then it is not necessary to complete this sub-section.**

The deed of foundation of the Office of Immigration and Nationality was amended. This was only a technical modification in order to comply with the requirements set down in the Act CV of 2008 on the status and management of budgetary public bodies.

In 2009 the TDH has established an office in Budapest. More information can be found at the webpage <http://tdh-childprotection.org/>.

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<sup>4</sup> For a complete analyses of this type of status see HU NCPs study on "Practices in Hungary concerning the granting of non-EU-harmonised protection statuses". Available at <http://emn.sarenet.es>.

<sup>5</sup> For more information see <http://www.origo.hu/itthon/20090115-ujabb-demonstraciokra-keszulnek-az-afgan-menekultek.html>





In the spring 2009, with 64 persons the Migration Department of the Law Enforcement Academic Association was formed for the scientific analysis of issues of migration.



### 3. SPECIFIC DEVELOPMENTS IN ASYLUM AND MIGRATION

Whilst it is often the case that legislation follows policy proposals, the two are, of course, very much interlinked. Therefore, for each topic listed below, provide (when there have been developments) details of both the policy and legislative developments, as well as debates in the media and/or by civil society, which have occurred during 2009. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees. In describing these developments, please briefly summarise the *status quo* before the new law, regulation, etc. entered into force. For the Pact's sections, also include concrete actions or measures which might be relevant (for example, the opening of a centre of information on immigration).

*When providing information for the Pact's section, it is important to emphasize that the content should be as concise as possible. Moreover, each commitment in relation to the Pact should be addressed, as the EMN's contribution shall be the only source of objective information at Member State level for the elements it deals with (independently from the Member States' political contributions). If there has been no significant development then explicitly state it in the relevant section.*

*Reference is made in these specifications to the objectives of the Pact (Annex A) using the format: "I(a)" meaning objective (a) within Part I of the Pact. The objectives have been shortened for the present specifications, but their original wording should be read in order to have the complete description.*

*Again, what is needed in terms of the Pact contribution is an overview of the policy developments relevant to each objective, as well as some concrete elements of implementation of this commitment. To ensure consistency and to facilitate your work, examples of elements to consider in relation to each Pact objective are given. Note that the Pact section should only refer to what has been done by your government or public authorities (and not by civil society or NGOs, for example, which can be described in the Additional information section).*

*If considered necessary, reference may be given in the sub-sections of the Pact to your national legislation which is in conformity with the Pact's objectives but adopted prior to 2009.*

*Where the Pact objective is related to the implementation of EU legislation, provide details in this Section 3. Section 4, on the implementation of EU legislation can then be used for additional information relating to the transposition and implementation of EU legislation in the field of asylum and migration and not covered by the Pact.*

#### **3.1 Control and Monitoring of Immigration**

##### **3.1.1 European Pact on Immigration and Asylum<sup>6</sup> (1-2 paragraphs for each commitment)**

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<sup>6</sup> From 2011 the tracking method should be extended to cover commitments made under the Stockholm programme that will follow on from the Hague Programme and under its accompanying Action Plan. The

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

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

*(E.g.: secure borders – see following objectives for more details...)*

In the frames of the yearly programmes 2007-2010 the Hungarian National Police implements 35 border management related projects. Top priority is given to the preparation of the introduction of biometric checks in the VIS in the course of border control; this is implemented within a Pilot Project co-financed by the European Commission. The Project is headed by Hungary, with Poland and Slovenia as partners. The aim of the Project is to work out the most efficient method of biometric checks on persons causing the least disruption to the flow of traffic at major border crossing points.

***II(h) an Expulsion Decision taken by one Member State (MS) should be applicable throughout the EU and entered into the SIS/ implementation of Directive 2001/40/EC***

*(E.g.: number of expulsion decision and percentage of expulsion decision entered into the SIS, transposition of Directive 2001/40/EC...)*

Hungary enters all expulsion decisions into the SIS system automatically, upon legislation in force according to rules of exclusion.

Hungary has transposed the abovementioned Directive but it has not been applied so far.

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

*(E.g.: reinforcement of border control staff, training, increase of resources ...)*

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

In 2009, the Hungarian Police has taken action against a total of 9 888 persons in connection with illegal migration related acts. This is a 30% increase compared to the previous year, which shows a greater efficiency in uncovering unlawful acts, but also testifies to the growing illegal migratory pressure since the accession to the Schengen Area. The most vulnerable border sections are the Serbian, Ukrainian and Romanian external borders. The most typical offence is illegal crossing of the green border, 5 948 persons have been apprehended. This is an increase of 63 % compared to the previous year. 53 % of all illegal border crossings occurred at the Serbian border (3 169 persons), the breakdown of nationality of perpetrators is the following: 20% Serbian, 16% Kosovar, 17% Afghan.

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

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heading of the sub sections and their content may, therefore, be adapted in the specifications for future EMN Annual Policy Reports.

*(E.g.: percentage of visas issued that are biometric, actions of cooperation with other MS consulates, development of joint consular services with other MS ...)*

Amendments to legislation required by the introduction of VIS were prepared; the relevant amendments were submitted in Parliament in November 2009. The issuance of biometric visas will start in accordance with the go-live date of the VIS.

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

In the framework of cooperation with FRONTEX, the Hungarian National Police participates in joint operations at the Eastern and Southern external land borders of the EU, as well as in different air border operations as a home and host country.

Hungary offered 30 border guard officers to the Frontex RABIT Pool which is dedicated to handling different crisis situations at the external borders of the EU.

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

*(E.g.: development/reinforcement of IT systems for border control ...)*

As regards establishment of E-gates, the Hungarian National Police organized field visits to EU Member States airports already testing or using E-gate systems. After gaining experience during such study visits, we can decide on the exact solution most suitable for us.

The Hungarian National Police is examining possibilities of developing an E-gate control system at Ferihegy International Airport in 2012.

The Hungarian National Police already has an operating national border check supporting and registration system which will be developed according to EU requirements in the future.

In the frames of the VIS pilot project (External Borders Fund Community Actions 2008) the Hungarian National Police will examine possible implementation of an entry/exit function in the existing national border registration system, i.e. electronic recording of entry and exit dates including fingerprints in case of visa exempted third country nationals.

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

*(E.g.: provision of equipment to those countries ...)*

The Hungarian National Police has bilateral border management cooperation with FYROM; and on the basis of Action Plans with Ukraine and Russia.

Besides the “general” border management cooperation with our neighbouring country Serbia, there are regular bilateral border management seminars organized every half year with the support of the German Hanns Seidel Stiftung.

Moreover, Hungary takes part as junior partner in the IBM twinning program in Serbia.

Hungary also takes part in different Community programmes and programmes organized by international organizations (TAIEX; IOM; EUBAM; ICMPD; DCAF; AENEAS - improving document security in Moldova; HUREMAS - improving administrative capacity in Ukraine; BOMCA)



The Hungarian National Police deploys document advisors to third countries of origin and transit (China, Egypt, Turkey etc.)

Hungary will take part in the IBM twinning program in Turkey which is under preparation. A Large Scale Project in the frames of the European Neighbourhood and Partnership Instrument (ENPI), the Hungary-Slovakia-Romania-Ukraine Cross-border Cooperation Programme 2007-2013 is under preparation in order to increase border efficiency at the Hungarian-Ukrainian border section.

### **3.1.2 Additional/Complementary developments (2-3 pages)**

*This should include any other developments in respect to the control and monitoring of immigration not covered by the Pact's objectives above.*

## **3.2 Refugee Protection and Asylum**

### **3.2.1 European Pact on Immigration and Asylum (1-2 paragraphs for each commitment)**

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

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

*(E.g.: support to MS facing pressures, reception/resettlement of some of the third country nationals staying in these countries (and if so, how many), sending resources (equipment, staff or funds)...)*

Hungary is committed to the establishment of the European Asylum Support Office as early as possible and contributes actively to the discussions on its establishment.

Hungary also took part in the “Seminar on Practical Cooperation in the Field of Asylum and Protection” organized by the Swedish Presidency on 29-30 October 2009 in Stockholm, which dealt with the concrete possible tasks of the Office in the framework of a workshop.

An intergovernmental working group was set up in early 2009 with the participation of the UNHCR, ministerial legal experts and NGOs have so far discussed the Hungarian context of the possible resettlement and relocation programmes, as well as integration aspects and legal possibilities/obstacles.

Hungary is – although a transit country in European context – facing a relatively huge amount of migration flows, since, 4 672 foreigners applied for asylum in Hungary in 2009, which is a substantial, 50 percent growth from 2008, and is obviously caused by the radical increase in the number of the applicants with Afghan citizenship (1,194 persons), which is tenfold the number of the year before, and the quarter of the total number of applicants. Hungary is the second largest receiving country among the new EU Member States (EU-12).

During 2009, the number of applicants with Kosovar and Serbian citizenship had substantially grown. The number of the Kosovar applicants had grown by 40 percent to 1,786 persons, while the Serbians by 64 percent, to 536. Contrary to the Afghans, in the case of such applicants international protection generally proved causeless, as applications were based on economic reasons. Besides, applicants arrived from more countries not being typical before, like Albania, Bosnia and Herzegovina, Ivory Coast, Lebanon or Sri Lanka, totally from approximately 60 countries.



Hungary does not take part in a resettlement program at the moment, but the possibility of establishing a resettlement programme or engaging in relocation has been discussed in the course of 2009. In December 2009 the Prime Minister of Hungary has decided to participate in a solidarity programme, therefore Hungary will relocate 8-10 persons from Malta in the course of 2010 within the framework of a project under the Community Actions for 2009 of the European Refugee Fund. The Annual Program 2010 of the European Refugee Fund for Hungary (the national allocation) contains an activity aiming at the realization of a pilot national resettlement project targeting no more than 10 persons.

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

*(E.g.: provision or planning of provision of such training (and in which way, number and percentage of border control staff trained)...)*

Several trainings were provided on the basis on a tripartite Memorandum of Understanding between the Border Police, the UNHCR and the Hungarian Helsinki Committee and also with the financial help of the European Return Fund.

There is a tripartite Memorandum of Understanding between the Border Police, the UNHCR and the Hungarian Helsinki Committee. Based on this agreement several trainings took place in 2008 and in 2009 as well. In 2009 in total 5 trainings – 4 of these were 1-day trainings – were held for border personnel working at the Ukrainian and Serbian border and at Ferihegy international airport. The number of participants was generally 20-23 persons per training, the participants were appointed by their superiors. The border personnel regularly receive trainings focusing on asylum-related issues. These trainings are usually held with the financial help of the UNHCR and the contribution of NGOs (especially the Hungarian Helsinki Committee – more information can be found at: [www.helsinki.hu](http://www.helsinki.hu)), and inter-disciplinary methods are used also on these occasions. The trainings usually include information about applicants with special needs, as well as situation exercises about how to deal with these persons. This year the main aim of the training was sensitization of the personnel – the Cordelia Foundation (more information on the website: [www.cordelia.hu](http://www.cordelia.hu)) was also involved in the training therefore the training also included techniques on how to cope with the burn-out syndrome.

The fifth training was especially designed to train mid- and high-ranking border police officers. This training took place with the financial contribution of the European Return Fund. The main topics were: the civil control of assisted return, the human rights aspects of return, the international rules and other aspects of cruel, inhuman and degrading treatment and torture, children's rights, non-EU harmonized protection statuses etc. The relevant best practices were also shared with the group. This training lasted 2 days.

In total approximately 100-110 members of the personnel were trained in 2009.

In 2010 similar trainings are planned to take place which will be based on the experiences of the trainings of the previous years.

**3.2.2 Additional/Complementary developments (2-3 pages)**

The Hungarian Government adopted the Strategy in April 2009. The Strategy aims to set down the aims of the Hungarian JHA policies from 2009 until 2014 with special focus on the fact that the Hungarian Presidency will take place in the first half of 2011.

The 20-page document sets out clear goals on several fields from illegal immigration to visa policies and external policies as well. Regarding asylum issues the following is stated in the Strategy:

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

- In parallel with the expected supervision in 2008-2010 of the directives and regulations adopted during the first phase of the CEAS as well as the implementation of the second phase of the CEAS by 2012, Hungary has to make efforts in order to let European asylum policy ensure adequate guarantees according to the requirements of international law for those seeking international protection and effective protection for those in need of it.
- Hungary’s priority is to find the right balance between fighting against illegal migration and providing access to international protection, particularly by preventing and reducing misuses of asylum procedures. In order to accomplish this, we follow the guidelines laid down in the European Pact on Immigration and Asylum, stressing that the necessary strengthening of European borders should not prevent access for eligible persons to protection mechanisms.
- Hungary promotes the establishment of the European Asylum Support Office in order to intensify practical cooperation between Member States in particular through the creation of a common country of origin information database, the establishment of a common interpreters network and a common training structure as well as the exchange of best practices in the field of asylum.
- In accordance with the European Union’s efforts towards the creation of the common European resettlement programme, Hungary has to take steps towards the establishment of institutional and legal conditions allowing a successful execution of the resettlement programme. In this aspect Hungary encourages the harmonisation of national laws intending to facilitate the integration of those persons who have been granted international protection.
- On the basis of the outcomes of the study on national protection statuses appearing in the Commission’s Policy Plan on Asylum<sup>7</sup> planned to be published in 2009, Hungary considers it a priority to harmonise the status of persons who do not belong either to the category of recognised refugees or beneficiaries of subsidiary protection, yet they seek protection regarding the fact that they can not be returned to their country for other reasons.
- Hungary supports the European Union’s initiatives aiming at intensifying solidarity as well as facilitating burden sharing among Member States and towards third countries,

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<sup>7</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions – Policy Plan on Asylum: an integrated approach to protection across the EU, Brussels, 17.6.2008 COM (2008) 360 final

while taking into consideration the Member States' economical and integration capacities.

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

This Strategy can be identified as a major development which will serve as a basis for decisions and actions in the next five years in Hungarian JHA policy.

Other relevant information on the field of implementation:

In connection with legal interpretation difficulties arising from the Qualification Directive a Hungarian Municipal Court referred a legal issue to the European Court of Justice in December 2008 for preliminary ruling. The parties' submissions have been handed in this year.

Taking into account the raising number of asylum applications, the number of decision makers was increased. Hungary took part in the quality management program of the UNHCR and the European Commission called ASQAEM (Asylum Systems Quality Assurance and Evaluation Mechanism Project) and monitored the asylum procedure at different stages with increased focus.

A new program was introduced to meet the special needs of minors (at the age of 6-14) who do not have the skills or previous experiences of basic cultural, educational or even hygienic requirements, therefore the Hungarian school system is not able to integrate them. The program is a pre-school and after-school project, providing necessary skills to fit in and fulfil the requirements of the Hungarian education system. Hungary tried to enhance the social inclusion in the daily community social work at the reception centres, improving the chances of integration. The Office of Immigration and Nationality signed contracts with churches and universities to send more volunteers to the reception centres. There was a program introduced at the Debrecen Reception Centre (a reception centre designed for the applicants in the in-merit procedure) to provide Hungarian language courses for applicants and persons enjoying tolerated status.

All three reception centres run additional programs – besides their scope of duties – financed by European Refugee Fund.

### **3.3 Unaccompanied Minors (and other vulnerable groups)**

#### **3.3.1 European Pact on Immigration and Asylum**

No explicit mention is made in the objectives of the Pact on this aspect and, therefore, no information is provided here.

#### **3.3.2 Additional/Complementary developments (2-3 pages)**

In 2009 a new centre was established meeting the needs of young adults. The Centre for Young Adults is designed for recognized refugees or subsidiary protected persons who were unaccompanied minors during the asylum procedure, but they reached 18 years of age before



their recognition as a beneficiary of international protection. The Centre is at the premises of the so-called pre-integration reception centre and can accommodate 10-12 people.

Since 1<sup>st</sup> July 2009 a social worker is employed at the Debrecen Reception Centre to help pupils with their homework and support their preparation to elementary or secondary school.

HU EMN NCP has produced a study “Policies on reception, return and integration arrangements for, and numbers of, unaccompanied minors in Hungary”. For more information (statistical data, trends, relevant authorities and procedures) this study can be found at <https://emn.sarenet.es>.

In 2009, 270 unaccompanied minors submitted an application for asylum, meaning an increase of 325 percent compared to 2008.

### **3.4 Economic Migration**

#### **3.4.1 European Pact on Immigration and Asylum (1-2 paragraphs for each commitment)**

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

##### ***I(a) Implement policies for labour migration***

*(E.g.: categories of migrants your MS favours, fast procedure to issue a permit, impact of economic crisis)*

The most significant development occurred in April 2009 when the Government adopted the **Strategy - as** already mentioned above.

The Strategy stresses the importance of the inter-sectoral character of the tasks related to migration and the links between the multidimensional approach [eg. among the dimensions of the labour market and employment policy, economics, demography, education (development of human resources), social policy (integration), health, equal opportunities, security (law enforcement)]. It emphasizes that **Hungary must seek to promote the entry and stay of legal immigrants in line with the needs of the economy and science, and of the national labour market.** The links between legal migration and demographical trends have to be taken into account, particularly in case of migrants staying on a long-term basis in Hungary.

The strategy also promotes the idea of drawing up national “migration profiles”. It states that the profiles could provide an integrated overview on the current migration situation of each Member State, with particular emphasis on the situation of national labour markets and the (real and potential) qualification of migrants. For the purpose of gainful employment, the Strategy emphasizes that the competence of Member States and the principle of community preference have to be respected.

**For the future, the Strategy aims at preparing a comprehensive migration strategy assessing all implications.**

In 2008 Government Decree No. 355/2007 (XII.23.) on the provisional rules relating to the free movement of workforce vis-à-vis persons having the right to free movement and

residence<sup>8</sup> was amended and the modification entered into force on 1<sup>st</sup> of January 2009. Due to this amendment Hungary opened its labour market to workers coming from countries of the European Economic Area (hereinafter referred to as: EEA) irrespective of their skills or the principle of reciprocity. This means that from 1<sup>st</sup> of January 2009, Hungary applies the community law in the field of free movement of workforce vis-à-vis persons having the right to free movement and residence. All persons concerned can work in the territory of Hungary without a work permit; however the employer has the obligation to notify the labour centre on the employment of such persons. The labour centre verifies the fulfilment of the notification and keeps a record on it. It should be underlined that the legal relationship between the employee and the employer enters into force without the notification on the employment and its verification.

In addition to that, the Act on Asylum (which entered into force on 1<sup>st</sup> of January 2008) prescribes as a general rule, that the beneficiaries of subsidiary protection enjoy the same rights as refugees, except if an act or a Government decree states otherwise. Act IV of 1991 on Job Assistance and Unemployment Benefits includes the provision that refugees do not need any work permit to be entitled to work in the territory of Hungary. However, to facilitate the work of the employment offices, this act was modified in 2008 and an *expressis verbis* reference was made to the beneficiaries of subsidiary protection as those persons who do not need a work permit to work in the territory of Hungary. This modification entered into force on 1<sup>st</sup> of January 2009.

The minister responsible for labour and social affairs – with the agreement of other competent ministers – is entitled to set the highest number of work permits to be issued to third-country nationals. This quota may not exceed the requested workers reported during the previous year. It should be noted that this quota usually far exceeds the number of foreigners working legally in Hungary. Due to the economic slowdown as the number of vacant jobs decreased, the quota in 2009 was set lower than in 2008 (the quota decreased from 65 000 in 2008 to 60 000 in 2009). However, due to the communal work programme supported by the government, the quota is expected to increase in 2010.

According to the number of permits issued by the Employment Centres, the total number of foreign workers in Hungary was 55 230 in 2007 compared to 42 457 in 2008 which shows a significant decrease of 27%. In 2009, 28 215 work permits were issued which shows a 33,5% decrease in comparison to the number of work permits issued during 2008.

Concerning the total number of work permits, registrations, green card certificates issued and notifications made in 2009, 44.5 % of the foreign employees (12 566 persons) were Romanian which shows a slight, 19.9 % decrease in comparison to 2008. The presence of Romanians in the labour market of Hungary is significant and the economic crisis only slightly affected their number.

In 2009, 12.5% of the foreign employees (3 534 persons) were of Ukrainian nationality which shows a significant decrease of 44.5% in comparison to 2008. In 2009, of the foreign employees 2 494 persons were Slovaks which shows a particularly significant decrease of 60%.

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<sup>8</sup> A Magyar Köztársaság által a szabad mozgás és tartózkodás jogával rendelkező személyek tekintetében alkalmazott, a munkaerő szabad áramlásával összefüggő átmeneti szabályokról szóló 355/2007. (XII.23.) Korm.rendelet

The total number of work permits, registrations, green card certificates issued and notifications made in 2009 decreased with 50% in the construction sector (4 471) and processing industry (5 402), whilst it doubled in the agriculture sector.

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

*(E.g.: early transposition of EU Blue Card Directive, incentive mechanisms for highly qualified workers, actions or legislations to facilitate the reception of students and researchers, on top of the transposition of EU legislation...)*

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

The **Free Movement Act** and its implementing Government Decree implement Council Directive 2004/38/EC and regulate the entry and residence of persons enjoying the right to free movement and residence and the entry and residence of their family members. It entered into force on 1<sup>st</sup> July 2007.

The **New Act on Aliens** and its implementing Government Decree – which also entered into force on 1<sup>st</sup> July 2007 – regulate the entry and residence of third-country nationals (except the family members of persons enjoying the right to free movement) and also entered into force on 1<sup>st</sup> July 2007. With our full Schengen membership on 21<sup>st</sup> of December 2007, the New Act on Aliens was modified and the system of long-term visas and residence permits was significantly changed. Previously those third-country nationals who wished to stay in Hungary had to apply for a so-called residence visa at the Hungarian consulate in their country of origin. These visas were valid for up to a year. After 21<sup>st</sup> of December 2007, third-country nationals can only apply for a residence permit at the consulate. If the permit is granted, third-country nationals can travel to Hungary in the possession of a special visa (visa entitling its holder to acquire a residence permit), and obtain their residence permit in the territory of Hungary. Those who can travel to Hungary without a visa can apply for a residence permit in Hungary, at the Office of Immigration and Nationality.

For the time being three categories of third-country nationals wishing to stay for more than three months are covered by the *acquis*: family members (Council Directive 2003/86/EC on the right to family reunification), **students**, volunteers (Council Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service), and **researchers** (Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research). Provisions on family reunification and studies were already included in our national law, only slight adjustments had to be done in order to fully transpose the directives. Nevertheless, the introduction of researchers as new, privileged category into the national legislation was a novelty for Hungary. The main challenge with regard to this category was to lay down the conditions and the procedure under which a research organization can be approved by the competent authority. Such research

organizations have the right to conclude hosting agreements with researchers from third countries, facilitating their admission to the country.

Concerning developments occurred in 2009, the Strategy states that in the field of legal migration **the circular migration of highly-skilled migrants needs to be encouraged to the benefits of the Member States and third countries and to the benefits of the migrants themselves.** The Strategy also states that in line with the Commission Communication “Researchers in the European Research Area: One profession, multiple careers”<sup>9</sup> and the Commission Recommendation on the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers<sup>10</sup>, **it is important to promote the adoption of legislation that makes the international mobility and employment of persons working in scientific positions possible without barriers.**

The transposition of the **EU Blue Card Directive** is expected to start in June 2010.

In case of **gainful employment** work permits are issued by the employment agencies. The residence permit and the work permit are not incorporated into a single document for the time being. Two authorities, namely the immigration office<sup>11</sup> and the employment agency are involved in the process. Nevertheless, the rules of this procedure will have to be changed in due time, if the relevant EC directive on the single permit enters into force. At the moment not only the authorities involved are different, but also the applicants, since it is the third-country national who has to submit an application for a residence permit, while in case of the work permit, it is the employer who asks for the issuance. In 2008, 13 159 residence permits, whilst in 2009, 12 010 residence permits were granted for the purpose of gainful employment. In 2008, the five main nationalities to which residence permits for the purpose of gainful employment were granted are the following in descending order: Ukrainian (5 091), Chinese (2 069), Serbian (1 673), Mongolian (604) and Japanese (467). In 2009, the five main nationalities to which residence permits for the purpose of gainful employment were granted are the following in descending order: Ukrainian (3 183), Chinese (2 835), Serbian (1 430), Mongolian (466) and Japanese (407).

**In case of studies** the third-country national needs to submit a certificate from the relevant educational institution or a document to verify his/her student status. **In the academic year 2007/2008**, the number of foreign students participating in higher education in Hungary was 15 459 from which 6 955 students were third-country nationals and 8 504 students were EU nationals<sup>12</sup>. **In the academic year 2008/2009** the number of foreign students participating in higher education in Hungary was 16 916 from which 7 606 students were third-country nationals and 9 310 students were EU nationals. **In 2008**, 8687 residence permits, whilst in **2009**, 8 639 residence permits were granted for study purposes. In 2008, the five main nationalities to which residence permits for the purpose of pursuing studies were granted are the following in descending order: Serbian (1 152), Iranian (1 124), Ukrainian (815), Chinese (752) and Israeli (682). During 2009, the five main nationalities to which residence permits for the purpose of pursuing studies were granted are the following in descending order: Serbian (1 194), Iranian (1 182), Ukrainian (816), Turkish (788) and American (698).

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<sup>9</sup> COM/2003/0436 final

<sup>10</sup> 2005/251/EC

<sup>11</sup> OIN

<sup>12</sup> Data provided by the Ministry of Education and Culture, available in Felsőoktatási statisztikai kiadvány 2007 and 2008 at [http://db.okm.gov.hu/statisztika/fs06\\_fm/](http://db.okm.gov.hu/statisztika/fs06_fm/) (2009.07.3)

**In case of scientific research**, the residence permit can be issued to third-country nationals who have concluded a hosting agreement with an accredited research organization<sup>13</sup>. Specific legislation applies in order to regulate the accreditation procedure of research organizations and the rules regarding the hosting agreement. This legislation is in compliance with the relevant EU acquis, namely with Council Directive 2005/71/EC. The office having the competence to approve research organizations is called the National Office for Research and Technology which is a government office under ministerial supervision. In **2008**, 25 residence permits were granted for the purpose of scientific research. The 5 main nationalities to which residence permits for the purpose of scientific research were granted are the following in descending order: Indian (4), Turkish (3), Ukrainian (3), Russian (2) and Vietnamese (2). During **2009**, 44 residence permits were granted for the purpose of scientific research. The 5 main nationalities to which residence permits for the purpose of scientific research were granted are the following in descending order: Indian (15), Egyptian (5), Russian (3), Ukrainian (2) and Georgian (1).

***I(c) Do not aggravate the brain drain:***

*(E.g.: awareness rising actions, development of data and indicators on this phenomena, prevention, list of countries and professions subject to brain drain...)*

No specific actions were taken in this field.

**3.4.2 Additional/Complementary developments (2-3 pages)**

*This should include any other developments in respect to economic migration not covered by the Pact's objectives above. (e.g. Low-skilled, labour shortages, impact current economic crisis)*

**3.5 Family Reunification**

**3.5.1 European Pact on Immigration and Asylum (1-2 paragraphs for each commitment)**

The relevant commitment in the Pact for this sub-section is in particular:

***I(d) To regulate family migration more effectively***

*(E.g.: legislation or policy development to regulate family migration, if there has been an evaluation of MS reception capacities, what was its result...)*

No specific actions were taken in this field.

Concerning statistical data, in **2008**, 4 580 residence permits for the purpose of family reunification were issued. The 5 main nationalities to which residence permits for the purpose of family reunification were granted in 2008 are the following in descending order: Chinese (1 134), Ukrainian (413), Japanese (401), Vietnamese (245) and Serbian (213). During **2009**, 3 742 residence permits were granted for the purpose of family reunification. The 5 main

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<sup>13</sup> Detailed rules are laid down in Government Decree 181/2007. (VII. 6.) on the accreditation of research organizations hosting third-country national researchers and on the hosting agreement

nationalities to which residence permits for the purpose of family reunification were granted are the following in descending order: Chinese (1 037), American (438), Ukrainian (367), Japanese (205) and South-Korean (204).

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

During the reference period, Hungary further strengthened its national network of the EMN which was established in 2008. After October 2008, altogether three national network meetings and one thematic meeting on statistical data collection relating to migration and asylum were held. All relevant governmental (Ministry of Education and Culture, Ministry of Labour and Social Affairs, Office of Immigration and Nationality), intergovernmental (International Organization for Migration, Terres des Hommes), international (United Nations High Commissioner for Refugees), and several non-governmental organizations (Hungarian Interchurch Aid, Hungarian Helsinki Committee) academic experts (Hungarian Scientific Research Institute, Central Statistical Office) and judges represent are active members in the network. The network has now more than 40 members.

In addition to that, Hungary uploaded information on the CIRCA Mutual Information Mechanism network.

### **3.5.2 Additional/Complementary developments (2-3 pages)**

*This should include any other developments in respect to family reunification not covered by the Pact's objectives above.*

## **3.6 Other legal migration**

### **3.6.1 European Pact on Immigration and Asylum (1-2 paragraphs for each commitment)**

The relevant commitment in the Pact for this sub-section is:

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

*(E.g.: opening of centre or website to inform on legal migration, or translation of existing instruments for more accessibility ...)*

With the financial support of the European Integration Fund (hereinafter referred to as: EIF) several measures were taken with the aim of improving information on the possibilities and conditions of legal migration. For example in order to make the admission procedures more effective, as a result of one project carried out by the Office of Immigration and Nationality, the offices of the Regional Directorates are equipped with televisions presenting all the necessary information in foreign languages in a comprehensible way to facilitate the proper submission of an application for residence permit.

### **3.6.2 Additional/Complementary developments (2-3 pages)**

*This should include details of any developments of other legal routes for entry. (e.g. stay for medical treatment, extended stay...)*

### **3.7 Integration**

#### **3.7.1 European Pact on Immigration and Asylum (1-2 paragraphs for each commitment)**

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

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

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

*(E.g.: enabling immigrants to acquire a basic knowledge of the host society's language, history, and institutions, "efforts in education" "participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level", access to employment and public and social services, policy development on integration...)*

The Strategy aims at strengthening the efforts facilitating the integration of legal migrants in accordance with – among others – the Common Principles<sup>16</sup> adopted in 2004 and the criteria of the Common Agenda for Integration<sup>17</sup> adopted in 2005. In order to facilitate the integration of foreigners, initiatives aiming at developing integration programs tailored to the needs of newly arrived migrants, as well as the adoption of actions promoting integration – in particular counselling on fundamental rights and access to employment, as well as the handling of problems arising in the field of education and actions aimed at eliminating discrimination – must be supported. In this respect, actions increasing tolerance towards foreign citizens and their social integration must be strongly emphasized.

Beyond the Strategy, Hungary implements the Common Basic Principles with the help of the EIF. To enhance its commitment to the integration of third-country nationals, the Ministry of Justice and Law Enforcement has been co-financing the projects with 25% from the beginning which means that project beneficiaries do not have to provide financial contribution when applying for the EIF. From October 2008 until now, altogether 3 calls for proposals were published for making use of the allocation disposable under the Annual Programme 2007. For the first priority which aims at implementing the Common Basis Principles (promoting researches about integration, supporting complex integration services), 362 000 euros were allocated for 8 projects. From October 2008 until now, 4 calls for proposals were published for making use of the allocation disposable under the Annual Programme 2008. For the first priority which aims at implementing the Common Basis Principles (promoting intercultural dialogue, Hungarian language learning, education of migrant children, improving the admission procedures, launching awareness raising campaigns, promoting the participation of migrants in the social and political life, facilitating the integration of family members), 1 136 000 euros were allocated for 18 projects. The project proposals arrived for the fourth call for proposals are currently under evaluation.

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

<sup>14</sup> Available from [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/82745.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/82745.pdf).

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

<sup>16</sup> Common Basic Principles for Immigration Integration Policy, 2004

<sup>17</sup> 2005 Council Conclusions on a Common Agenda for Integration

*(E.g.: national website and forum on integration, development of information exchange within your MS...)*

After October 2008, the **working group on integration** within the Ministry of Justice and Law Enforcement – which was established in 2007 – held 4 meetings. All relevant stakeholders dealing with integration issues have been taking part in the work of this expert team, including international organizations (UNHCR, IOM, Hungarian Helsinki Committee), other ministries (Ministry of Education and Culture, Ministry of Social Affairs, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Municipalities), the Office of Immigration and Nationality, the Central Statistical Office and its research institutes and relevant NGO's (Menedék – Hungarian Association for Migrants). The working group provides an excellent opportunity to discuss all the important issues in the field of integration, to coordinate the measures taken in this field and to harmonize the management of all the national and European funds avoiding overlaps among them.

Beyond that, the Ministry of Education and Culture operates a **working group dealing with the education of migrant children** which also held its meetings regularly in the course of 2009. All relevant stakeholders have been participating in the work of this expert team, particularly the ministries concerned in the field of integration, international organizations, experts, NGO's, teachers, directors of schools. The working group aims at sharing best practices, exchanging information, coordinating and harmonizing the tasks of the participants and is an efficient platform for preparing the professional decisions, improving the implementation of legal instruments.

With the help of the EIF, 3 projects were selected under the third priority which aims at facilitating the exchange of information among the Member States to which altogether 227 000 euros were allocated.

In addition to that, in 2009 with the help of one selected project, a national website collecting all the relevant information on projects, partners, financial sources and legislation were launched ([www.migrantsintegracio.hu](http://www.migrantsintegracio.hu)).

In the second half of 2009, Hungary welcomed the Latvian delegation of the Ministry of Labour and the Lithuanian IOM within the framework of study visits.

### **3.7.2 Additional/Complementary developments (2-3 pages)**

*This should include any other developments in respect to integration not covered by the Pact's objectives above.*

## **3.8 Citizenship and Naturalisation**

### **3.8.1 European Pact on Immigration and Asylum**

No explicit mention is made in the objectives of the Pact on this aspect and, therefore, no information is provided here.

### **3.8.2 Additional/Complementary developments (2-3 pages)**

In the field of citizenship no organizational changes were made. Neither were modifications carried out in Act LV of 1993 on Hungarian citizenship and regarding the rules of



naturalization. There were only minor, administrative changes in Government Decree 125/1993. implementing the Act. The procedure of naturalization was influenced by the changes of the related rules (Act XII of 1998 on travelling abroad and Act CXL of 2004 on the general rules of the procedure and services of the administrative authorities). The number of applications for certificates of nationality increased due to the introduction of the second generation of biometric passports.

Three members of the Parliament presented a bill to amend the Act on Hungarian citizenship on 12<sup>th</sup> October 2009 (N° T/10896.). The bill focuses on a procedure that makes the acquisition of citizenship quick and facilitated for those who or whose ascendants were Hungarians. The future of the bill can be followed on the [www.parlament.hu](http://www.parlament.hu) website. The media did not take up yet directly the questions affecting the naturalization process. This special field was affected primarily only by the newspapers in concrete cases, however the requirement of the exact and true to nature was unfortunately was not always taken into consideration. Since the bill was presented this field is continuously theme in the written and electronic media. However, on 3<sup>rd</sup> November 2009 the bill was withdrawn before being referred to plenary session, so the legal regulation has not changed in this field.

Regarding citizenship cases the most updated statistics can be downloaded from the homepage of the Office of Immigration and Nationality ([www.bevandorlas.hu](http://www.bevandorlas.hu)).

### **3.9 Illegal Immigration**

#### **3.9.1 European Pact on Immigration and Asylum (1-2 paragraphs for each commitment)**

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

##### ***II(a) only case-by-case regularisation***

*(E.g.: the ways in which your MS gave legal status to illegally staying third country nationals, any "wave" of granting of legal status, trends...)*

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

Since the deepening of the economic crisis a significant increase was detected in the number of illegal migrants, whose destination is Western Europe, and Hungary has remained a transit country. Typically Serbian, Kosovar and Ukrainian nationals has tried to reach Germany, Italy or France through Hungary. Furthermore, many Afghan citizens have arrived from Turkish and Greek refugee camps through Kosovo and Serbia since March 2009.

EU challenges related to the detection of networks involved in trafficking in and smuggling of human beings, the prevention and fight against cross-border crimes and the illegal migration flows originating from the Eastern and Southern neighbouring regions could be identified, as well as global challenges, such as to prevent the migration of economic refugees from developing countries.

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

*(E.g.: early transposition of "Sanctions against Employers Directive", legislation or policy development in this sense, examples of prosecution...)*

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

Hungary is planning to transpose the Sanctions Directive (2009/506EC) in the course of 2010 in order to fully comply with the latest developments of the Community acquis in this field.

Hungary must seek to promote the entry and stay of legal immigrants in line with the needs of the economy and science, and at the same time it must take firm actions against illegal migration and illegal activities related to illegal migration (trafficking in and smuggling of human beings), as well as against the illegal employment of migrants. The links between legal migration and demographical trends have to be taken into account, particularly in case of migrants staying on a long-term basis in Hungary.

### **3.9.2 Additional/Complementary developments (2-3 pages)**

*This should include any other developments in respect to illegal immigration not covered by the Pact's objectives above. (Including any regularisations or changes in policy towards illegal entry and/or stay)*

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

Due to Hungary's geographical situation, it is significantly affected by the Eastern-South Eastern migratory flows and illegal migration is to a great extent transit migration towards Western Europe. Illegal migrants coming to Hungary are mainly from Eastern and South-Eastern Europe. The neighbouring countries, particularly Ukraine and Serbia, and the countries of Central-East Asia, such as China, Vietnam and Mongolia are considered to be the main countries of origin of illegal migrants. Hungary is used as a transit country mostly by the nationals of the former Soviet countries, especially those of Russia, Ukraine and Moldova, as well as by the nationals of the countries of the former-Yugoslavia, primarily Serbia and Kosovo. The so-called "Balkan route" (through Turkey, Bulgaria, Macedonia, Albania) also needs to be given special attention as a route of illegal flows originating from Iraq, Iran, Syria, Turkey and Afghanistan.

The main illegal migratory routes across Austria are: to Italy (37,5 %) and to Germany (25,6 %). The main countries of origin of illegal immigrants are Afghanistan, Kosovo and Serbia. In the reference period the most affected border sections of Hungary were the Serbian, the Ukrainian and the Romanian.

Acts related to illegal migration were mostly committed by Ukrainian (1870 persons), Serbian (1807 persons), Afghan (1075 persons) and Turkish (539 persons) nationals. The most significant increase is shown by the Afghan nationals (767%)

Alien policing procedures were initiated against 658 persons which demonstrates an increase of 89% compared to the 2008 data.

The most typical offence is illegal crossing of the green border. 5948 persons were apprehended for committing or attempting to commit illegal crossing of state borders, which represents 60% of the total number of acts related to illegal migration, and a rise of 63 %

compared to the data registered on that kind of activities in 2008. The Serbian border area remained the most affected one in the last year with 53 % of the illegal border crossings detected in the country, followed by the Ukrainian (18 %) and the Romanian borders (16 %). The illegal border crossings were mainly committed by Serbian (1191 persons, 20 %), Afghan (1026 persons, 17 %) Kosovar (975 persons, 16 %), and Ukrainian nationals (688 persons, 11 %). At the Serbian-Hungarian border 3169 persons were apprehended for illegally entering Hungary, 37 % of those persons were Serbian, 28 % Kosovar, 24 % Afghan nationals.

46 % of the persons apprehended for illegally entering to the territory of Hungary (2179 persons) submitted application for refugee status under the immigration control proceedings conducted by the Police, this number is 43 % more than in last year. According to the data registered by the OIN, the total number of persons seeking refugee status in the last period was 4672.

### **3.10 Actions against human trafficking**

#### **3.10.1 European Pact on Immigration and Asylum (1-2 paragraphs for each commitment)**

The relevant commitment in the Pact for this sub-section is in particular:

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

*(E.g.: actions at national level to fight against human trafficking and incorporation of third countries within them, awareness raising actions, number of traffickers arrested and convicted...)*

In order to create a comprehensive approach on return and readmission, it is necessary to step up cooperation with the countries of origin and transit within the framework of the Global Approach to Migration and in line with the European Pact on Immigration and Asylum, while recognising that all States are required to readmit their own nationals residing illegally on the territory of another State. Neighbouring third countries in east and southeast of Europe are of top priority for Hungary. With regard to the strategic importance of the region we must continue dialogues with these countries – primarily with the countries of the Western Balkan and Ukraine – as well as practical cooperation in the field of legal migration, illegal migration, and migration and development.

Moreover, Hungary participates in different regional consultative processes, such as the Budapest Process, Söderköping Process and also in the Building Migration Partnerships initiative.

#### **3.10.2 Additional/Complementary developments (2-3 pages)**

*This should include any other developments in respect to the actions against human trafficking not covered by the Pact's objectives above.*

### **3.11 Return Migration**

#### **3.11.1 European Pact on Immigration and Asylum (1-2 paragraphs for each commitment)**

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

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

*(E.g.: number of bilateral agreements achieved and in negotiation, with which countries, what was their purpose...)*

Hungary has 25 bilateral readmission agreements. Out of these agreements 8 have been concluded with third countries: Albania, Bosnia and Herzegovina, FYROM, Moldova Montenegro (as a result of state succession), Serbia and Ukraine. A new agreement with Kazakhstan is under preparation. The draft was submitted in June 2009.

We are in the process to conclude implementing protocols to the EU readmission agreements with Ukraine, Serbia, Russia, FYROM, Montenegro, Albania and Moldova. We signed the implementing protocol with Albania at the end of October 2009 and with Serbia on 19 December 2009. We have also finalized the negotiations with Moldova, which was signed in February 2010.

As soon as these protocols enter into force in the following months, the previous bilateral readmission agreements with these third countries will be repealed.

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

*(E.g.: measures to promote voluntary return, assistance provided in voluntary return, provision of information to other MS on person returned, number of returnees, number of voluntary returnees...)*

HU EMN NCP has prepared a report on Assisted Voluntary Return. This report can be found on the <http://emn.sarenet.es> website.

Hungary's accession to the European Union has opened up several new possibilities for improving the assisted voluntary return measures already in place. With the availability of the European Refugee Fund, the RETURN Preparatory Actions and more recently the European Return Fund, IOM – together with the Office of Immigration and Nationality – has more financial sources to strengthen their efforts in the field of voluntary return.

In the field of voluntary return the Hungarian Government works in close cooperation with the IOM Budapest. In the framework of this co-operation IOM Budapest has carried out several effective programmes that aim at helping third-country nationals to return home voluntarily. In 2009 IOM assisted 291 persons in their voluntary return from Hungary.

The European Return Fund made it possible to enhance the previous HARP program by adding a re-integration component (for the first time in Hungary) and by establishing the Hungarian Assisted Return and Re-integration Programme (HARRP). There are also numerous other activities that were implemented with the support of the Fund in 2009 (information campaign, publishing of brochures, the establishment of a website and of a toll-free phone number in 5 languages, capacity building and trainings for experts working in the field of return, study trips etc.).

The most relevant statistical data are the following:

Expulsion:

Expelled by	2004	2005	2006	2007	2008	2009
OIN	3307	3373	2329	527	743	960
court	904	1003	703	568	506	484
Police	3046	3046	2894	2066	1799	2177
TOTAL	7257	7422	5926	3161	3048	3621

The decline in 2007 can be attributed to the fact, that Romania became a Member State of the European Union on 1st January 2007, and since that date its citizens enjoy the right of free movement and residence. Before that date Romanian nationals were among the ones expelled from Hungary in the greatest numbers.

#### Number of removals by main nationalities

Nationality:	2004	2005	2006	2007	2008	2009
Romanian	353	83	432	30	51	44
Moldovan	79	27	22	37	61	42
Serbian (Montenegrin)	67	51	119	295	127	207
Chinese	31	6	14	4	5	10
Turkish	50	15	12	5	-	-
Ukrainian	67	162	93	23	46	27
Kosovar					130	197
Other	218	81	56	87	53	107
Total:	865	725	748	481	473	634

#### Voluntary returns by main nationalities

Nationality	2004	2005	2006	2007	2008	2009
Serbian (Montenegrin)		116	146	149	-	11
Turkish		15	6	-	-	6
Mongolian		12	29	16	18	16
Indian		10	-	-	-	-
Vietnamese		8	-	6	-	2
Albanian		8	-	-	3	-
Chinese		-	8	-	-	-
Iranian		-	8	-	-	-
Georgian		-	6	6	-	-
Nigerian		-	-	6	-	2
Moldovan		-	-	5	6	5
Kosovar		-	-	-	139	228
Macedonian		-	-	-	-	8

Algerian	-	-	-	-	2
Azerbaijani	-	-	-	3	-
Malaysian	-	-	-	3	-
Total:	No data	212	225	212	188
				291	

If we compare the number of voluntary returns, we can see that it was roughly 1/3 of the removals in 2005-2006 and almost 1/2 in 2007. It should be noted however, that the direct comparison of the two ways of return can be misleading, as there are migrants who cannot be subject to forced return but who might take part in assisted voluntary return programs (e.g. rejected asylum seekers) and vice versa (e.g. those expelled by the court).

The majority of voluntary returnees (and also a great number of those subject to forced return) are Serbian (Montenegrin) nationals who are currently considered to be Kosovo Albanians.

Furthermore, it can be noticed that the number of voluntary returnees remains fairly constant. This can be attributed to the fact that the budget of voluntary return programmes is drawn up for each year at the beginning of that year based on projections of possible beneficiaries. This, in some way, predetermines the number of migrants who can return home voluntarily.

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

Regarding return flights in the course of 2009 in October 2 and in November 1 Nigerian citizen were returned to Nigeria. The organizing countries were Ireland and Italy. In the operation the Police and the Office of Immigration and Nationality cooperated actively.

Date of departure	Destination	Organizing country	Place of departure	available seats	from HU
21. 10. 2009.	Nigeria	Ireland	Dublin	15_30	2
13. 11. 2009.	Nigeria	Italy	Rome	25_50	1

### 3.11.2 Additional/Complementary developments (2-3 pages)

*This should include any other developments in respect to return migration not covered by the Pact's objectives above.*

The legal framework of return management in Hungary is comparable to that of other Member States of the European Union, given that most provisions are harmonized with the EU acquis. The next step will be the full transposition of the Return Directive into Hungarian law that will probably take place next year.

HU EMN NCP has prepared a report on Assisted Voluntary Return. This report can be found on the <http://emn.sarenet.es> website.

### **3.12 External relations/ Global Approach**

#### **3.12.1 European Pact on Immigration and Asylum (1-2 paragraphs for each commitment)**

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

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

*(E.g.: number of bilateral agreements achieved and in negotiation, with which countries, what was their content, was the Commission informed?)*

The Hungarian Office of Immigration and Nationality has concluded bilateral agreements with Mongolia and the Russian Federation in the field of cooperation in the fight against illegal immigration. The Memorandum of Understanding concluded with the Russian Federation especially aims at taking into account the importance of regulating migration processes, and focuses on the prevention and fight against illegal migration, migrants' rights, the reception of asylum seekers and the issue of travel documents. Furthermore, Hungary continues to cooperate with EU destination countries such as Belgium, the Netherlands and the Slovene Republic on a bilateral basis within the framework of cooperation agreements signed in the field of migration.

Hungary envisages the conclusion of further bilateral agreements with countries of origin and transit with a view of enhancing practical cooperation in the field of irregular and legal migration. Due to the crucial strategic importance that Eastern and South-Eastern regions of the European Union represent for Hungary, an ongoing dialogue with these countries – primarily with the countries of the Western Balkans and Ukraine – as well as further enhancement of practical cooperation in the field of legal and illegal migration is of outmost importance for us.

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

*(E.g.: measures in favour of circular migration with those countries, agreements with them...)*

There has been an instrument set up for trans-border cooperation, which is in favour of ethnic Hungarian communities living in the adjacent countries.

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

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

*(E.g.: concrete cooperation with these countries, agreements, in particular in capacity building...)*



Within the framework of the Mobility Partnership with Moldova, Hungary is participating in an ongoing ICMPD project related to illegal migration entitled „*Strengthening capacities and cooperation in the identification of forged and falsified travel documents at the Republic of Moldova-Romania border*”. The project’s aim is to strengthen capacity-building of the Moldovan authorities acting in the areas of border management, migration and consular issues. Cooperation covers areas such as identification of forged and falsified travel documents and promotion of cooperation and information exchange between the respective authorities.

Also within the Mobility Partnership with Moldova, the Hungarian Ministry of Justice and Law Enforcement completed a 2-day training in 2009 in Chisinau in the area of migration entitled “*Strengthening the institutional capacities of the Moldovan institutions dealing with migration aspects*”. The training were held by two experts from the ministry and also included the topic of fight against illegal migration (including the fight against human smuggling and trafficking in human beings, voluntary and forced return, carriers’ liability, sanctions against employers), migratory routes and trends in Hungary concerning illegal migration.

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

*(E.g.: studies and development of such approach, solidarity development projects...)*

The Hungarian Development Policy Statement dates back to 2003. At that time migration was not in the focus of developmental aspects.

In 2009 Hungary drafted the International Development Cooperation strategy for the Republic of Moldova 2009-2011, where migration is a field covered as a matter analysed in the country’s overall situation and as a sector identified for Hungary for further development activities.

Furthermore, in March 2009, a long-term (2009-2014) government strategy (Government Resolution 1057/2009.) was adopted comprising the main priorities as regards Hungary’s cooperation in the area of freedom, justice and security. The strategy identified the issue of migration and development to be a priority.

A new act on International Development Cooperation and Humanitarian Assistance is being drafted and in this draft the principles of policy coherence for development will be duly represented.

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

*(E.g.: financial support to such actions, implementation of an instrument for transferring migrants’ remittances...)*

Concerning the transfer of migrants’ remittances, Hungary had the obligation to transpose the Directive on Payment Services (2007/64/EC) and we decided to implement this directive with its optional possibility to regulate so-called “one-leg” transactions, in which at least one of the payment service providers is located outside the EEA as well, so remittances can be sent with more transparency and with adequate consumer protection.







### **3.12.2 Additional/Complementary developments (2-3 pages)**

*This should include any other developments in respect to external relations and the global approach not covered by the Pact's objectives above.*

Within the framework of the Mobility Partnership with Moldova Hungary provided a training for the Moldovan consular personnel focusing on the legal and institutional requirements of the consular protection of citizens, on the best practices for providing information for citizens (e.g. homepage, Consular Information Office), document security and on exploring and cultivating the links with Moldovan communities abroad.



## 4. IMPLEMENTATION OF EU LEGISLATION (4-6 pages)

### 4.1 Transposition of EU legislation 2009

Summarise the **progress made during 2009 in the transposition of EU legislation** in the field of migration and asylum into national law and administrative practices during the reference period.

*Annex B provides the complete list of the relevant EU legislation for the asylum/immigration acquis (changes from 2008 are highlighted in grey). However, if no progress or developments have occurred for particular legislation in 2009 or there is no impact on national legislation then it is **not necessary** to comment on it. Instead, **only when there have been changes or developments** in 2009 in respect to the transposition or implementation of particular legislation which has an impact on national legislation, should details be provided. At the very least, a list of EU legislation that has been transposed into national legislation and/or came into force during 2009, with the corresponding national law(s), should be given.*

In the course of 2009 the following development occurred in the field of migration and asylum:

The Act IX of 2009 on the modification of an **agreement on partial visa exemption with Albania**<sup>18</sup> entered into force on the 28 March 2009. This Act aims at ensuring the consistency with the Schengen acquis. The modification was rather technical. A new agreement between the Government of the Republic of Hungary and the Government of the **Arab Republic of Egypt on the abolition of visa requirements for their respective nationals holding diplomatic passport** was concluded this year. The Agreement was published with the Act XI of 2009<sup>19</sup>. The publishing Act entered into force on the 28 March 2009, while the Agreement itself on the 31 May 2009. This Agreement does not have a direct link with the relevant EU acquis as Hungary concluded the above-mentioned agreement within the Member States' discretionary powers provided in Regulation No. 539/2001/EC.

Besides bilateral agreements Hungary has joined multilateral treaties as well. Hungary has already joined the 1954 Convention relating to the Status of Stateless Persons in 2002, but this year, on the 4 April, Hungary has published his accession to the **1961 UN Convention on the Reduction of Statelessness** with the Act XV of 2009<sup>20</sup>. The Convention entered into force with respect to Hungary on the 1 August 2009. Another accession was published with the Act XC of 2009<sup>21</sup> where Hungary joined to the **European Agreement on the Abolition of Visas for Refugees**. This Act has entered into force on the 25 September while the Agreement with respect to Hungary on 7 December 2009.

Concerning **readmission agreements** Hungary has signed a protocol on the implementation of the EC-Albania readmission agreement on the 30 October 2009 in Tirana, Albania. A

<sup>18</sup> 2009. évi VIII. törvény a Magyar Köztársaság Kormánya és az Albán Köztársaság Kormánya között az 1991. augusztus 31..napján kötött vízummegállapodás, illetve a vízummegállapodás módosításáról szóló, jegyzékváltás útján létrejött megállapodások kihirdetéséről

<sup>19</sup> 2009. évi XI. törvény a Magyar Köztársaság Kormánya és az Egyiptomi Arab Köztársaság Kormánya között a diplomata útlevéllel rendelkező állampolgáraik kölcsönös vízumentességéről szóló megállapodás kihirdetéséről

<sup>20</sup> 2009. évi XV. törvény a hontalanság eseteinek csökkentéséről szóló, 1961. augusztus 30-án, New Yorkban elfogadott Egyezmény kihirdetéséről

<sup>21</sup> 2009. évi XC. törvény a menekültek vízumkötelezettségének eltörléséről szóló, 1959. április 20-án, Strasbourgban aláírt Európai Megállapodás kihirdetéséről

similar protocol has been signed with Serbia on the 19 December 2009 at the Hungarian-Serbian border, in Rösztke, Hungary. Hungary and Moldova have already initialled a similar protocol; the signature happened in February 2010.

A Draft Act, containing amendments to all relevant pieces of national legislation was submitted to the Parliament in the end of 2009. This will ensure the transposition or implementation of the following EU legislative acts:

- Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences
- Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation);
- Regulation (EC) No 81/2009 of the European Parliament and of the Council of 14 January 2009 amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code;
- Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).

A **Government Decree on the recognition of travel documents**<sup>22</sup> was modified in 2009. The modification was aiming at modifying the list of travel document of third-country nationals willing to enter into Hungary. This year the travel documents of recognized refugees issued by the US Bureau of Citizenship and Immigration Services was added to the list, while the laminated travel documents with the serial number A and AA issued by Nigeria were removed from the list.

The Ministerial Decree No. 8/1999 (XI.10.) of the Social and Family Affairs Minister on Work Permits Issued to Foreign Nationals in Hungary has been replaced with two separate Decrees. A Ministerial Decree of the Social Affairs and Labour Minister on the work permits issued to third-country nationals in Hungary regulates the procedure to obtain and the general rules on a work permit, while the Government Decree on the Rules of the employment of third-country nationals in the territory of Republic of Hungary without work permit obligation states the specific rules when the third-country national does not need a work permit. These decisions have been made on the Session of the Government on the 23 of December.

A **Memorandum of Understanding between the Ministry of Justice and Law Enforcement of the Republic of Hungary and the Ministry of Foreign Affairs of the Socialist Republic of Vietnam on reciprocal assistance and cooperation within the fields of migration and citizenship** was signed on the 18 September 2009 in Budapest.

An agreement on the **representation of visas** was concluded with **Luxembourg**<sup>23</sup>. This agreement was published with the Act XXIV of 2009 on the 30 April 2009. A similar

<sup>22</sup> A harmadik országbeli állampolgárok részére kiállított, magyarországi beutazás céljából elismert okmányok meghatározásáról szóló 328/2007. (XII. 11.) Korm. rendelet módosítása.

<sup>23</sup> Agreement between the Government of the Republic of Hungary and the Government of the Grand Duchy of Luxembourg on the mutual representation by their diplomatic and consular missions in processing visas and collecting biometric data.

agreement was concluded with **Germany**<sup>24</sup> – its publishing Act was the Act XXV of 2009. According to this latter agreement the Article 12 of the Act II of 2007 on the admission and right of residence of third-country nationals was amended. This new amendment ensures that an exchange of notes between the respective ministries of foreign affairs of the Schengen zone is sufficient to conclude an agreement on representation of visas.

The Government Decree 260/2009 (XI.25) has published **an agreement between the Government of the Republic of Hungary and the Government of the USA on the reception of a detainee from the Guantanamo**<sup>25</sup>. This agreement created the legal basis to receive and integrate a former detainee of Guantanamo in Hungary. The agreement also ensures that Hungary shall inform European Union Member States and Schengen associated countries through the information sharing mechanism as settled by the Conclusions of the Council and the representatives of the Governments of the Member States of June 4, 2009, on the exchange of information concerning Guantanamo former detainees.

#### **4.2 Experiences, debates in the (non-) implementation of EU legislation**

Detail any **experiences, debates**, both at political level and within wider society (e.g. issues raised by migrant (support) associations, academia) in **the implementation or non-implementation** (in which case outline the reasons for this) of the most significant **EU legislation** in asylum and immigration, both for directives previously (before 2009) transposed into national legislation, as well as those transposed during 2009. Any impact or changes or experience with the entry into force of EU re-admission agreements, including with respect to bilateral agreements which existed before, can also be included.

Include also any inter-Member State experiences (good or bad) in the implementation of EU legislation (e.g. differences in treatment of nationals compared to other EU and/or third country nationals, such as the so-called *Belgian route* for family reunification, consequences at national level in exercising of right to free movement). The purpose is to identify any consequences as a result of any different approaches that may be taken by another Member State for which a (positive or negative) impact in your Member State has been observed.

In particular, this section should identify aspects/topics which might merit further consideration by policymakers.

Debates regarding practical implementation and vocational training of all relevant actors have begun concerning Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).

In 2009 in Hungary a particular problem was the marriages of convenience between Hungarian nationals and Nigerian citizens. Hungarian stakeholders have tried to find a solution to this particular problem but it still remains an unsolved issue.

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<sup>24</sup> Agreement between the Government of the Republic of Hungary and the Government of the Federal Republic of Germany on the mutual representation by their diplomatic and consular missions in processing visas and collecting biometric data.

<sup>25</sup> 260/2009. (XI. 25.) Korm. rendelet a guantanamoi fogolytáborban fogva tartott személy magyarországi befogadásáról szóló, a Magyar Köztársaság Kormánya és az Amerikai Egyesült Államok Kormánya közötti megállapodás kihirdetéséről.

## Annex – Methodology, terms and definitions\_(1-2 pages)

### A1.1 Methodology

This section should include information on how the study was produced and who contributed to the study. Information to be provided should include the following:

- Methods used in identifying and selecting sources of information, databases used and whether the previously given criteria used to define what is considered as a ‘significant development/debate’ was modified in any way;
- An overview of the type and sources of information used, including statistics;
- Which, if any, organisations/institutions/individuals were contacted to obtain the relevant information;
- What problems were encountered while carrying out the study;
- Whether any aspects (or statistics) could not be addressed (or provided) in accordance with these specifications. If alternative information was provided, one should outline how the alternative information should be interpreted in relation to what was requested in these specifications;
- Whether there are any reservations/caveats one should apply to any of the included information and, if so, how.

In Hungary the *Department of Cooperation in Justice and Home Affairs and Migration* within the MoJLE is appointed as the national contact point for the EMN. Since this department is also responsible for formulating the policy in the fields of migration and asylum, and is in charge of legislative tasks as well, mainly the colleagues of the department contributed with necessary information to the Annual Policy Report. Other ministries were contacted as well in order to provide more precise replies to some of the questions. Cooperation with these ministries was effective and was built on already existing working relations and on the national EMN network. With regard to the questions concerning economic migration, the member of the national EMN network within the *Ministry of Social Affairs and Labour* was contacted. Statistical data concerning education was provided by the Ministry of Education and Culture and the statistics of the OIN were consulted as well.

HU EMN NCP has not encountered any problems when drafting the report, which is also due to the fact that it is the Department of Cooperation in Justice and Home Affairs and Migration that is responsible for the issues addressed by this report. Therefore, HU EMN NCP already had most of the information needed at its disposal.

### A1.2 Terms and Definitions

To the extent possible, terms and their definitions as given in the EMN Glossary should be used. If this is not possible for some term(s), or they do not exist in the Glossary, then this section should provide the (national) definitions used.



Where different and appropriate, ‘national’ definitions should be compared with definitions used in any relevant EU Directives or other EU legislation. If definitions are the same in national and EU legislation, this should be highlighted.

The terms and definitions used in the report are in compliance with the ones given in the EMN Glossary and with the definitions that appear in the respective national legislation.

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