

## **European Refugee Fund**

### **MULTI-ANNUAL PROGRAMME**

## **Republic of Hungary**

initial version

x revised version (2.2, 07/10/2008) following dialogue with the Commission

version revised in the light of evaluations and/or following implementation difficulties

version revised following the revision of the strategic guidelines

MEMBER STATE: **Republic of Hungary**

FUND: **European Refugee Fund**

RESPONSIBLE AUTHORITY: **Ministry of Justice and Law Enforcement**

PERIOD COVERED: **2008-2013**

## TABLE OF CONTENTS

<b>1. The situation in the Republic of Hungary.....</b>	<b>3</b>
<i>1.1. The national situation and the migratory flows affecting it.....</i>	<i>3</i>
<i>1.2. The measures undertaken by the Republic of Hungary so far.....</i>	<i>12</i>
<i>1.3. The total national resources allocated.....</i>	<i>18</i>
<b>2. Analysis of requirements in the Republic of Hungary.....</b>	<b>20</b>
<i>2.1. The requirements in the Republic of Hungary in relation to the baseline situation.....</i>	<i>20</i>
<i>2.2. The operational objectives of the Republic of Hungary designed to meet its requirements.....</i>	<i>27</i>
<b>3. Strategy to achieve the objectives.....</b>	<b>28</b>
<i>3.1. Priority 1.....</i>	<i>29</i>
<i>3.2. Priority 2.....</i>	<i>36</i>
<i>3.3. Priority 3.....</i>	<i>37</i>
<i>3.4. Technical assistance.....</i>	<i>38</i>
<b>4. Compatibility with other instruments.....</b>	<b>39</b>
<b>5. Framework for implementation of the strategy.....</b>	<b>41</b>
<i>5.1. The publication of the programme.....</i>	<i>41</i>
<i>5.2. The approach chosen to implement the principle of partnership.....</i>	<i>42</i>
<b>6. Indicative financing plan.....</b>	<b>43</b>
<i>6.1. Community contribution.....</i>	<i>43</i>
<i>6.2. Overall financing plan.....</i>	<i>44</i>

## 1. SITUATION IN THE REPUBLIC OF HUNGARY

A description of the baseline situation in the Member State in the policy field covered by the Fund's objectives

### 1.1. The national situation and the migratory flows affecting it

#### 1.1.1. The Hungarian asylum system

According to the Hungarian legislation the Minister of Justice and Law Enforcement is responsible for the asylum and immigration policy of Hungary. Within the ministry the Department of Cooperation in Justice and Home Affairs and Migration – within the State Secretariat for EU law – is responsible for the elaboration of the asylum policy and the professional consultation with the Office of Immigration and Nationality (OIN).

According to the Operational and Organizational Rules of the Ministry of Justice and Law Enforcement the abovementioned department is also responsible for maintaining contacts and cooperate with all relevant organizations working on the field of asylum such as the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and other NGOs. The Department of Cooperation in Justice and Home Affairs and Migration is the Professional Consultative Body of the European Refugee Fund, the European Fund for the Integration of the third-country nationals and the European Return Fund.

The Office of Immigration and Nationality is an implementing governmental body in the field of asylum. The OIN was set up in 2000 on the basis of the governmental decree 162:1999. The OIN operates 3 reception centres in Hungary: in Békéscsaba, in Debrecen and in Bicske (vide infra map and explanation of symbols).



### **1.1.2. Presentation of the development of the asylum system**

#### **1.1.2.1. In the past Hungary was a source of emigration**

In the 20<sup>th</sup> century, prior to the change of political regime in 1989 Hungary was mainly a source of emigration, and as such it did not belong to the main destination countries among refugees. The tendency has changed in the late '80s when mostly ethnic Hungarian asylum-seekers fled to Hungary from Romania due to the Romanian revolution. The Transylvanian refugees were accepted by the Hungarians with significant social solidarity, but the necessity to establish a system to deal with the increasing number of refugees soon became prevalent.

#### **1.1.2.2. In 1989 Hungary acceded to the Geneva Convention**

In 1989 Hungary acceded to the Geneva Convention as the first among the countries of the eastern socialist bloc. Hungary acceded to the Geneva Convention with a geographical reservation, hereby Hungary limited its protection to persons who became asylum-seekers due to events occurring in Europe. Persons becoming asylum-seekers due to events occurring outside Europe were under the mandate of United Nations High Commissioner for Refugees (UNCHR).

Until 1997, Hungary accepted refugees only from European countries. Immediately after lifting this limitation, nearly half of the asylum applications were submitted by non-European citizens (mostly from Afghanistan, Bangladesh and Iraq). The other half came from Yugoslavians fleeing the Kosovo crisis. In 1999, there were 11,500 applications (5,100 submitted by Yugoslavians and 6,000 by non-European citizens). Since then, the number of European applicants dropped; in 2002 they amounted to only seven percent of all applicants.

#### **1.1.2.3. The first Hungarian Asylum Act in 1997**

The first Hungarian Asylum Act was adopted by the Hungarian Parliament in 1997 and entered into force on 1 March 1998. The Asylum Act (1997:CXXXIX) lifted the geographical limitation made to the Geneva Convention and contained detailed provisions on the refugee status determination procedure and on the legal status of asylum-seekers, refugees and beneficiaries of temporary protection.

Following the entry into force of the first Asylum Act the composition of the asylum-seekers went through significant changes. With the evolvement of the peace process at the Balkans the majority of the ethnic Hungarian refugees and temporarily protected persons returned home while others settled down in Hungary and gained Hungarian citizenship.

#### **1.1.2.4. The new Asylum Act**

On 1 January 2008 a new Asylum Act entered into force (in detail see 1.2.).

The Hungarian Parliament amended the previous Asylum Act (passed in 1997) several times following its passage. A more extensive amendment was required in connection with Hungary's accession to the European Union, as part of the process of legal harmonisation, in 2001. The revision at the time did not necessitate the creation of a new law as it was possible to integrate the changed provisions into the structure of the legislation. However, the amendments only implemented the necessary legal harmonisation partially or incompletely, and new Community legal sources requiring implementation or adoption have appeared since their passage. The newly codified refugee regulation remedies the deficiencies of the 1997 Asylum Act and fully achieves the required legal harmonisation.

The new Act that has entered into force in 2008 lays down the basic principles which are the most important guidelines to follow in the area of asylum. According to the Act the provisions of the Act shall be applied in compliance with the Geneva Convention relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967 as well as with the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, Rome.

When implementing the provisions of the Act, the best interests and rights of the child shall always be a primary consideration. When implementing the provisions of the Act, the principle of the unity of the family shall be borne in mind. In addition the provisions of the Act shall be applied to persons requiring special treatment with due consideration of the specific needs arising from their situation.

#### **1.1.2.5. Evaluation and monitoring of the asylum system of Hungary**

The **Office of Immigration and Nationality provides a yearly report** on the activities and projects carried out throughout the year. This report contains data on the number of asylum-seekers, immigrants who arrived to Hungary, the national allocations and budget and the evaluation of the year.

Since 2005 the United Nations High Commissioner for Refugees (UNHCR) in cooperation with governmental bodies and non-governmental agencies (e.g. the Hungarian Helsinki Committee, the Menedek - Association for Migrants, Cordelia Foundation) carries out a project named “**Age, Gender and Diversity Mainstreaming (AGDM)**”.

This initiative was first implemented in Hungary in 2005 as well as other countries covered by the Regional UNHCR Office. The purpose of the exercise is to enhance and improve protection, assistance and durable solutions through the involvement and empowerment of asylum-seekers and refugees as well as through a rights and community based approach. Each year on the course of September a group of experts working on the field of asylum and migration visit all reception centres and detention facilities in Hungary and carry out interviews with the vulnerable asylum-seekers and refugees. These interviews and the personal experiences of the multifunctional expert team are the bases for the evaluation. The multifunctional team elaborates a report. This report evaluates the situation by defining the possible reasons, the problem itself and the negative impacts of the phenomenon. Moreover this evaluation report also defines recommendations and suggestions to the problems. This report is an overall feedback and a tool for future actions both for the governmental bodies and both for the civil organizations working for asylum-seekers, refugees and beneficiaries of subsidiary protection.

These reports were able to influence the process of codification of the new Asylum Act and helped to find solutions to the most important needs of the asylum-seekers and refugees in Hungary. The role of annual AGDM participatory assessment is also important in the process of setting up priorities and designing, monitoring and evaluating activities on reception conditions and integration under the European Refugee Fund.

The **Asylum Systems Quality Assurance and Evaluation Mechanism (ASQAEM Project)**, which is jointly funded by the European Commission and the UNHCR, will carry out a systematic audit of first and second instance decisions in the asylum procedures in Austria, Bulgaria, Germany, Hungary, Poland, Romania, Slovakia and Slovenia. This mechanism is designed to analyze the application of international refugee law and the EU Directives in eight European countries. Inter alia, it will design training activities to overcome any identified shortcomings. For sustainability purposes the ASQAEM Project will also develop a national

quality assurance capacity upon completion of the 18 month project. The project will review the RSD system from the first contact an asylum-seeker has with the country of refuge, to the decision at the second level decision maker. It will review country of origin information, interpretation, legal assistance and the process and quality of decision making.

### 1.1.3. Numbers and trends<sup>1</sup>

#### 1.1.3.1. Overall trends

In recent years a slow increase of the **number of asylum applications** was registered in the statistics.

Year	Registered asylum-seekers Total number	European		Non-European	
		person	%	person	%
<b>2003</b>	2 401	659	27,45	1 742	75,55
<b>2004</b>	1 600	503	31,44	1 097	68,56
<b>2005</b>	1 609	548	36,29	1 025	63,71
<b>2006</b>	2 117	847	40,01	1 270	59,99
<b>2007</b>	3 419	1162	33,98	2 257	66,01

A slow increase in the numbers can be foreseen. In the first half of 2008 (from 1 January to 30 June) the number of applications was 1218. This shows that the number of asylum applications will be approximately 2600 at the end of 2008.

Not only the number but the **composition of asylum-seekers** varies. Asylum-seekers come from various countries of origin. Although there are applicants from more than 60 countries the main nationalities are Iraqi, Afghan, Palestinian, Serb-Montenegrin, Somali and Iranian. This composition also dominates the recognition rates.

It is difficult to summarize all relevant main nationalities, for example in recent years the number of recognized Somali refugees increased significantly (not indicated in the table below but explained in 1.1.3.2.) or the number of Afghan, Serbian or Palestinian recognized refugees dropped since 2004.

#### *Number of recognised refugees with a breakdown by main nationalities<sup>2</sup>*

Nationality	2003	2004	2005	2006	2007
Iraqi	33	13	5	15	64
Afghan	28	19	7	5	2
Serb-Montenegrin	19	18	7	0	2
Palestinian	2	12	1	1	1
Iranian	9	20	10	6	4
Other	87	67	67	72	96
<b>Total:</b>	<b>178</b>	<b>149</b>	<b>97</b>	<b>99</b>	<b>169</b>

<sup>1</sup> Based on statistical data of the Office of Immigration and Nationality (Yearly statistical reports) - <http://www.bevandorlas.hu/statisztikak.php>

<sup>2</sup> Note: the table does not contain information on the number of applicants recognised due to judicial review

Another significant trend is the increase in the **number of non-European asylum-seekers**: in 2002 they made up 93% percent of the asylum-seekers and their proportion was between 63% and 73% from 2003 to 2006. In 2005 the main counties of origin of asylum seekers were: Vietnam (20% of the applications), Serbia-Montenegro (15%), China (10%), Georgia (7%) and Bangladesh (7%), while the main countries of origin of recognised refugees were: Afghanistan, Serbia-Montenegro, Iraq, Georgia and Russia. The recognition rate for asylum-seekers is about 5%-6% but it also has to be taken into account that another 5-6% of the asylum-seekers will become persons authorised to stay (PAS – vide infra table).

#### 1.1.3.2. Detailed numbers

##### **The year 2005**

In 2005 1609 applications were submitted. The most applications were submitted by the following nationals: Chinese (165), Iranian (25), Nigerian (89), Russian (28), Ukrainian (26) and Vietnamese (319). In total 97 were recognized as refugees (see the table above) but there were also foreigners who were recognized as persons authorized to stay according to the principle of non-refoulement. In total there were 41 applications submitted by unaccompanied minors.

##### **The year 2006**

In 2006 2117 applications were submitted to the refugee authority. The main nationalities of the applicants were Georgian (175), Iraqi (68), Chinese (275), Moldavian (42), Mongolian (46), Nigerian (109), Russian (56), Palestinian (37), Serb-Montenegrin (385), Somalian (42), Syrian (32), Turkish (37) Ukrainian (38) and Vietnamese (406). In total 99 foreigners were recognized as refugees and 131 foreigners were recognized as persons authorized to stay according to the principle of non-refoulement. In total there were 61 applications submitted by unaccompanied minors.

##### **The year 2007**

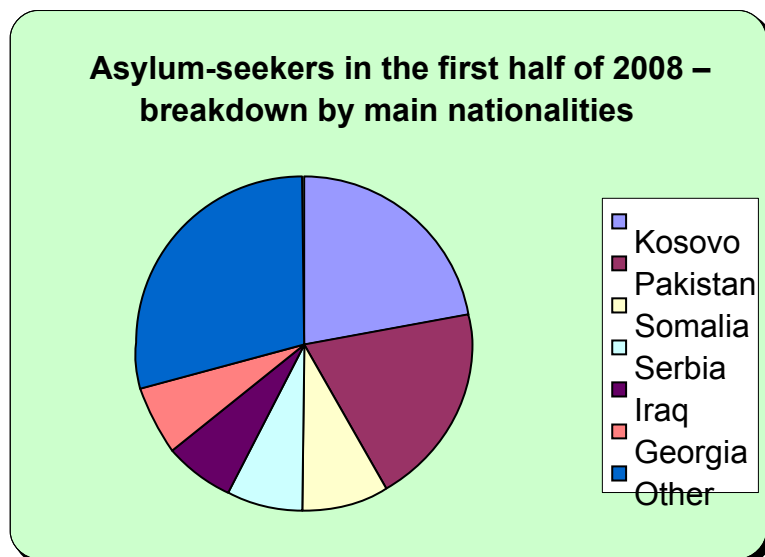
In 2007 3419 asylum applications were submitted to the refugee authority. The main nationalities of the applicants were Afghan (35), Algerian (48), Egyptian (41), Georgian (128), Iraqi (135), Chinese (417), Moldavian (45), Mongolian (79), Nigerian (86), Russian (43), Palestinian (52), Serb (991), Somalian (99), Syrian (48) and Vietnamese (862). In total 169 foreigners were recognized as refugees and 104 foreigners were recognized as persons authorized to stay according to the principle of non-refoulement. In total there were 73 applications submitted by unaccompanied minors.

The increased number of applications in 2007 is a consequence of the change of the asylum legislation at the beginning of 2008. The new Asylum Act entered into force on the 1 January 2008. The new Act attaches several legal consequences to the repeated submission of an application and upon establishing the number of previous applications, any applications submitted prior to the entry into force of the Act shall also be taken into consideration. Among the several legal consequences (e.g. the conditions of reception provided for a person seeking recognition may be revoked or denied if the person seeking recognition repeatedly submits an application for recognition on unchanged factual grounds) the rules of procedure are also aimed to filter-out the misuse of the asylum system and therefore they are unfavourable to those who apply for asylum repeatedly. According to recent statistics (first half of 2008) the number of repeated applications dropped significantly in comparison with 2007 (in 2007 every third application was repeated while in the first half of 2007 this rate was 10%).

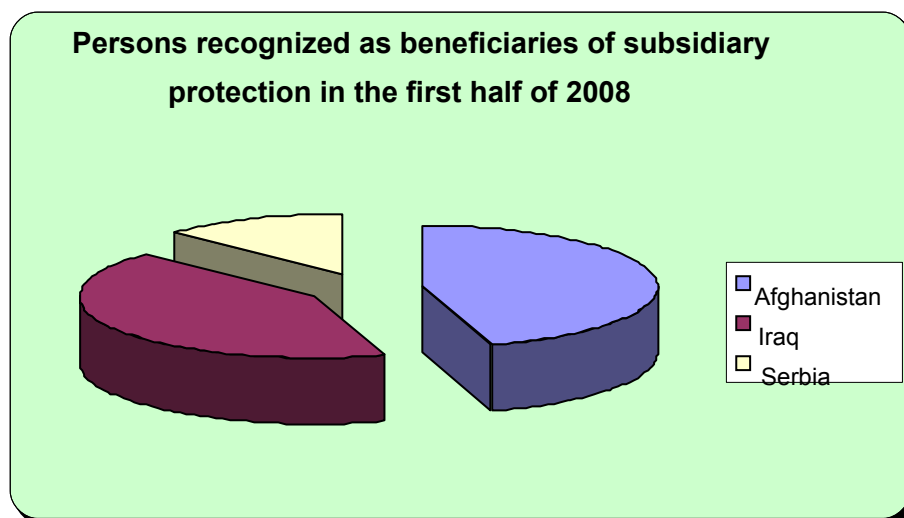


### The first half of 2008 (1 January – 30 June)

During the first half of 2008 1218 asylum applications were submitted to the refugee authority. The main nationalities of the applicants were Afghan (40), Egyptian (38), Georgian (81), Iraqi (81), Pakistani (237), Serbian (91) (from Kosovo another 271) and Somalian (103).



In total 99 foreigners were recognized as refugees and 31 foreigners were recognized as beneficiaries of subsidiary protection. In total there were 118 applications submitted by unaccompanied minors.



### Persons authorised to stay

The persons authorised to stay fall under the scope of the immigration legislation not the asylum legislation therefore they are not a target group in the context of the European Refugee Fund. On the other hand the legal status of all persons authorised to stay is under revision according to the new Asylum Act. In case they fulfil the criteria laid down in Article 11 of the Asylum Act they will receive subsidiary protection (in detail see 1.2.).

Number of persons authorized to stay		
2006.	2007.	January 2008.



<b>131</b>	<b>104</b>	<b>21</b>
------------	------------	-----------

## Voluntary return

In Hungary the main partner of the refugee authority is the International Organization for Migration (IOM) in the field of voluntary return. There were several programs introduced in cooperation with the IOM in the previous years.

### Voluntary Return Program in Hungary (HARP) - project duration: since 1994-ongoing

The program aims to assist irregular migrants in Hungary to return to their home countries in safety and dignity and at the same time to provide the Hungarian Government with a cheaper, faster but also a more humane alternative to deportation. The program originally started in Hungary in 1994, but after a while rapidly changing conditions, gained experience and other factors made it necessary to revise it in many ways and to design a new framework under which the program can be most effectively operated by IOM. The Memorandum of Understanding between IOM and the Ministry of the Interior was signed in February 1997 by the Chief of the IOM mission in Budapest and by the Political State Secretary of the Ministry. Tasks, obligations and responsibilities of both parties are clearly outlined in the Memorandum of Understanding.

### Hungarian Assisted Return and Information Programme (HARIP) (funded by the European Refugee Fund national distribution) - project duration: November 2004-October 2005

HARIP facilitates the voluntary and orderly return of refugees, rejected asylum-seekers and persons authorized to stay in Hungary, to their countries of origin, and to contribute towards the sustainability of their return. The program consists of two phases: an information phase aiming to raise awareness about HARIP and provide beneficiaries with information about the advantages of participating in the programme; and an operational return phase providing assistance to beneficiaries in arranging their voluntary return to their home countries. The HARIP builds on previous assisted voluntary return programmes and emphasizes the continuity and sustainability of such initiatives within Hungary. The program continued with the HARIP I (project duration: November 2005-December 2006) and with HARIP II (project duration: May - December 2007).

### *Voluntary returns under the scope of the Memorandum of Understanding between IOM and the Ministry of the Interior*

Nationality	2002	2003	2004		2005		2006			2007		Jan-June 2008	
			HARP <sup>3</sup>	EMA <sup>4</sup>	HARP	EMA	HARP	EMA	RET <sup>5</sup>	HAR <sup>6</sup>	RET	HAR	RET
Afghan		8	1			1		1		3			
Albanian	2	1	3		8		1				4		
Algerian	1		1.	1	1	4.				3.			2
American							1.						
Australian			1.										
Azerbaijani	2											3	
Bangladeshi	5	2											
Belarus	1		2		1	1		1					
Bulgarian	3	1	2				1						

<sup>3</sup> HARP: Hungarian Assisted Return Programme

<sup>4</sup> EMA: European Refugee Fund

<sup>5</sup> RET: RETURN Program

<sup>6</sup> HAR: HARIP Program

Multi-Annual Programme of the Republic of Hungary (2008-2013)  
European Refugee Fund

Bosnian	1	1	2		2			2			2		
Dominica			2		1								
Ecuadorian		3	8								1		
Egyptian	6	13	1	1	3								
Ghanaian	1												
Gambian		1											
Georgian	1	7			4	1	1	5		2	4		
Indian	1	2	2		4	6		1					
Iraqi		2	1									1	
Irani		1	4			2	4	2	2		1		1
Israeli		1											
Jamaican	1												
Kazakhstani	2												
Chinese	23	74	12		5	2	7	1			2		1
Columbian			1										
Cuban											1		
Polish	2												
Lebanese					1								
Lithuanian	1	1											
Macedonian	16				3	1						1	
Malaysian													1
Mali	1												
Moroccan			3				1						
Moldavian	14	2						3			5		
Mongolian	11	18	32	1	12		18	6	2	5	11		7
Montenegrin											0	1	
Nepalese			1	1							1		1
Nigerian					1						6		
Russian	1	2			3	2	2	1			3		
Armenian	3	4	1	2		1		2		1			
Pakistani			1		1								
Peruvian		6	8				1						
Senegalese	1	4											
Serbian (From Kosovo)	43	28	20	1	96	20	135	7	4	51	100	6	12
Syrian			1										
Turkish	54	30	31	1	6	8	2	4				1	
Tunisian					1								
New-Zeeland							1						
Vietnamese	7	8	5		6	3	2	1			6		
Total	204	220	146	8	159	53	177	40	8	65	147	13	25
Total	204	220	154		212		225			212		38	

#### 1.1.3.3. Migration flows and the overall public opinion towards migrants

Due to Hungary's geographical situation it is significantly affected by the Eastern-South Eastern migratory flows. Hungary is primarily a transit country for asylum-seekers. Economic forces are only part of the reason of this phenomenon. Immigrant communities from asylum seekers' and refugees' countries of origin are still small or nonexistent in Hungary. Hungarian is a difficult language to acquire and as the language acquisition is a key-factor of integration, employment or social life, they are likely to move on to other, Western European countries. Family or established community links are also pull factors and there are also existing structural barriers to integration.

Unfortunately views on foreigners in Hungary are not overall positive. According to a study<sup>7</sup> undertaken in 2002/2003 the Hungarian students aged between 13-15 living in the areas of Budapest hosting a greater number of foreigners than the average areas have surprisingly false ideas about the number of migrants in Hungary. They agree in the fact that “there are too many migrants in Hungary” and some of them estimated the proportion of migrants to 30-40% of the Hungarian population. While even according to its authors this survey can not be regarded as a representative one, experts believe that adults have the same misconceptions about the number of migrants in Hungary. Research studies show that foreign nationals only constitute approximately 1.7 % of the population in Hungary.<sup>8</sup>

According to the annual survey<sup>9</sup> of the TÁRKI Social Research Institute researching the amount of xenophobia in the adult Hungarian population for a decade 29% of the Hungarians can be considered openly xenophobic. Those persons would not authorise the entry of asylum-seekers to the territory of Hungary at all. 10 % of the Hungarians can be regarded as xenophilic as they would let all asylum-seekers in irrelevant of their nationality. The remaining 69% would decide on the basis of the nationality of the person in question: most of them would welcome ethnic Hungarians, but Arabs, Chinese, Russians, and Romanians would be rejected by the majority (77-87%) of the answerers. 68% of the persons who answered the question would reject Pirez people, as well, who are members of a non-existing ethnic group created for the purposes of the study.

Unfortunately this attitude of the host society can create huge obstacles for migrants or refugees in such important aspects of life as employment or accommodation. The lack of knowledge, generalisation and the creation of stereotypes can be one of the greatest obstacles of the integration of migrants, refugees, beneficiaries of subsidiary protection or third-country nationals and can render the best integration programs unsuccessful.

#### 1.1.4.4. Future estimations

The asylum trends and statistics in Hungary have not changed significantly in previous years.

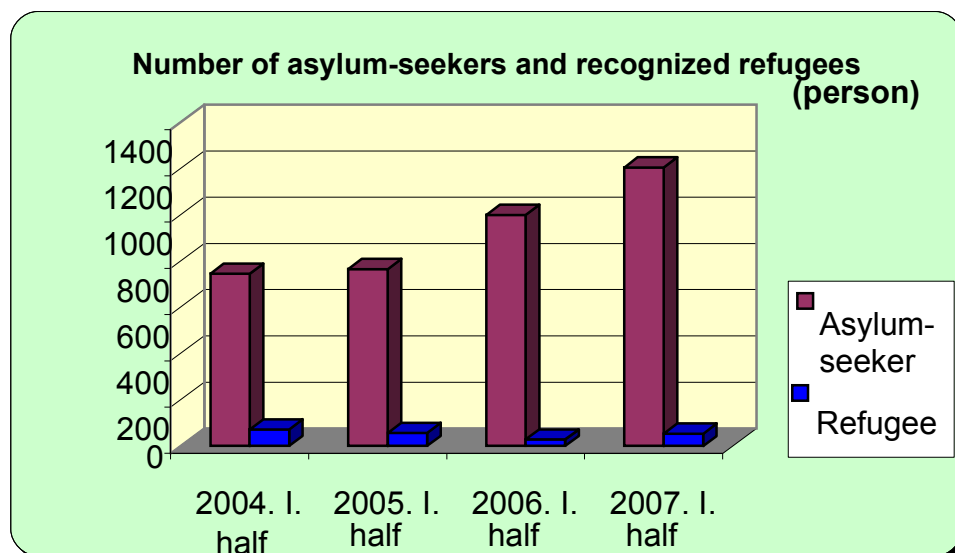
During the first half of 2008 1218 applications were submitted to the refugee authority. This number in comparison with the same period of 2007 means a moderate increase in the number of applications. In general – as a unique trend in the region – the number of applications increases continuously nevertheless the volume is still moderate.

---

<sup>7</sup> Margit Feischmidt and Pál Nyíri (editors), *Nem kívánt gyerekek? Külföldi gyerekek magyar iskolákban* (Budapest Sík kiadó, 2006), 114.

<sup>8</sup> In 2008, the number of foreign nationals was 174,694 persons, according to the Central Statistical Office, *Magyarországon tartózkodó külföldi állampolgárok földrészek, országok és nemek szerint, január 1. (1995–)*, available at [http://portal.ksh.hu/pls/ksh/docs/hun/xstadat/xstadat\\_eves/tabl1\\_06ib.html?642](http://portal.ksh.hu/pls/ksh/docs/hun/xstadat/xstadat_eves/tabl1_06ib.html?642) (18 August 2008)

<sup>9</sup> Data collected in the course of the Omnibusz research project in February 2007, published on the website of the TÁRKI Research Institute on 08.03.2007, available at <http://www.tarki.hu/hu/news/2007/kitekint/20070308.html> (2008.08.13.)



We expect that this trend will continue: a slow increase in the number of asylum applications is expected each year.

Furthermore, while secondary movements toward Western Europe among asylum-seekers used to be very frequent (e.g. approximately 60 % of asylum seekers did not wait for the first RSD decision), in recent years this trend has lessened and increasing numbers of asylum-seekers remain in Hungary for the duration of the full asylum procedure, hence spending longer periods in reception facilities.

## **1.2. The measures undertaken by the Republic of Hungary so far**

### **1.2.1. The new Asylum Act**

The most significant development is the new Asylum Act (2007:LXXX.). The new Act was adopted by the Hungarian Parliament on 25 June 2007 and entered into force on 1 January 2008.

The transformation of the asylum regulation as indicated in the Act ensures that Hungary's legal practice may become harmonised and comparable with the asylum procedures and reception practices of other Member States. This is in line with the goals set out by the Hague Programme and another step forward towards the Common European Asylum System.

#### **1.2.1.1. The need for the new Asylum Act**

With regard to the international trends which have emerged in the field of refugee affairs since the passage of Asylum Act in 1997, the legislation work accomplished by the European Community in the area and the practical experiences and difficulties which have emerged in the course of the application of law in force, it has become necessary to review the Hungarian legislation regarding refugee affairs.

The direction of the regulation under the new legislation has been determined by the following Community legal acts:

- a) Council Regulation 343/2003/EC of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;

- b) Council Regulation 2725/2000/EC of 11 December 2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention, on the basis of which a fingerprint identification system enabling the filtering out of multiple applications has been established;
- c) Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof;
- d) Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers;
- e) Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted;
- f) Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status;

The new Asylum Act further serves compliance with the following Community legal acts:

- a) Resolution of the ministers of Member States of the European Communities responsible for immigration of 30 November 1992 on manifestly unfounded applications;
- b) Resolution of the ministers of Member States of the European Communities responsible for immigration of 30 November 1992 on a harmonised approach to questions concerning host third countries;
- c) Conclusions of the ministers of Member States of the European Communities responsible for immigration passed on 30 November and 1 December 1992 in London on countries in which there is generally no serious risk of persecution;
- d) Council resolution of 20 June 1995 on minimum guarantees for asylum procedures;
- e) Council resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries;
- f) Council resolution of 25 September 1995 on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis;
- g) Joint Position of the Council of 4 March 1996 on the Harmonised Application of the Definition of the Term “Refugee” in Article 1 of the Geneva Convention of 28 July 1951 Relating to the Status of Refugees.

#### **1.2.1.2. Subsidiary protection**

In harmony with the Qualification Directive, the Act introduces the institution of subsidiary protection and the legal status of a person receiving subsidiary protection.

Pursuant to the new regulation, a foreigner who does not satisfy the criteria of recognition as a refugee but in whose case there is a genuine threat that, in the event of his/her return to his/her country of origin, he/she would be exposed to serious harm and is unable or, in fear of this

threat, unwilling to avail himself/herself of the protection of his/her country of origin, is eligible for subsidiary protection.

*“Article 12 (1) The Republic of Hungary shall grant subsidiary protection to a foreigner who does not satisfy the criteria of recognition as a refugee but there is a risk that, in the event of his/her return to his/her country of origin, s/he would be exposed to serious harm and is unable or, owing to fear of such risk, unwilling to avail himself/herself of the protection of his/her country of origin.*

*(2) Fear of serious harm or the risk of harm may also be based on events which occurred following the foreigner's departure from his/her country of origin or on the activities of the foreigner which s/he was engaging in following departure from his/her country of origin.”*

According to the Act II of 2007 on the Immigration into and Stay in Hungary of Third Country Nationals a further category is a person authorized to stay. A person qualifies as a person authorised to stay in respect of whom the prohibition of refoulement exists but who is not entitled to recognition either as a refugee or as a stateless person and is not eligible for either temporary or subsidiary protection.

With regard to the fact that, according to the previous regulation (the 1997 Asylum Act), the status of persons authorised to stay “includes” subsidiary protection (they are very similar legal statuses), the introduction of the new legal statuses and the legal statuses filled with new contents warrants the revision of the legal status of persons currently staying in the territory of the Republic of Hungary as persons authorised to stay on the grounds of whether, pursuant to the new regulation, they need to be granted subsidiary protection or continue to be entitled to be recognised as persons authorised to stay.

According to the new Asylum Act the refugee authority shall review the legal status of persons authorised to stay furnished with residence permits for humanitarian purposes on the basis of the Act on the Entry and Stay of Foreigners within eighteen months of the entry into force of the Asylum Act. In the course of the review, the refugee authority shall conduct the procedure aimed at recognition as a refugee or as a beneficiary of subsidiary protection ex officio.

In the light of the abovementioned rules the refugee authority began the review of the legal status of persons authorised to stay. 82 persons were considered as beneficiaries of subsidiary protection as a result of the revision. Until the 30 June 2008 another 31 “new” beneficiaries of subsidiary protection were recognized according to the new, two-phased asylum procedure. In total at the moment 113 beneficiaries of subsidiary protection are in Hungary. The revision of the legal status of the persons authorized to stay continues. It is foreseen that a high percentage of the persons authorized to stay (according to the former legislation) will also receive the status of a beneficiary of subsidiary protection, therefore be a target group for integration activities of the European Refugee Fund.

The Qualification Directive defines the requirement vis-à-vis the Member States that they should provide a status to persons enjoying subsidiary protection which approximates to the legal status of recognised refugees. Accordingly, similar to the solution used upon the definition of the legal status of refugees, the Asylum Act does not list the rights and obligations of persons under subsidiary protection but lays down that a person under subsidiary protection has the rights and obligations of a refugee, unless a rule of law or government decree expressly provides otherwise. As an exception to this reference, a person under subsidiary protection is not entitled to the refugee's constitutional suffrage and to a bilingual travel document.



The Act did not change the previous rules of the revision of the legal status of recognised refugees, however, in the case of persons under subsidiary protection, it prescribes a mandatory review at least every five years. In harmony with the Qualification Directive, the cases of the revocation of recognition are extended and the Act, also with regard to the Procedural Directive, establishes detailed rules in respect of the procedure aimed at the revocation of recognition.

#### **1.2.1.3. Persons requiring special treatment**

The regulation prescribes as an objective that the specific needs of vulnerable persons requiring special treatment, in particular, minors, unaccompanied minors, elderly and disabled persons, pregnant women, single parents raising minor children and persons having undergone torture, rape or any other grave form psychological, physical or sexual violence, must be taken into consideration to a greater extent.

#### **1.2.1.4. New procedure**

The Act establishes different rules for the procedure aimed at recognition as a refugee or as a person eligible for subsidiary protection and for the procedure aimed at recognition as a temporarily protected person. The differentiated regulation is warranted by the special nature of the procedure aimed at recognition as a temporarily protected person: a large number of applications must be assessed within a short time on the basis of simplified criteria.

a) Recognition as a *temporarily protected person* is achieved in a two-phase procedure. In the first phase, the Council of the European Union or the Government of the Republic of Hungary decides on the recognition of eligibility for protection. In the second phase, in the course of specific recognition in the status of temporarily protected person, the refugee authority only examines whether the effect of the Council or Government Decision recognising eligibility for protection extends to the person seeking recognition.

b) The new Act introduces a two-phased procedure to ensure the effectiveness and promptness of the *refugee status determination procedure*. The purpose of the first phase of the procedure is to exclude from the second, in-merit phase of the procedure any applications in the case of which a procedure of delivery and acceptance under the Dublin II Regulation is necessary as well as those which are unacceptable on the basis of the Procedures Directive.

In the first phase of the procedure, the refugee authority is required to decide within a short time limit (of fifteen days) whether to refuse the application without the in-merit assessment thereof to hand over the applicant within the framework of the Dublin procedure or to further assess the application on its merits.

If the conditions of the application of the Dublin Regulations do not exist, the refugee authority shall decide on the question of the admissibility of the application for refugee status. An application is not admissible if the applicant is a citizen of one of the Member States of the European Union, if the applicant was recognized by another Member State as a refugee, if the applicant was recognized by a third country as a refugee, or if following a final and absolute decision of refusal, the same person submits an application on the same factual grounds. The deadline of the preliminary assessment procedure is fifteen days, during which the applicant is obliged to stay in a reception centre.

The preliminary assessment procedure is followed by an in-merit procedure under the time-limit of sixty days. At the end of the in-merit procedure the refugee authority in its decision shall recognize the applicant as a refugee or as a beneficiary of subsidiary protection or reject



the claim and decide in the question of *refoulement*. Persons who would be subject to persecution or to serious harm in the case of their return but who do not qualify to either refugee status or subsidiary protection will be recognized as persons authorized to stay by the immigration authority. No administrative remedy lies against the decisions of the refugee authority but they are subject to judicial review before the Metropolitan Court of Budapest, which has exclusive jurisdiction on asylum appeals in Hungary. This means that the Hungarian asylum procedure has two instances: one administrative and one judicial.

This single procedure is similar to the procedure used in Hungary until a legislative change in 2002.

c) The Act establishes the rules of the *airport procedure* in harmony with the provisions of the Procedures Directive relating to procedures conducted at the border.

The airport procedure must fundamentally be conducted pursuant to the general rules applicable to the preliminary assessment procedure. If, however, no decision is taken within eight days of the submission of the application, the applicant must be authorised to enter the territory of the Republic of Hungary.

The rules of the airport procedure are not applicable to persons requiring special treatment. If a person falling into this group submits an application for recognition at an international air traffic border crossing point, s/he must be permitted to enter the territory of the Republic of Hungary without delay and the procedure with respect to the subject-matter of his/her application must be conducted according to the general rules.

#### **1.2.1.5. Other important measures**

The new Act foresees the establishment of a dedicated agency responsible for providing *country of origin information*.

There are measures in the Act aiming to prevent the abuse of the asylum system: *repeated claims* on the same factual grounds are declared inadmissible by the refugee authority and asylum-seekers are not permitted to stay on the territory of the Republic of Hungary provided that they have submitted a new application after the adoption of final and absolute decisions of refusal with respect to two of their previous applications and the authority decided that the prohibition of *refoulement* was not applicable.

Recognised refugees have the *rights and obligations* of Hungarian citizens unless a rule of law or government decree expressly provides otherwise and they are entitled to complementary care and aid according to their basic needs, including bed and board in a reception centre, basic health care and subvention to move out of the reception centre and to education. Refugees may be naturalized on preferential terms provided that they resided in Hungary continuously over at least a period of three years preceding the submission of the application for the issue of citizenship. Beneficiaries of subsidiary protection have the rights and obligations of refugees unless a rule of law or government decree expressly provides otherwise, and persons authorised to stay enjoy the same rights as the holders of a residence permit and have the right to care and aid provided by the Office of Immigration and Nationality.

#### **1.2.1.6. Reception of asylum-seekers**

According to the new Asylum Act a reform has been introduced concerning the reception system as well. The reception model is in line with the actual stages of the asylum procedure.

The reception centres host the asylum-seekers, refugees and beneficiaries of subsidiary protection at a different stage of the asylum procedure.

New types of reception centres are screening centre, accommodation centre and integration centre.

Békéscsaba offers accommodation to the asylum-seekers during the preliminary assessment procedure, while Debrecen hosts them during the in-merit phase. Bicske which is situated near Budapest will be the pre-integration camp. Recognized refugees and beneficiaries of subsidiary protection live in this centre.

The newly arrived asylum-seekers are accommodated in the *screening centre* (in Békéscsaba) during the period of the preliminary assessment procedure (the duration of this procedure is 15 days, if Dublin procedure is needed it could last for one or two months). If it ends with a positive decision the process continues with the in-merit procedure and the asylum-seeker will be moved to the *accommodation centre* (in Debrecen) where they can stay till the end of the in-merit procedural phase. When asylum-seekers become recognised refugees or beneficiaries of subsidiary protection they shall move to the *pre-integration centre* (in Bicske) where they can participate in different courses and receive support in order to empower and help them to start a new life.

The system of supports and benefits given to asylum-seekers, recognised refugees and beneficiaries of subsidiary protection has become more detailed and differentiated. The amount of applicable supports or benefits increased but conditions became stricter.

### 1.2.2. Resettlement

In its function as a tool of protection, of providing durable solutions and of establishing an effective mechanism for responsibility sharing, resettlement forms an important part of the external dimension of EU asylum policy. Resettlement of refugees in EU territory also reflects the EU's commitment to show international solidarity and share the burden of the countries in the regions of origin which accommodate the vast majority of refugees. The achievement of the ambitious goals set out regarding the development of an EU Resettlement Scheme requires a proactive approach.

The new Asylum Act contains a new provision as the legal basis for resettlement in the Hungarian legislation:

*“The Minister (of Justice and Law Enforcement) may recognise as a refugee a foreigner who had been recognised by the United Nations High Commissioner for Refugees as a refugee, in respect of whom the refugee authority established the applicability of the Geneva Convention. The number of refugees recognised under the terms of the present subsection shall not exceed one hundred per year.”*

It is envisaged that the resettlement scheme is one of the durable solutions for refugees, which is an expression of international solidarity and responsibility as well as burden sharing mechanism among the Member States. Though a number of Hungarian refugees successfully resettled in third countries in earlier times, the Republic of Hungary never introduced a resettlement programme. Any programme launched based on the cited provision of resettlement quota in the new legislation is to be the first experience for Hungary.

Since the adoption of the new Asylum Act discussions and preparations began in this area. The Ministry of Justice and Law Enforcement in cooperation with UNHCR organized a

regional resettlement workshop with the purpose of consultation, exchanging and sharing good practices and experiences as well as suggestions and opinions among Member States in this region under the framework of the European Union's values and humanitarian tradition and in particular, the Ten Priorities of the Hague Programme. The workshop included participants from both experienced resettlement countries and emerging resettlement Member States. This workshop was followed by another one in June 2008 where several relevant issues and practical methods and possible cooperation (twinings) in this field were discussed.

Since the adoption of the new Asylum Act the discussion is continuous among experts in the field of migration. The preparatory phase continues though the social dialogue (shaping the public opinion on the topic resettlement) is still missing. Hungary estimates that when the professional preparation is finished the public debate and awareness raising campaign shall begin. This would also require a positive political decision on implementing a national resettlement program.

### 1.2.3. Previous allocations of the European Refugee Fund

By using European Refugee Fund allocations in the period 2005-2006 (the Annual Programme 2007 is an ongoing programme, we have no information on its results at this stage) the overall reception conditions went through a major quality development. Services provided for asylum-seekers were stabilized and their quality remained the same. The previously missing PTSD-treatment service, psychiatric care was continuously provided for vulnerable groups, while legal and social counselling run continuously. Beside these growing demands in general quality improvement was experienced from actors of the civil sphere. The general appearance of refugee reception became more public-friendly. The appearance of reception centres was updated to the current level of information-technology (e.g.: information DVDs, printed free newsheets). Hungary could meet its aim, namely to keep running a facility accommodating unaccompanied minors with special needs at a good level. The developed quality appearance of NGO websites is a clear step forward in order to channel clear and more information towards possible clients and the general public.

### 1.3. The total national resources allocated

In the following the available national statistics show the national resources allocated:

**a) In the years 2005 and 2006 the overall sum of the allocated national resources was the following:**

All type of subsidies (medical treatment, language training and other pecuniary benefits are included) (in HUF)	2005.	2006.
	80 397 300,-	63 179 800,-

All type of subsidies (medical treatment, language training and other pecuniary benefits are included) (in EUR <sup>10</sup> )	2005.	2006.
	302 393,3	237 634,2

**c) Total expenditure of each reception centre during a one year period:**

<sup>10</sup> According to the Euro exchange rate published in OJ C 048 (21.02.2007)

Multi-Annual Programme of the Republic of Hungary (2008-2013)  
European Refugee Fund

Total (million HUF/ year)	2005.			2006.		
	Békéscsaba	Bicske	Debrecen	Békéscsaba	Bicske	Debrecen
	186,9	229,8	357,2	177,1	198,1	371,1
Total (EUR <sup>11</sup> )	702 975,1	864 332,2	1 343 513,7	666 115,-	745 101,-	1 395 795,-

**d) An indication of public resources actually spent on reception, asylum procedures and integration as from the beginning of 2005:**

	2005		2006	
	HUF/YEAR	EUR <sup>12</sup> /YEAR	HUF/YEAR	EUR <sup>13</sup> /YEAR
Total expenditure of OIN <sup>14</sup>	5 635 333 000,-	21 195 821,3	5 713 056 000,-	21 488 189,7
Expenditure on reception	773 900 000,-	2 910 821,1	746 300 000,-	2 807 011,-
Expenditure on integration	80 397 300,-	302 393,3	63 179 800,-	237 634,2

In the framework of the European Refugee Fund 2005 Annual Programme, Hungary used 889 859,44 EUR from its national allocation.

The Ministry of Justice and Law Enforcement in the framework of the Annual Programme 2006 took over the responsibility of ensuring the own resources to each ongoing European Refugee Fund project. That means that the Ministry paid approximately 350 000 EUR as a national contribution. The Ministry of Justice and Law Enforcement will ensure the 25% co-financing to all projects to complement the 75% of the Community contribution.

**e) An indication of public resources actually spent (in a more detailed way) (in 1000 HUF):**

Expenditures	2005.	2006.	2007.	First half of 2008.
Permanent subsidies to living costs ( <i>rendszeres létfenntartási hozzájárulás</i> )	26 012	16 700	12 208	6 342
Travel benefits ( <i>utazási támogatás</i> )	21	47	0	185
Schooling benefits ( <i>beiskolázási támogatás</i> )	296	346	825	193
Translation costs (for individual documents) ( <i>okmányok fordítási költségeinek megtérítése</i> )	41	21	104	52
Living costs benefits ( <i>lakhatási támogatás</i> )	2 445	2 398	1 928	3 570
One-off settlement aid ( <i>egyszeri letelepedési segély</i> )	2 320	2 000	2 300	1 021
Benefits for a new home ( <i>otthonteremtési támogatás</i> )	1 500	2 300	1 500	3 000
Costs of medical treatment ( <i>egészségügyi ellátás költségei</i> )	24 942	17 077	18 434	15 445
Costs of medication (pharmaceutical) ( <i>gyógyszeres ellátás költségei</i> )	954	426	1 372	363
Hungarian language training ( <i>magyar nyelvoktatás</i> )	1 726	970	1 517	1 060

<sup>11</sup> According to the Euro exchange rate published in OJ C 048 (21.02.2007)

<sup>12</sup> According to the Euro exchange rate published in OJ C 048 (21.02.2007)

<sup>13</sup> According to the Euro exchange rate published in OJ C 048 (21.02.2007)

<sup>14</sup> Office of Immigration and Nationality

Operational costs of the reception centre in Békéscsaba ( <i>Befogadó Állomás Békéscsaba működtetése</i> )	186 913	177 086	196 033	89 522
Operational costs of the reception centre in s Bicske ( <i>Befogadó Állomás Bicske működtetése</i> )	229 800	198 149	196 844	124 808
Operational costs of the reception centre in Debrecen ( <i>Befogadó Állomás Debrecen működtetése</i> )	357 189	371 090	417 452	200 162
Total	834 159	788 610	850 517	445 521

The national resources indicated in the table above show various costs. The operational costs of the reception centres include all possible costs related to the full operation of the centres such as accommodation, meal, medication, medical treatment, office costs, cost of public utilities (electricity, gas, water etc.), staff costs and so on. It is important to see that operational costs of a reception centre include all possible costs related to the asylum-seekers, refugees and beneficiaries of subsidiary protection living in the centre. For example medical treatment costs indicated separately mean further costs for those who reside outside of a reception centre therefore these are meant in addition to the operational costs of a reception centre.

## 2. ANALYSIS OF REQUIREMENTS IN THE REPUBLIC OF HUNGARY

### 2.1. The requirements in the Republic of Hungary in relation to the baseline situation

There are three main areas in Hungary where the requirements in relation with the baseline situation appear:

1. sustain and further improve the developments obtained so far;
2. meet the new requirements arising from the new Asylum Act;
3. meet further and new challenges in the future.

The emphasis is not equal on all three areas at all times. Currently, at the time of the elaboration of the Multi-Annual Programme of Hungary the first two are more important. At the beginning of the multi-annual period it is equally important to sustain all results achieved so far and to meet the new requirement and objectives set out by the new Asylum Act which entered into force at the beginning of 2008. At a later phase new objectives have to be met which will ensure the continuous innovation of the asylum system in Hungary and also contribute to the standards, principles and measures of the Common European Asylum System.

#### 2.1.1. Sustainability

As we reached significant results during the European Refugee Funds multi-annual period 2005-2007, one of the main requirements is the durability of these results. We aim to provide our ongoing services on the same quality level.

In the framework of the Annual Programme 2005 the reception conditions were reaffirmed and stabilized on a good quality level. As for percentage distribution of the actions reception activities had far the highest participation (76%). Considerable efforts were made in order to improve health care services, information flow and consultation mechanisms adjusting them to the real demands. Without prejudice to these specialized services, specialized accommodations, training and exchange of experience must still remain in focus. It is still a constant aim to keep up the current wider selection of different in-kind services e.g. legal counselling and complex integration counselling.

The European Refugee Fund projects also strengthened the self-reliance of NGOs and helped them to become more professional in the field of their activities.

### **2.1.2. Vulnerable groups**

Referring our obligations arising from the Reception Directive and in line with the new Asylum Act the group of persons requiring special treatment is a target group of our activities.

According to the Article 2 of the new Asylum Act a person requiring special treatment is a vulnerable person, in particular, a minor, unaccompanied minor, elderly or disabled person, pregnant woman, single parent raising a minor child and a person who has undergone torture, rape or any other grave form of psychological, physical or sexual violence and has special needs because of his/her individual situation.

As the provisions of the Act shall be applied to persons requiring special treatment with due consideration of the specific needs arising from their situation it is very important to meet the needs of these persons in all situations (such as medical treatment, separated accommodation, social chat-rooms etc.).

#### **2.1.2.1. Separated accommodation for persons requiring special treatment**

Hungary in the previous years focused on the separated accommodation of unaccompanied minors, women with children or single women. The allocations of the European Refugee Fund significantly contributed to increase the level of quality in the area of reception condition (accommodation) for persons requiring special treatment.

A separated shelter for unaccompanied minors was installed in Békéscsaba. This shelter – due to the legislative changes – was relocated to Bicske. Since the relocation the shelter operates with a high percentage of utilization. All capacities of the centre are used continuously.

If an unaccompanied minor arrives to Hungary and if s/he is younger than 18 years s/he is to stay in a separated home for children in Bicske. This centre provides proper care, pre-schooling activities, creative workshops to the children thanks to the financial contributions of the European Refugee Fund. The special needs of this group are met in this environment.

According to the national legislation when an unaccompanied child becomes 18 years-old or an unaccompanied minor becomes a recognized refugee or beneficiary of subsidiary protection s/he should be accommodated in a State Home for Children. These homes are not prepared to meet the needs of non-Hungarian children as the workers in these foster homes often do not even speak foreign languages nor are they aware of the special traditions, customs and potential hardships and traumas endured of these children. These foster homes are not adequate for non-Hungarian children. The lack of Hungarian knowledge, the different cultural background, many times the lack of pre-school education, the different traditions in the various countries of origin, the method and the scale of social integration of children (socialization) varies from country to country and differs enormously from the European way of life. With the financial aid of the European Refugee Fund these children can stay in the special centre for unaccompanied minors in Bicske and can enjoy the adequate environment. The social workers in this centre already know them and if they do not have to leave the centre they can continue all activities and language trainings. The financial contribution of the European Refugee Fund is crucial to all habitants of the shelter.

#### **2.1.2.2. Medical treatment of persons requiring special treatment**



We aim to extend the abovementioned measures on disabled or traumatised persons and victims of torture as well. The psychiatric care for children and ‘simply’ traumatised persons is necessary as well just like ensuring this to people with PTSD (Post-Traumatic Stress Disorder) syndrome.

In the previous multi-annual period of the European Refugee Fund special medical and psychological treatment of vulnerable groups was ensured. The development and sustainability of these projects is an important aim in the multi-annual period of the European Refugee Fund 2008-2013 as well.

### **2.1.3. Asylum procedure**

#### *2.1.3.1. Access to the asylum procedure*

Many requirements arose from the new Asylum Act concerning the asylum procedure: the quality of the procedure is to be strengthened and improved and there is more emphasis on the effective access to the asylum procedure to all persons in need of international protection.

As Hungary is in a special geographical situation the migratory flows and routes coming from the Eastern and South-Eastern countries neighbouring Hungary are affecting it. Within these flows not only asylum-seeks, but also migrants and illegal migrants are trying to enter the territory of Hungary and as Hungary is also an external border country of the European Union. The access to asylum procedures is a key factor. If the access is not ensured may there be any procedure if the applicant is not able to enter it.

Not only the quality of the asylum procedure needs to be improved in line with the new Asylum Act but the quality of the airport procedure as well. The airport procedure is a special procedure in comparison to the border (land) procedures. If a foreigner submits his/her application at an international air traffic border crossing point prior to entry in the territory of the Republic of Hungary, the provisions of the regular procedure shall apply with some differences, but the provisions applicable in the airport procedure shall not apply if the application is submitted by a person requiring special treatment.

According to recent infrastructural developments at the Hungarian international airport (Ferihegy) the quality and infrastructural improvement of the airport procedure is scheduled in 2012.

#### *2.1.3.2. Improving the quality of the decisions*

The new Asylum Act also implements the Procedures Directive. According to the new rules the procedure is divided into two phases: the preliminary assessment procedure and the in-merit procedure. The preliminary assessment procedure has to be completed within a period of fifteen days. This is a novelty in the Hungarian legislation. This timeframe is to ensure the effective access to the asylum procedure for those in need of international protection and to prevent the misuse of the asylum system by filtering out inadmissible applications (in detail see 1.2.). In order to fulfil the criteria of the preliminary assessment procedure the enhancement of the capacity of the asylum authority is needed. Capacity building, training of experts working in the field of asylum, regular supervision of the eligibility officers is needed for a high quality decision making and in order to be able to meet the short deadline of this preliminary phase.

#### *2.1.3.3. Country of origin information*



The transpositions of the Qualification Directive and the Procedures Directive have set new standards in Hungary regarding the country of origin information. The refugee authority and – in case of need – the Metropolitan Court of Budapest shall obtain the report of the agency responsible for the provision of country of origin information, which shall answer the requests within 8 days. This agency operates within the Office of Immigration and Nationality.

The report on country of origin information has to be objective, impartial, and up to date and must be based on various sources of information. The Asylum Act determines country of origin information as a mean of providing evidence to verify or substantiate in the course of the refugee procedure whether the criteria of recognition as a refugee, a beneficiary of subsidiary protection exist in respect of the person seeking recognition.

Besides the Office of Immigration and Nationality in Hungary the Metropolitan Court of Budapest also collects country of origin information.

As country of origin information is a key tool of providing evidence in the asylum procedure the quality of these sources needs to be improved in order to raise the effectiveness of the services. In the second phase of the multi-annual planning actions need to be put in place to connect these databases to other relevant country of origin databases in other Member States or the common European COI portal. Transnational cooperation initiatives would be also welcomed.

The new timeframes and the new structure of the asylum procedure require a more effective and quicker country of origin information service as well. Therefore the country of origin information services need to be developed in accordance with the relevant European standards.

#### *2.1.3.4. Improving the asylum procedure in general*

The quality of the asylum procedure in general needs to be improved. One of the main tools is the training of experts working in the field of asylum.

A model programme was developed in Hungary: according to the methodology all actors and stake holders working in the field of asylum are trained together. Besides the training itself this method enables not only the formulation of common and complex approaches of a specific issue, but also the informal exchanges of best practices, improves the communication between different agencies and increases the efficiency of joint actions.

The system of transfer of asylum-seekers within the Dublin procedure also has to be enhanced.

As free legal aid services and social assistance systems operate well these measures need to be maintained and further developed.

#### **2.1.4. Interpretation services**

The composition of asylum-seekers arriving to Hungary shows a vivid picture. The communication with the clients sometimes is a big challenge due to the wide spectrum of native languages spoken by the asylum-seekers. Many times they do not even speak any other language but the regional/tribal language/dialect of the region in their country of origin. Problems also arise from the fact that interpreters are not easily available even in languages that are spoken by millions such as Somali or Bengali.

There are not too many interpreters in Hungary who speak the languages required. In the reception centres it is a difficulty to give even basic information to asylum-seekers due to the fact that many of them does not speak any of the world languages (like English or French). Therefore the training of the officers of the refugee authority and the staff of the reception centre is required. The capacity building of interpreters is also necessary.

Many times providing a brochure or a leaflet with the basic information on their situation (asylum procedure, rules of the reception centre) is not enough because lot of the applicants are illiterate. Ensuring interpretation is also difficult when asylum-seekers receive some kind of health care in the reception centres. There is a constant need for good and available interpreters.

Especially in the judicial phase the main deficiency is the lack of proper interpretation and the low number of available interpreters. In order to ensure the possibility to asylum-seekers to use their own or possibly understood language capacity building is needed.

#### **2.1.5. Education**

At the same time of the adoption of the new Asylum Act the Hungarian Parliament also amended the Education Act in line with the Reception Directive. According the amended Education Act a minor asylum-seeker is subject to mandatory schooling in Hungary immediately after the submission of his/her application.

The language of the schooling in Hungary is Hungarian. In order to fulfil the abovementioned obligation preparatory language training is necessary for each child regardless of if s/he is living in a reception centre or in a private accommodation.

The experiences show that not only language training but pre-scholar education is also required for asylum-seeker children. They often lack any pre-scholar (nursery-school) training therefore the integration of these children into the Hungarian (and therefore European) educational system can be sometimes very problematic. Sometimes it is hard to find the capabilities of these children to live in a community with special rules such as a school or a nursery.

These requirements have to be met in order to ensure the right of the child to education which is an essential right. The best interests and rights of the child shall always be a primary consideration.

#### **2.1.6. Reception centres**

a) Due to the new Asylum Act a *different role* was assigned *to each reception centre*.

The three reception centres (Békéscsaba, Debrecen and Bicske) host the asylum-seekers, refugees and beneficiaries of subsidiary protection at a different stage of the asylum procedure.

Békéscsaba offers accommodation to the asylum-seekers during the preliminary assessment procedure, while Debrecen hosts them during the in-merit phase. Bicske which is situated near Budapest is the pre-integration centre. Recognized refugees and beneficiaries of subsidiary protection live in this centre.

This model reflects more the actual stages of the asylum procedure. This new model generates lot of extra duties and tasks that are not yet solved.

b) The *social care* for refugees and beneficiaries of subsidiary protection in the reception centres is a crucial factor. All sorts of activities, pre-integration courses, trainings and occasional employment opportunities in reception centres are important to asylum-seekers. Mainly social workers and civil organizations deliver these activities to them. These daily routines and group activities raise their self-esteem, their confidence and it is the best way to avoid the hospitalization of these persons. The allocations of the European Refugee Fund have already helped a lot to improve the level of these services and as they have a vital importance we need to maintain and to develop them.

c) In recent years problems arose due to the *aggressive behaviour*, violent actions or fights between different national groups in reception centres. Strike or other forms of protests are more and more frequent in order to put pressure on the refugee authority. Several asylum-seekers make threat of public endangerment or they mean a danger to themselves. These extraordinary situations need a proper answer therefore the thematic training of reception centre staff is necessary.

d) The *asylum system* in Hungary is 20 years old. A comprehensive study or evaluation of the system could be useful for all actors in the field. This would enable further improvement of the system and a better approach to be part of the Common European Asylum System.

#### **2.1.7. Integration:**

The main areas where integration of refugees and beneficiaries of subsidiary protection needs to be improved are language training, accommodation and employment.

##### **2.1.7.1. Language training**

Hungarian is a difficult language to acquire and as the language acquisition is a key-factor of integration, employment or social life, refugees or beneficiaries of subsidiary protection are likely to move on to other, Western European countries. Therefore acquiring proper language skills is a key factor of successful integration.

##### **2.1.7.2. Employment**

There is a high percentage of refugees who work on the black market to improve their living conditions, but there are many more recognized refugees who leave Hungary. These refugees move on to other EU Member States to join family members or to obtain employment. We do not have statistics on the return rate of those refugees who once left Hungary for whatever reasons but the general view is that they do not return.

Hungary is still not a target country for refugees mainly because of its economic situation. For example wages or social benefits are significantly lower than in Western Member States. Hungary is concerned about this phenomenon taking into account the integration initiatives.

The recognition of qualifications, certificates and diplomas is still a major and unsolved problem. This is still a significant obstacle for young adults in the labour market or in their participation at vocational trainings.

Taking into account the abovementioned reasons Hungary would like to inspire the employment of recognised refugees.

##### **2.1.7.3. Accommodation**

There were already some projects financed under the European Refugee Fund during the period of 2005-2007 that aimed to ensure the accommodation of recognised refugees after leaving the reception centres. Although these projects were very successful the housing of refugees and beneficiaries of subsidiary protection is still a major and unsolved problem.

The abovementioned new legislation mainly covers measures on refugee integration, but there are still some possible actions that are missing.

Within the European Refugee Fund allocations the requirements in the field of reception are still strong and they are going to be even more emphasised. In the first phase of the multi-annual period challenges related to reception measures have to be met. In turn, after the first 2-3 years, actions in the field of integration would become prioritized. For these reasons the main requirement in the field of integration is to continue our ongoing projects on accommodation, education and employment of refugees or beneficiaries of subsidiary protection and to develop further the level of integration services in the second phase of the multi-annual planning.

#### **2.1.8. Awareness raising**

The awareness raising is also an important requirement in Hungary. The Hungarian society is not used to the presence of foreigners, refugees or asylum-seekers. Everyday people may not even know the difference between illegal migrant or a refugee. Programmes targeting the host society are a key issue in order to deal with the unnecessary fear from refugees or asylum-seekers.

Programmes need to be implemented to reveal the unknown world of refugees to the wider public. It is important to transmit key information about these groups, their background and reasons why they had to flee in order to dispel general revulsion against these groups. Different events, campaigns, informational materials and programmes are needed where the wider public can learn more about refugees or asylum-seekers.

#### **2.1.9. Preparing the bases of a national resettlement programme**

According to the new Asylum Act a ministerial decision (by the Minister of Justice and Law Enforcement) may recognise as a refugee a foreigner who had been recognised by the United Nations Higher Commissioner for Refugees as a refugee, in respect of whom the refugee authority established the applicability of the Geneva Convention. The number of refugees recognized under this decision shall not exceed one hundred per year.

At the moment Hungary is not ready to receive refugees in the framework of a resettlement programme. Neither the Hungarian asylum system, nor the refugee authority and the reception centres are prepared. Similarly the integration programmes are not as developed or flexible as a resettlement program would require them to be.

The attitude of the Hungarian (host) community is not positive, the social and political debates are still ongoing in this area. Experts working in the field of asylum welcome the initiative but a lot of work needs to be done in this field. At a later phase of the multi-annual programme it will be necessary to meet the shortcomings in this area.

Awareness raising campaigns are needed. If the political decision approves a national resettlement programme we need to outline and construct the whole system.

## **2.2. The operational objectives of the Republic of Hungary designed to meet its requirements**

### *1. Ensure an effective and fair asylum procedure, with special attention to*

- promoting and ensuring effective access to the asylum procedure;
- introducing the new regulation on asylum as in the 2007 Asylum Act;
- introducing the new phases of asylum procedure as in the 2007 Asylum Act;
- increasing the effectiveness of each phase of the asylum procedure;
- ensuring free legal aid for asylum-seekers, refugees and beneficiaries of subsidiary protection;
- ensure social counselling for asylum-seekers, refugees and beneficiaries of subsidiary protection;
- continuous training of decision makers and judges in the field of asylum due to the changes in the asylum legislation;
- ensuring proper interpretation by well-trained interpreters especially during the judicial phase and in reception centres;
- improving the system of transfer of asylum-seekers within the Dublin procedure.

### *2. Improvement of the reception conditions, with special attention to*

- introducing and improving the new reception model as in the 2007 Asylum Act;
- meeting the specific needs of persons requiring special treatment, in particular ensuring separated accommodation to persons requiring special treatment with special needs on a permanent basis (unaccompanied minors, single women, women with children, traumatised people or victims of torture etc.);
- improving the effective access to children to the Hungarian education system, for example organising preparatory language training for children in the first period of their stay;
- ensuring the appropriate level of health, psychiatric care and other social provisions to asylum-seekers, refugees and beneficiaries of subsidiary protection.

### *3. Integration of recognized refugees and beneficiaries of subsidiary protection with special attention to*

- better integration of children into the Hungarian education system, into the class;
- ensuring an anti-discriminative environment in order to raise the accessibility of public education system for minor asylum-seekers, refugees or beneficiaries of subsidiary protection;
- improving the number and quality of Hungarian language courses for adult refugees and beneficiaries of subsidiary protection;
- empowering refugees and beneficiaries of subsidiary protection in order to gain effective access to the labour market;
- supporting refugees and beneficiaries of subsidiary protection to be able to finance their private housing;
- ensuring possibilities to refugees and beneficiaries of subsidiary protection to participate in vocational trainings;
- introducing new provisions on recognition of diplomas, degrees or other certificates in order to ensure easier access to the national education system and to the labour market;
- awareness raising (campaigns, programmes, events, leaflets, exhibitions etc.).

*4. Enhancement of the ability of the Republic of Hungary to develop and improve its asylum policy, with special attention to*

- supporting the collection, compilation, utilisation and analysis of country of origin information;
- elaboration of a comprehensive evaluation, study on the current situation and the future of the Hungarian asylum system;
- developing the country of origin information systems to be able to exchange data and to connect the national system to other country of origin information systems/the Common European COI portal;
- developing the country of origin information services for a faster and more effective procedure, for example capacity building and translation.

*5. Preparation of a resettlement program, with special attention to*

- awareness raising (campaigns, programmes, events, leaflets, exhibitions etc.);
- preparing the asylum system for a resettlement program (for example: training of experts, participating at events to learn about best practices, infrastructural investments, elaborating complex integration programmes etc.);
- elaboration of information material, supporting measures aiming to provide pre-departure information;
- securing participation in other Member State's selection mission(s) as observers
- establishment of a resettlement programme in the future.

Regarding our objectives it is important to emphasize the following: in the first period of the multi-annual planning of the European Refugee Fund Hungary aims to emphasize the activities related to the first and the second objective ("ensure an effective and fair asylum procedure" and "improvement of reception conditions") but later actions related to the third, fourth and fifth objectives will be more in focus as it is also indicated in our indicative financing plan.

### **3. STRATEGY TO ACHIEVE THE OBJECTIVES**

A description of how the Fund contributes to meeting the requirements, which priorities have been chosen and why

As already mentioned above regarding our objectives it is important to emphasize the following: in the first period of the multi-annual planning of the European Refugee Fund Hungary aims to emphasize the activities related to the first and the second objective ("ensure an effective and fair asylum procedure" and "improvement of reception conditions") but later actions related to the third, fourth and fifth objectives will be more in focus as it is also indicated in our indicative financing plan.

Indicative plan on the timing of the implementation:

	2008	2009	2010	2011	2012	2013
Objective1	x	x	x	x		
Objective2	x	x	x	x	x	x
Objective3	x	x	x	x	x	x



Objective4		x	x	x		
Objective5		x	x	x	x	

Please note that this plan is strictly indicative and it is likely to change according to the needs and changes throughout the years.

**3.1. Priority 1** – Implementation of the principles and measures set out in the Community *acquis* in the field of asylum, including those related to integration objectives

***Objective 1. – Ensure an effective and fair asylum procedure***

The objective of the strategy is to ensure an effective and fair asylum procedure for all asylum-seekers, for all persons seeking international protection. The strategy aims to implement and improve the quality, the effectiveness of the asylum procedure in line with the new Asylum Act and the Procedures Directive.

*Examples of key actions to reach the abovementioned objective:*

A) Training activities for experts, such as

- training of asylum experts working at the authorities or in the field of asylum and judges in order to ensure proper and effective asylum procedures with special attention to the new regulation on asylum;
- special asylum training of forensic experts (psychiatric, traumatologic) and interpreters;
- language training of judges, decision makers and experts working with asylum-seekers;
- providing trainings to improve abilities related to considering asylum applications and requests for judicial review;
- improving skills to identify foreigners (third-country nationals) who want to apply for asylum (monitoring missions, training of the staff etc.), in particular for the experts working on the field of asylum – *considered as specific priority no.2*;
- training of asylum analysts and fingerprint analysts;
- trainings, informational-advisory trainings for the staff of reception centres (medical staff, social workers), for officers working in direct contact with victims of torture (e.g. officers working in the field of immigration policy) and experts working in the field of asylum;
- burn-out trainings;
- training of employees ensuring security services at reception centres.

The following indicators shall be used:

Indicators for Key Action A.	
Quantitative	Qualitative/Impact
<ul style="list-style-type: none"> <li>- number of trainings</li> <li>- number of experts participating</li> <li>- number of hours of the trainings</li> <li>- number of translations or interpretations during the asylum procedure</li> </ul>	<ul style="list-style-type: none"> <li>- improvement in the quality of work</li> <li>- better identification of asylum applicants</li> <li>- improved language skills</li> <li>- better understanding of the situation of asylum-seekers, refugees and beneficiaries of</li> </ul>



	subsidary protection - prevention of burn-out
--	--

B) Actions related to ensure access to legal aid for asylum-seekers, refugees and beneficiaries of subsidiary protection and to provide quality legal aid

The following indicators shall be used:

Indicators for Key Action B.	
Quantitative	Qualitative/Impact
- number of persons receive legal counselling - number of cases where legal representations are provided - number of reception centres, facilities where legal aid is provided - number of consultation hours	- improvement of the procedure - faster decisions - free legal aid is provided

C) Improving interpretation service technologies, interpretation and translation during the judicial phase of the asylum procedure or non-litigious proceedings

The following indicators shall be used:

Indicators for Key Action C.	
Quantitative	Qualitative/Impact
- number of interpreters - number of translations - number of cases where interpretation, translation was needed - number of hours of interpretation or translation	- quality of the asylum procedure improves - quality of the decision improves - shorter judicial procedure

D) Improving the quality of the airport procedure, such as

- establishing and improving infrastructural conditions of the airport procedure;
- improving the airport procedure regulated in the 83/2004/EC Directive and the 2007 Asylum Act.

The following indicators shall be used:

Indicators for Key Action D.	
Quantitative	Qualitative/Impact
- number of asylum-seekers under airport procedure - number of applications for asylum - number of appeals - number foreigners receive assistance during border control given by the monitoring mission - number of foreigners apply for asylum and redirected to the asylum authority after border control	- better infrastructural conditions - faster procedures - increased effectiveness of the airport procedure - improvement in the level of accommodation

- working hours/days developing the accommodation - number of rebuilt premises	
---	--

E) Promoting and developing the implementation of the Dublin regulations, in particular:

- providing the travel fees of the Dublin transportation;
- quality development of transfers within the Dublin procedure (such as improving interpretation services and adequate accommodation conditions).

The following indicators shall be used:

Indicators for Key Action E.	
Quantitative	Qualitative/Impact
<ul style="list-style-type: none"> <li>- number of transfers under Dublin procedure</li> <li>- number of applicants transferred</li> <li>- number of cases when interpreter or psychologist is ensured</li> <li>- hours of interpretation or psychological assistance</li> <li>- number of applicants accommodated during the implementation of transfer activities</li> <li>- decrease in the level of travel fees</li> <li>- working hours/days developing the accommodation</li> <li>- number of rebuilt premises</li> </ul>	<ul style="list-style-type: none"> <li>- better understanding of the procedure for the applicant</li> <li>- specific (medical or psychological) needs of the applicant are met</li> <li>- improvement in the level of accommodation</li> <li>- faster transfers</li> <li>- efficiency of logistical tasks in connection to transfers enhanced</li> <li>- decrease of risk of traumatising of transferred asylum-seekers</li> </ul>

F) Improving quality work in the field of asylum, such as supervision of experts working at reception centres and authorities working with asylum-seekers: the aim is the regular supervision of experts in order to deal with specific case studies and their traumatic experiences.

The following indicators shall be used:

Indicators for Key Action F.	
Quantitative	Qualitative/Impact
<ul style="list-style-type: none"> <li>- number of experts participating</li> <li>- length (hours) of these sessions</li> </ul>	<ul style="list-style-type: none"> <li>- improvement of quality work</li> <li>- higher workload of decision makers</li> </ul>

### ***Objective 2. – Improvement of the reception conditions***

The objective of the strategy is to provide and support adequate reception conditions in conformity with the Reception Directive and the 2007 Asylum Act.

*Examples of key actions to reach the abovementioned objective:*

A) Actions to develop reception facilities, accommodation infrastructure and services, such as

- developing the information website of reception centres;
- developing communication within reception centres;
- improving interpretation services,

- improving the quality of social casework;
- infrastructural development of the reception centres.

The following indicators shall be used:

Indicators for Key Action A.	
Quantitative	Qualitative/Impact
<ul style="list-style-type: none"> <li>- number of visitors of the newly developed information portal/system of the reception centres</li> <li>- number of languages covered by the available interpreters</li> <li>- number of social case works in the reception centres</li> </ul>	<ul style="list-style-type: none"> <li>- increased visibility of the reception centre</li> <li>- better communication within the reception centre</li> <li>- more adequate conditions regarding accommodation and services</li> </ul>

B) Meeting medical, educational, financial, psychosocial, legal and protection needs of asylum-seekers, such as

- continuous language training in reception centres;
- providing language assistance in reception centres;
- special preparatory language training of children of school age;
- immediate Hungarian language training for asylum-seeker children involving psychologist and speech therapist if needed;
- improving the quality of boarding in reception centres;
- leisure and training activities for children with parents accommodated in reception centres, providing therapy sections if needed;
- ensuring social counselling;
- activities aiming to decrease the level of hospitalization of the asylum-seekers;
- prevention of undermined self-reliance of the target group at the reception centres;
- providing social services in reception centres;
- thematic training of reception centre staff in order to be able to handle violent behaviour, extraordinary situations (e.g. hunger strikes, group protests etc.), aggression;
- creating work possibilities in reception centres for asylum-seeker.

The following indicators shall be used:

Indicators for Key Action B.	
Quantitative	Qualitative/Impact
<ul style="list-style-type: none"> <li>- number of hours of language or preparatory language training</li> <li>- number of hours of language training when psychologists or speech therapists are involved to the training</li> <li>- number of participants</li> <li>- number of children to be involved in special trainings or programmes</li> <li>- number of asylum-seekers receiving social counselling</li> <li>- number of hours of social counselling</li> <li>- number of leisure activities</li> </ul>	<ul style="list-style-type: none"> <li>- improved language skills</li> <li>- better integration in the educational system</li> <li>- overall improvement in the reception conditions</li> <li>- decrease in the level of hospitalization</li> <li>- better chances to integrate in the society and the labour market</li> </ul>

<ul style="list-style-type: none"> <li>- number of applicants receive these provisions</li> <li>- number of asylum-seekers employed in the reception centre in a monthly period</li> <li>- number of thematic trainings</li> </ul>	
--	--

C) Actions to improve the reception conditions of vulnerable groups and persons requiring special treatment – *considered as specific priority no. 1* –, such as

- operating the shelter for unaccompanied minors (ensuring continuous operation of the centre, special fall-into-line-with trainings, cultural orientation and programs to deal with traumatic experiences etc.);
- medical and psychological attendance for traumatized asylum-seekers, refugees and subsidiary protected persons, in particular: direct psychiatric/psychological attendance for clients with PTSD syndrome (Post-Traumatic Stress Disorder), supporting medical attendance aimed to cure the somatic effects of torture (dental care, orthopaedics), sessions with victims of torture or victims of trauma and their family members, special sessions with heavily traumatized, develop the adaptation abilities of children, providing medical opinion in the asylum procedure, organizing hospital and local medical care, dealing with schooling tasks, etc.

The following indicators shall be used:

Indicators for Key Action C.	
Quantitative	Qualitative/Impact
<ul style="list-style-type: none"> <li>- number of participants of programmes are organised in the shelter</li> <li>- number of hours of language or preparatory language training</li> <li>- number of hours of language training when psychologists or speech therapists are involved to the training</li> <li>- number of days of care</li> <li>- number of unaccompanied minors are accommodated in the separated shelter</li> <li>- number of hours of psychiatric/psychological consultations and special rehabilitation sessions</li> <li>- number of psychiatric or psychological staff</li> <li>- number of supporting medical attendance</li> <li>- number of provided medical opinion in the asylum procedure</li> </ul>	<ul style="list-style-type: none"> <li>- special needs of unaccompanied minors are met</li> <li>- improved mental and psychological state of persons</li> <li>- prevention of further traumatisations of persons</li> </ul>

**Objective 3. – Integration of recognized refugees and beneficiaries of subsidiary protection**

As integration is a two-way process not only refugees and beneficiaries of subsidiary protection but the host society is also a target group within this objective. The Hungarian society is not a welcoming society therefore the actions will also contribute to change this attitude.

*Examples of key actions to reach the abovementioned objective:*

A) Actions to improve the level of integration of refugees and subsidiary protected persons, such as

- developing and supporting special, personal programs or programs designed especially for groups – supporting complex projects;
- actions to promote durable and sustainable participation in civil life;
- continuous language training;
- actions to pilot flexible language training arrangements;
- training target group in interpretation in key refugee community languages;
- providing language assistance in reception centres;
- special preparatory language training of children of school age;
- leisure and training activities for children with parents accommodated in reception centres, providing therapy sections if needed;
- improving the quality of boarding in pre-integration facilities;
- ensuring social counselling;
- activities aiming to decrease the level of hospitalization;
- activating target group in the pre-integration phase;
- providing social services in reception centres;
- actions to improve socio-cultural integration of the target group, such as cultural orientation in the pre-integration phase, art and cultural workshops, regular chat workshops;
- supporting refugee communities, societies, societies of beneficiaries of subsidiary protection and groups in order to strengthen cultural and social integration and representations of interest, strengthening these groups;
- actions targeting the host society with the aim to improve social solidarity, social sensitivity;
- actions targeting the host society to intensify social sensitivity towards asylum, human rights and humanitarian aspects;
- acquainting the asylum system with members of the host society, in particular young people (open days in reception centres, information campaigns, educational programs etc.);
- professional training of the staff of local governmental institutions and labour centres regarding asylum.

The following indicators shall be used:

Indicators for Key Action E.	
Quantitative	Qualitative/Impact
<ul style="list-style-type: none"> <li>- number of participants in special programmes</li> <li>- number of participants in Hungarian language courses</li> <li>- number of hours of language lessons</li> <li>- number of refugees or beneficiaries of subsidiary protection pass a Hungarian language exam</li> <li>- number of asylum-seekers receiving social counselling</li> <li>- number of hours of social counselling</li> <li>- number of refugee societies or groups</li> </ul>	<ul style="list-style-type: none"> <li>- creating a more welcoming society</li> <li>- improved language skills</li> <li>- better integration in the educational system</li> <li>- decrease in the level of hospitalization</li> <li>- better chances to integrate in the society and the labour market</li> <li>- intensified social sensitivity towards asylum, human rights and humanitarian aspects</li> </ul>

supported in order to strengthen cultural and social integration - number of trained staff - number of persons reached by the awareness raising tools	
---	--

B) Assistance in integration into the labour market, such as

- labour recruitment assistance for refugees or beneficiaries of subsidiary protection;
- supporting the recognition of qualifications, certificates and diplomas;
- sponsoring tuition fees of adults or vocational training, language training for refugees and beneficiaries of subsidiary protection.

The following indicators shall be used:

Indicators for Key Action B.	
Quantitative	Qualitative/Impact
<ul style="list-style-type: none"> <li>- number of refugees or beneficiaries of subsidiary protection employed in the labour market with the assistance of the Fund</li> <li>- number of refugees and beneficiaries of subsidiary protection participate in adults or vocational training</li> <li>- number of recognised qualifications, certificates and diplomas</li> </ul>	<ul style="list-style-type: none"> <li>- positive impact on the family members of the refugees and beneficiaries of subsidiary protection</li> <li>- increased level of independence and self-esteem</li> <li>- ability to afford and sustain a private accommodation</li> </ul>

C) Assistance in housing, such as

- operating housing supportive systems;
- supporting housing projects and programmes;
- supporting the development of community based services that provide housing advice, information and advocacy.

The following indicators shall be used:

Indicators for Key Action C.	
Quantitative	Qualitative/Impact
<ul style="list-style-type: none"> <li>- number of participants of housing programmes</li> <li>- number of hours of social counselling</li> <li>- number of programmes</li> </ul>	<ul style="list-style-type: none"> <li>- positive impact on the family members of the refugees and beneficiaries of subsidiary protection</li> <li>- increased level of independence and self-esteem</li> <li>- developing abilities to afford and sustain a private accommodation</li> </ul>

D) Integration of persons requiring special treatment – considered as specific priority no. 1 –, such as

- supporting programmes aiming to improve the integration of vulnerable persons and groups in need of special care (women, minors, traumatized, persons with health problems etc.);
- integration programs for unaccompanied youngsters (cultural orientation, personality development, pre-school and follow-up activities).

The following indicators shall be used:

Indicators for Key Action D.	
Quantitative	Qualitative/Impact
<ul style="list-style-type: none"> <li>- number of persons requiring special treatment receiving assistance</li> <li>- number of activities</li> <li>- number of hours of activities, programs</li> </ul>	<ul style="list-style-type: none"> <li>- special needs of the target group are met</li> <li>- prevention of victimization of persons requiring special treatment</li> </ul>

**3.2. Priority 2** – Development of reference tools and evaluation methodologies to assess and improve the quality of procedures for the examination of claims for international protection and to underpin administrative structures in an effort to respond to the challenges brought forward by enhanced practical cooperation with other Member States

***Objective 4. – Enhancement of the ability of the Republic of Hungary to develop and improve its asylum policy***

The objective of the strategy is to develop the asylum system in Hungary, taking into account the aims of the European asylum policy. These actions aim to achieve positive qualitative changes, improvements of relevant databases and capacity building.

*Examples of key actions to reach the abovementioned objective:*

A) Preparation and implementation of independent studies and researches on the operation of asylum institutions, organizations and the whole asylum system, sharing those experiences with the public (professional and non-professional public), apply results in everyday practice – *considered as specific priority no. 1.*

The following indicators shall be used:

Indicators for Key Action A.	
Quantitative	Qualitative/Impact
<ul style="list-style-type: none"> <li>- number of prepared researches or studies</li> <li>- number of publications</li> </ul>	<ul style="list-style-type: none"> <li>- impact of the studies in the Hungarian asylum system</li> <li>- improvement of the asylum system due to the results of the studies</li> <li>- improvement of everyday practice</li> </ul>

B) Developing country of origin information systems, such as

- supporting programmes aiming the collection, compilation, utilisation and analysation of data;
- enabling connection to international databases according to the Common European Asylum System/COI Portal.

The following indicators shall be used:

Indicators for Key Action B.	
Quantitative	Qualitative/Impact
- number of programmes aiming collection, compilation, utilisation and analysis of data	- improved quality of the country of origin information



- number of connections to other country of origin databases	- faster country of origin information is provided - increase in the information flow efficiency
--	---

C) Capacity building in the field of country of origin information, such as

- expanding the capacity of the national centre of country of origin information;
- improving quality work;
- ensuring the operation of the COI translation service;
- ensuring translation in the judicial COI search.

The following indicators shall be used:

Indicators for Key Action G.	
Quantitative	Qualitative/Impact
<ul style="list-style-type: none"> <li>- measure of the capacity building of the national COI system</li> <li>- number of answered COI requests</li> <li>- speed (number of days) of providing the proper COI information</li> </ul>	<ul style="list-style-type: none"> <li>- quality of country of origin information improves</li> <li>- quality of the asylum procedure improves</li> <li>- faster country of origin information is provided</li> <li>- the capacity of the national centre of country of origin information improves</li> <li>- better quality of the judicial decisions</li> </ul>

### **3.3. Priority 3 – Actions helping to enhance responsibility sharing between Member States and third countries (optional)**

#### ***Objective 5. – Preparation of a resettlement program***

The objective of the strategy is to begin the preparation phase of the elaboration of a national resettlement programme and to elaborate a national program in the future. Resettlement fulfils an important role not only in the external asylum policies of the EU but it expresses solidarity and the principle of burden sharing towards first countries of asylum. According to the Policy Plan on Asylum discussions will begin about the basis of an EU resettlement scheme, therefore it is important to prepare a national programme.

*Examples of key actions to reach the abovementioned objective:*

A) Developing audiovisual information brochures, leaflets, organizing events for experts in the field of asylum in order to prepare the establishment of a resettlement programme

The following indicators shall be used:

Indicators for Key Action A.	
Quantitative	Qualitative/Impact
<ul style="list-style-type: none"> <li>- number of audiovisual brochures, leaflets</li> <li>- number of events</li> <li>- number of participants</li> <li>- number of programmes</li> </ul>	<ul style="list-style-type: none"> <li>- improvement of the quality and the level of preparation for a resettlement programme</li> <li>- next phase of preparation can begin</li> </ul>

B) Supporting the establishment and operation of programmes to help the resettlement of refugees

The following indicators shall be used:

Indicators for Key Action B.	
Quantitative	Qualitative/Impact
- number of programmes - length of the programmes	- quality of the programmes - effectiveness of the programmes - more complex approach of resettlement - higher level of preparation for a national resettlement programme

C) Securing participation in other Member State's selection mission(s) as observers

The following indicators shall be used:

Indicators for Key Action C.	
Quantitative	Qualitative/Impact
- number of selection missions - length of the missions - number of Hungarian observers	- more complex approach of resettlement - higher level of preparation for a national resettlement programme

In the Multi-annual Programme of Hungary no precise indicators are given because it is impossible to plan due to the wide variety of possible key actions therefore all precise and concrete indicators will be given in the actual Annual Programmes.

Please note that all above-mentioned key actions are only examples of key actions.

### 3.4. Technical assistance

The amount set aside for technical assistance under the Hungarian Annual Programme 2008 will be spent on the preparatory measures, management, monitoring, evaluation, information or control activities of the authorities designated for European Refugee Fund:

- Ministry of Justice and Law Enforcement as Responsible Authority and its separate units: (a) Department of Cooperation in Justice and Home Affairs and Migration as Professional Consultative Body, (b) members of the Department of Support-Coordination and (c) one member of the Department of Budgeting and Finance as Management Team;
- Secretariat of the Minister as Certifying Authority;
- Government Audit Office as Audit Authority;
- State Secretary for EU Law as Responsible Person.

The resources for technical assistance will also be spent on the reinforcement of the administrative capacity for the implementation of the ERF.

The resources for technical assistance will be used for various expenditures such as staff costs, conference costs, training events, expenses to ensure the visibility of the co-financing. The exact and detailed costs will be indicated in the actual Annual Programme of the Republic of Hungary.

#### **4. COMPATIBILITY WITH OTHER INSTRUMENTS**

An indication of how this strategy is compatible with other regional, national and Community instruments

All chosen priorities are compatible with the national and Community instruments.

##### **4.1. PHARE**

The developments planned within the framework of the European Refugee Fund are direct continuation of the developments of the last decade financed from the PHARE programme and from the central budget, they are based on these former developments, serving as their further improvements.

The PHARE programme in the field of migration focused on two types of actions:

- trainings and twinning projects and
- institutional development, infrastructural investments.

There were significant achievements in these areas due to the financial aid of the PHARE programme. Throughout the years the training of civil servants, the twinnings with other European countries with more developed asylum systems, the exchange of best practices, the modernization of the reception centres, the new computational systems meant a significant improvement of the national asylum system:

- the colleagues of the Office of Immigration and Nationality (OIN) participated at language trainings, computer courses and twinnings;
- the reception centres (in Békéscsaba, Bicske and Debrecen) were modernized;
- institutional and administrative capacity building took place in harmony with the international legal framework and practices, especially the 1951 Geneva Convention Relating to the Status of Refugees;
- co-operational methods and structures were developed at authorities working with asylum-seekers and refugees;
- the Country of Origin Information System (COI) was renewed and modernized, new IT systems were put in place.

##### **4.2. European Social Fund**

The National Strategic Reference Framework of Hungary for the period 2007–2013 is called The New Hungary Development Plan - Employment and Growth. An important tool in this context is the European Social Fund that is also a financial source for the New Hungary Development Plan.

The New Hungary Development Plan contains 6 strategic goals, priorities (1. economic development, 2. transport development 3. social renewal, 4. environment and energy development, 5. regional development, 6. state reform). The third strategic priority is the social renewal. The social renewal strategy, besides strengthening social cohesion and reducing regional disparities, plays a decisive role in increasing employment and contributing to the long term growth of the economy.

The “Social Renewal Operational Programme” – similarly to 14 other operational programmes within the strategic framework of the New Hungary Development Plan – is in accordance with relevant European Union legislation and regulations. Within the framework of the “Social Renewal Operational Programme” co-financed by the European Social Fund integration and labour market projects will be developed. These projects will target all disadvantaged groups in general. In theory, refugees and beneficiaries of subsidiary protection – if they fulfil the requirements – are also able to participate in these programmes co-financed

by the European Social Fund. However, refugees and beneficiaries of subsidiary protection are not a target group in this context as dedicated social and labour market integration programmes will be implemented within the framework of European Refugee Fund.

During the planning of the projects of the European Refugee Fund the complementarity with the European Social Fund programmes will be ensured the following way:

The implementing agency of the programmes related to the European Social Fund is the National Development Agency (Nemzeti Fejlesztési Ügynökség). The Responsible Authority of the European Refugee Fund will ensure the complementarity of the two Funds (and all other instruments where the National Development Agency is the Responsible Authority) in close cooperation with the National Development Agency. A representative of the National Development Agency will be a member of the *Evaluation Committee* of the European Refugee Fund. This ensures that the National Development Agency – which is the main agency for national development – has a clear and wide overview of all developments supported by European funds.

The function of the Evaluation Committee is to evaluate the submitted proposals for subsidies offered by the European Refugee Fund according to the criteria determined by the Responsible Authority. It shall evaluate the proposals received within the deadline and at the place specified in the call for proposals in conformity with administrative, financial and technical criteria, then assess and select the projects to be subsidised. The members of the Evaluation Committee are representatives of the organisations concerned, in a total number of seven. Members are delegated from the Ministry of Justice and Law Enforcement, the United Nations High Commissioners for Refugees (UNHCR), the National Development Agency, the Ministry of Education and Culture, the Ministry of Social Affairs and Labour. The head of the Committee is designated by the Responsible Person.

Another mechanism is to ensure the compatibility of the European Refugee Fund with the European Social Fund. The supervision of the execution of the European Refugee Fund's projects shall be carried out by an independent *Monitoring Committee* as an intermediary organ. The Monitoring Committee is composed of members delegated from the Responsible Authority, the Ministry of Finance, the Ministry of Social Affairs and Labour, the UNHCR and the National Development Agency. This tool is another safeguard to ensure that the National Development Agency has a strategic overview over the areas of development in different areas.

The Monitoring Committee can make suggestions to the Responsible Authority to supervise the use of the Funds in view of better achievement of the aims of the Funds or the improvement of the management of the programmes including financial control. The Monitoring Committee can suggest to the Responsible Authority to revise the management and control system of the Funds in order to improve the efficiency of the operation of the Funds. The Monitoring Committee holds at least three meetings every year.

The consultation and the cooperation between the Ministry of Justice and Law Enforcement and the National Development Agency is continuous and fluent in order to ensure the best usage of these Funds and in order to avoid parallel financing.

#### **4.3. EIF, ERF and EBF**

The compatibility of the European Refugee Fund with the European Fund for the Integration of the third-country nationals, the European Return Fund and the External Borders Fund is ensured at national level. The Responsible Authority for the 4 funds of the General

Programme Solidarity and Management of Migration Flows is the Ministry of Justice and Law Enforcement therefore the coordination is ensured.

## **5. FRAMEWORK FOR IMPLEMENTATION OF THE STRATEGY**

### **5.1. The publication of the programme**

The programme is public.

After the approval of the European Refugee Fund Multi-annual Program of Hungary the Responsible Authority will publish it on the website of the Ministry of Justice and Law Enforcement.

The call for proposals is also put on the website of the Ministry of Justice and Law Enforcement therefore it is public. All data and information given by the Responsible Authority is also public: the Management Team provides workshops, conferences to the potential applicants on the best practices of the preparation of the proposals. These meetings are public, the presentations given are put on the website of the Ministry of Justice and Law Enforcement, where everyone can access to it. All questions raised by the applicants related to the call for proposals and the given answers are also placed on the website.

After the evaluation and the approval of the projects arrived for the call of proposals, a sheet is added to the website. This sheet contains the name of the organizations who responded the call for proposals, the title of the proposals, the evaluation of the projects (how many point were they awarded with) and the exact amount of financial support.

All activities financed from the Fund must be transparent. For this purpose, we shall create the components of the image of the Fund (logo, image plan, etc.) and apply them consistently.

The programme logo will be displayed on all publications, guidelines and training materials financed from the Fund.

The participants in courses, conferences and other training activities organised with the resources of the Fund will be informed on the financing.

European Refugee Fund funding must be made clearly visible during any activity linked to the actions and financed under the programme. There are several ways to ensure the visibility and publication of the programme.

European Refugee Fund and Responsible Authority logo will be placed on all materials produced by the national Responsible Authority for implementing the national programme (calls for project proposals, guidelines, application forms, letters to applicants, etc.). Besides all project beneficiaries are informed of European Refugee Fund co-financing, the European Refugee Fund and Responsible Authority logo are also placed on all equipment purchased for the project, and on all relevant publicity materials, leaflets, letterheads, press materials etc.

One very important form of the publication of the program is an obligation of the grant recipients. In the grant agreement all recipients undertake a commitment to put up a European Refugee Fund logo (as an indication of European Refugee Fund co-financing) on the grant recipients' premises (e.g. on office walls, entrances, etc.). This permanent prominent plaque of significant size has to be put up no later than three months after completion of a project where the total Community contribution to the project exceeds EUR 100 000 and the operation consists of purchasing a physical object or of financing infrastructure or construction projects.

The plaque shall state the type and name of the project. In addition the European Refugee Fund logo shall be displayed on it. This plaque has to be set up where it is clearly visible.

## **5.2. The approach chosen to implement the principle of partnership**

Right before the finalization of the multi-annual programme the Ministry of Justice and Law Enforcement organised a meeting in order to identify the national priorities. The participants were the partner organizations participated in the implementation of the European Refugee Fund already:

- Metropolitan Court of Budapest (judicial level);
- Office of Immigration and Nationality and the representatives of the reception centres (governmental level);
- UNHCR (international organization);
- IOM (international organization);
- Menedék – Association for Migrants (civil organization);
- Hungarian Helsinki Committee (civil organization);
- Hungarian Reformed Church (civil organization);
- Hungarian Interchurch Aid (civil organization);
- Cordelia Foundation (civil organization).

The participants discussed and identified the possible elements of the Hungarian integration strategy and the national priorities. As the final result of this meeting the participants made an agreement on the joint list of national priorities.

The Ministry of Justice and Law Enforcement aims to follow the principle of professional planning. Therefore the Ministry invited all relevant stakeholders, bodies, active NGOs and organizations working in the field of asylum and involved them in the planning process. This wide variety of participation ensures the reflection of real needs in the Multi-annual Programme of Hungary.



6. INDICATIVE FINANCING PLAN

6.1 Community Contribution

6.1.1. Table

Multiannual Programme - Draft Financial Plan								
Table 1: Community Contribution								
Member State: [Hungary]								
Fund: [European Refugee Fund]								
<i>(in 000' euros - current prices)</i>	2007	2008	2009	2010	2011*	2012*	2013*	TOTAL
Priority 1: [...]		723	748	620	697	761	1 036	4 585
Priority 2: [...]		5	137	77	77			296
Priority 3: [...]**			20	76	154	167		417
								0
								0
								0
Technical Assistance		87	100	90				278
TOTAL	0	815	1 005	864	928	928	1 036	5 576

6.1.2. Comments on the figures/trends

**\*Please note that it is very difficult to indicate the rate of the usage of community contributions in the second half of the multi-annual planning. These figures are strictly indicative.**

**\*\*Priority 3. covers the preparation and introduction of a resettlement programme. According to the new Asylum Act the Government has the right to introduce such action. In case the Government does not want to do so, Hungary has to re-examine its priorities in this field. Before the introduction of resettlements schemes, the development of integration system is essential.**

## 6.2 Overall financing plan

### 6.2.1. Table

Table 2: Overall Financing Plan							
Member State: [Hungary]							
Fund: [European Return Fund]							
(in 000' euros - current prices)	2008	2009	2010	2011	2012	2013	TOTAL
Community Contribution without TA	727.569	904.647	773.520	860.880	860.880	964.560	5.092.056
Technical Assistance	87.021	100.350	90.480	67.120	67.120	71.440	483.531
Total Community Contribution	814.590	1.004.997	864.000	928.000	928.000	1.036.000	5.575.587
Public cofinancing	242.523	301.549	257.840	286.960	286.960	321.520	1.697.352
Private cofinancing	0	0	0	0	0	0	0
TOTAL	1.057.113	1.306.546	1.121.840	1.214.960	1.214.960	1.357.520	7.272.940
% Community Contribution	77,06%	76,92%	77,01%	76,38%	76,39%	76,32%	76,68%
actual % EC Contribution	75%	75%	75%	75%	75%	75%	75%

### 6.2.2. Comments on the figures/trends

The Hungarian Government will ensure the whole 25% contribution to the ERF allocation. The '% Community Contribution' row of the overall financing table calculates percentages on the basis of figures including the technical assistance, the results are thus superior to 75%. The 'actual % EC contribution' row calculates on the basis of allocations excluding the technical assistance, the percentages thus being 75%.

Dr. Lévainé dr. Fazekas Judit  
State Secretary for EU Law  
*[signature of the responsible person]*