



European Return Fund

MULTI-ANNUAL PROGRAMME 2008-2013

of the Republic of Hungary

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1. SITUATION IN THE REPUBLIC OF HUNGARY

1.1. The national situation and the migratory flows affecting it

According to the Hungarian legislation the Ministry of Justice and Law Enforcement (hereinafter referred to as MoJLE) 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 and migration policy and also for the professional consultation with the Office of Immigration and Nationality (hereinafter referred to as OIN).

Furthermore, according to the Operational and Organizational Rules of the MoJLE, the abovementioned department is in charge of maintaining contacts and cooperating with all relevant organizations working in the field of asylum and migration, such as the UNHCR (United Nations High Commissioner for Refugees) Regional Representation for Central Europe, 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 third-country nationals and the European Return Fund.

The OIN, which was set up in 2000, is an implementing governmental body in the field of asylum and migration and has the widest competences with regard to administrative actions concerning returnees. This authority organises the travel arrangements of persons who are obliged to return, coordinates the whole procedure, and implements the phases of return. Having regard to the fact that the OIN has the right to render decisions in each repatriation procedure and has the proper background for the implementation, the OIN can make the optimal decision in a short time period in order to find the most humanitarian and cost-effective way of return, taking into consideration also the level and nature of the violation of law and the personal circumstances of returnees.

Apart from the OIN, the Border Guards, which was integrated into the Police from the 1st of January 2008, ensured the return related tasks until the 31st of December 2007. Due to this integration, as of 1st January 2008 the Police is the competent authority that carries out these tasks.

1.1.1. Obtaining travel documents

The majority of third-country nationals ordered to leave the territory of the country do not have documents to prove their identity and nationality. In these cases the competent authority has to ensure the conditions of return as soon as possible. This obligation contains measures such as obtaining the necessary travel documents (e.g. passport, visa if needed), arrangements for the application of readmission agreements, purchasing the ticket and if necessary, notifying the competent authority in the country of transit or destination. To identify the third-country national concerned and to provide the abovementioned documents, the OIN requests the consular mission of the country of origin in Hungary, or takes the necessary steps through the Ministry of Foreign Affairs if the country has no consular mission in the territory of Hungary. The procedures initiated through diplomatic channels take up basically more time.

In many cases not operating or inappropriate administration in the country of origin can raise difficulties when the identification of the third-country national has to be established and this

can result in a long and complicated procedure. Hungarian authorities did have this experience concerning some African and Asian countries or in cases of nationals from the former Soviet Union and former Yugoslavia. At the time of dissolution of these countries a number of their citizens did not reside in the territory of the country concerned, therefore they were not kept on file in the relevant registration systems of the reformed country which causes difficulties in the identification procedures.

In order to avoid any overlap in proceedings and to establish the identity of third-country nationals, the authority which orders the obligation to leave the territory of Hungary, the expulsion, the compulsory confinement, the exclusion (ban on entry and residence), the detention or which carries out the expulsion ordered by the court shall take the fingerprint and the photograph of the third-country national. These measures and also the forms that are written in the language of the third-country national and that are provided by foreign representations contribute to a great extent to the speeding up of the identification process and to the issuance of the necessary travel documents.

Returnees are obliged by law to provide the competent authority with the necessary documents and relevant personal data in order to make it possible for the authorities to conduct their return procedure. They do not always fulfil this obligation. It happens in many cases that they provide false data on their identification or nationality, as well as they retain true facts and data intentionally, or they try to back out themselves of the procedure. These behaviours defeat the effective and successful outcome of the procedure.

In the cases of 165 nationals from 33 countries, the OIN sent a request to the responsible foreign representations for the purpose of obtaining the relevant travel documents in order to carry out the return procedure. This number decreased in the last two years as the OIN initiated the abovementioned procedure in cases of 89 nationals from 26 countries in 2006 and in cases of 58 nationals from 19 countries in 2007¹.

1.1.2. Voluntary return:

In the field of voluntary return the Hungarian Government works in close cooperation with the IOM Budapest² since 1997. In the framework of this co-operation IOM Budapest carries out several really effective programmes (e.g. HARP, HARIP, RETURN 2005 and RETURN 2006) that aim at helping third-country nationals to return home voluntarily. These programmes target irregular migrants, rejected asylum seekers or asylum seekers who have withdrawn their application for asylum and also highly qualified migrants who are willing to return home and contribute to the development of their countries of origin. In 2005 IOM assisted around 47 000 persons³ in their voluntary return home. Voluntary return is carried out to the country of origin or to the country of previous residence or to any other third country which is willing to receive the returnee.

These programmes are applied in those cases when third-country nationals have the intention to return to their country of origin or to another country of destination voluntarily and they are not able to cover the expenses of the journey, provided that they did not commit a deliberate crime and their return can not be implemented under readmission agreements.

These programmes aim at ensuring that potential beneficiaries take a well-grounded decision on returning home by providing them with advice on a range of matters, such as the possible modalities of return and the available options awaiting them in their respective home

¹ Based on statistical data of the Office of Immigration and Nationality

² Memorandum of understanding between the International Organization for Migration and the Ministry of Interior of the Republic of Hungary on cooperation in the field of voluntary assisted return of migrants

³ Based on statistical data of the International Organization for Migration

countries. Individuals are given the opportunity to consider all aspects of their decision on return with particular attention being paid to the issues of security and the impact on their status and asylum applications in Hungary.

During the implementation phase IOM Budapest worked in close co-operation with the OIN in order to ensure the departure of candidates. IOM took care of the most appropriate means of transportation for the beneficiaries (one-way air ticket), of the complementary services and also gives a small amount of financial assistance. IOM Budapest, working in close co-operation with IOM offices in transit countries and IOM offices in countries of origin arranged the modalities of return to the final destination and provided escort when it was necessary, especially in case of minors or when the health condition of the returnee required medical assistance.

Providing information about assisted voluntary return programmes is of utmost importance. The authorities pay particular attention to this task by informing potential returnees about this possibility during the procedure. IOM provided potential beneficiaries with information about the advantages of assisted voluntary return (AVR) through information materials and outreach efforts, and arranged the travel (obtains travel documents, purchases travel tickets, provides departure, transit and arrival assistance).

1.1.3. Removal by Deportation (Forced return)

Due to security reasons, the enforcement of expulsion decisions is implemented by means of removal by deportation, meaning that the authority provides escort for the third-country national. The returnee can be escorted either to the border of the Republic of Hungary, to the country of origin or to any other country which is obliged to take the returnee back.

According to the relevant legislation⁴, in case of deportation by air, it is the OIN and in case of deportation by land it is the Police Headquarters which is responsible for the arrangements of the conditions of removal by deportation. The relevant rules are detailed in the Ministerial Decree 26/2007. (V. 31.) on the implementation of removal by deportation.

According to this, the arrangements of the conditions of removal by deportation include the following: providing for the acquisition of travel documents and the necessary visas for the entry to the destination country or to the transit country; taking the necessary measures for the application of readmission agreements; providing for the acquisition of the necessary vehicles for transportation; obtaining the necessary travel tickets; if it proves to be necessary, informing the authority of the destination and/or transit country; and providing for the transit of the returnee through the transit country.

It is always the Police Headquarters which implements the effective execution of the removal by deportation, therefore a police escort is always provided. During the removal by deportation the Police Headquarters has to ensure that the returnee is able to take his/her personal belongings with him/her and receives food if the execution of removal by deportation exceeds more than 6 hours, and in case of a minor, if the removal by deportation exceeds 2 hours. The provision of water to the returnees in every hour is also the task of the Police Headquarters. It is also prescribed that in case of minors or women returnees, one of the police officers providing escort should be female. Article 5 of the Ministerial Decree enumerates the persons and authorities that may participate in the escort, besides the Police Headquarters, these can be the civil servant of the OIN, a psychologist, a physician and an interpreter.

⁴ Act II of 2007, Governmental Decree 114/2007. (V.24.); Ministerial Decree 26/2007. (V.31.)

In accordance with the provisions of Council Directive 2003/110/EC on assistance in cases of transit for the purposes of removal by air, the OIN informs the authorities of those Member States, through which the transit is carried out. Practical cooperation has proved to be successful so far, especially with the German, Austrian and Italian authorities. The respective consular missions in Hungary are informed about the expected time of the removal, the number of people who are escorted and who provide escort, the time of arrival to the country of destination and about the itinerary.

Costs incurred by removals by deportation include the costs of transport, the salaries of those providing escort and in some cases also the costs of temporary accommodation.

1.1.4. Legislative background (*in detail: see Annex*)

The relevant national rules on expulsion, detention and removal by deportation are set down in Act II of 2007 on the admission and right of residence of third-country nationals and can also be found in its implementing regulations, namely in the abovementioned governmental decree and in the ministerial decree. When drafting the rules, special attention was paid to the relevant EC legislation in force concerning return procedures.

Control of third-country nationals: Should a third-country national be unable to credibly prove the legality of his/her stay or his/her identity or if he/she violates alien policing rules, he/she shall be apprehended and detained for up to 12 hours if the legality of his/her stay or his/her identity remains unidentified. If, after this period, the identity or the legal/illegal nature of the stay is still not clarified, the third-country national may be kept in custody for up to 30 days.

Expulsion, ban of entry and stay: The aliens policing authorities (namely the Police and the Office of Immigration and Nationality) may order alien policing expulsion and ban of entry and stay – or just a ban of entry and stay in case of a person whose whereabouts are unknown or is abroad – against a third-country national.

The reasons for expulsion and/or imposing set forth in the Hungarian legislation are as follows:

- the third-country national must not be allowed to enter the territory of the Republic of Hungary under international commitment or under the decision of the Council of the European Union;
- the third-country national is in breach of the immigration laws (crossed or attempted to cross the frontiers illegally, stays or overstays in Hungary illegally, carried out work without the necessary work permit, failed to reimburse the refundable costs of his/her previous removal advanced by the State of Hungary);
- the third-country is deemed a threat to national security, public security or public order by the law-enforcement or national security agencies;
- the third-country national failed to pay an on-the-spot fine or a fine for administrative offence until the deadline fixed, and there is no possibility to collect it or the collection was unsuccessful.

Detention and removal: If the third-country national poses a threat to security or if there is a risk of absconding, he/she may be taken into custody (for a maximum of six months, minors and the family members taking care of them can not be taken in custody) and the expulsion may be carried out by means of removal (deportation).

1.1.5. Readmission agreements

As a general rule, expulsion is carried out by virtue of a readmission agreement which can either be a bilateral agreement or an agreement that was concluded at Community level with a third country. The Republic of Hungary has readmission agreements with 26 countries⁵, including with those neighbouring countries, through which irregular migrants typically reach Hungary (Serbia, Ukraine and Romania). Besides all the neighbouring countries, Hungary also has bilateral readmission agreements in force with 17 EU Member States. The bilateral readmission agreements enable the Hungarian authorities to return illegally-staying persons within a short period of time, though according to the legislative changes introduced in 2007, in these cases the regular expulsion procedure and legal remedies apply. The bilateral agreements contain provisions on the sharing of costs between the contracting parties.

In the framework of the readmission agreements, in 2006 the OIN received 1946 applications for transit. The OIN authorised 1126 transits at the request of Germany, 607 transits at the request of Austria and 211 transits at the request of Belgium. The data show a decrease by 16.6 % in comparison to the numbers in 2005.

In 2007 the OIN received 1157 applications for transit which shows a decrease as compared to the number of applications in 2006. The OIN authorised the transit of 576 third-country nationals at the request of Germany, the transit of 307 people at the request of Austria and the transit of 255 third-country nationals at the request of Belgium. The OIN forwarded 12 applications to the partner authorities of other EU Member States.⁶

1.1.6. The main characteristics of migration flows

Due to Hungary's geographical situation, it is significantly affected by the Eastern-South Eastern migratory flows.

a) The situation concerning illegal migration in Hungary:

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

Regarding human smuggling, three main routes were identified that go through Hungary (although some bypass routes have also developed that do not cross Hungary anymore):

- from Turkey through Romania and Hungary to Austria and Germany,
- from Turkey through Romania, Serbia, Hungary and Slovenia to Italy,
- from the former Soviet Union, especially Russia, through Ukraine and Hungary to Austria and Germany.

The use of falsified EU travel documents and the route via Romania and Hungary to Schengen countries were identified by Frontex as the most frequent modus operandi. As

⁵ The EU Member States with which Hungary has a readmission agreement are the following: France, Portugal, Greece, Estonia, Slovakia, Belgium, the Netherlands, Luxemburg, Romania, Latvia, Slovenia, Italy, Germany, Bulgaria, Poland, the Czech Republic and Austria. Hungary also has readmission agreements with Bosnia-Herzegovina, Macedonia, Croatia, Serbia, Montenegro, Albania, Moldova, Ukraine and Switzerland.

⁶ Data are provided by the Office of immigration and Nationality in the Annual Reports of 2006 and 2007.

evidenced by Frontex risk analysis, one of the main nationalities in illegal border crossings in the eastern part of the European Union are Moldovans. However, also other irregular migrants use Moldova as entry route towards the EU, the majority of them are from the Middle East.

Persons entering the territory of Hungary illegally only constitute one group of illegal migrants who fall under the scope of the European Return Fund. Another group is constituted by those persons who have crossed the borders legally but who no longer fulfill the requirements of legal residence set down in the relevant national legislation.

b) The situation concerning asylum-seekers in Hungary:

Hungary is primarily a transit country for asylum-seekers. Immigrant communities from asylum seekers' and refugees' countries of origin are still small or nonexistent in Hungary. Economic forces are only part of the reason of this phenomenon. 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 ties or established community links are also pull factors and there are also existing structural barriers to integration.

Numbers and trends⁷

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	%
2003	2 401	659	27,45	1 742	75,55
2004	1 600	503	31,44	1 097	68,56
2005	1 609	548	36,29	1 025	63,71
2006	2 117	847	40,01	1 270	59,99
2007	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.

⁷ Based on statistical data of the Office of Immigration and Nationality (Yearly statistical reports) - <http://www.bevandorlas.hu/statisztikak.php>

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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 nationalities⁸

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
Total:	178	149	97	99	169

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).

1.1.6. Relevant statistical data:⁹

As a general comment to the statistical data, it has to be underlined that until 2007 Romanian nationals constituted a great proportion of third-country nationals against whom different types of coercive measures were ordered either by the immigration authority or by the Border Guard. As of Romania's accession to the EU, they are not considered to be third-country nationals and therefore will not fall under the scope of the European Return Fund.

The

- a) **Applications by the Hungarian aliens policing authorities for obtaining travel documents to diplomatic/consular missions of third countries (with a view to returning irregular migrants lacking a travel document) in 2005, by the OIN:**

Nationality	Number of persons
Ukrainian	41
Vietnamese	21

⁸ Note: the table does not contain information on the number of applicants recognised due to judicial review

⁹ The relevant statistical data were provided by the OIN (they can be found on the homepage of the OIN: www.bevandorlas.hu/statisztikak), other data were provided by the Border Guard.

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Serb-Montenegrin	19
Turkish	9
Russian	8
Moldavian	7
Other	60
Total:	165

Applications for obtaining travel documents in 2005, by the Border Guard:

Nationality	Number of persons
Ukrainian	26
Moldavian	35
Serb-Montenegrin	17
Bulgarian	6
Total:	84

b) Applications for obtaining travel documents in 2006, by the OIN:

Nationality	Number of persons
Ukrainian	23
Mongolian	9
Chinese	9
Moldavian	7
Turkish	6
Macedonian	4
Other	34
Total	89

Applications for obtaining travel documents in 2006 by the Border Guard:

Nationality	Number of persons
Ukrainian	24
Moldavian	52
Serb-Montenegrin	27
Bulgarian	8
Total	111

c) Applications for obtaining travel documents in 2007, by the OIN:

Nationality	Number of persons
Moldavian	13
Vietnamese	10
Mongolian	7
Turkish	5
Chinese	4
Ukrainian	3
Other	16
Total	58

Applications for obtaining travel documents in 2007, by the Border Guard:

Nationality	Number of persons
Moldavian	57
Serb-Montenegrin	38
Ukrainian	15
Macedon	5
Total	115

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The number of applications by the OIN for obtaining travel documents decreased in the last years, whereas the number of applications by the Border Guard shows a slight increase. The total number of applications was 269 in 2005, 200 in 2006 and 173 in 2007, therefore the overall picture demonstrates that there were less and less cases every year when the authorities had to act in order to obtain the necessary travel documents. With regard to the main nationalities, no significant changes can be identified. From the neighbouring countries mainly the nationals of Ukraine, Moldova and Serbia-Montenegro arrived in the territory of Hungary without travel documents, while from Asian countries Mongolians and Chinese nationals represent a greater proportion.

d) Number of expelled persons with a breakdown by main nationalities:

Nationality	2002	2003	2004	2005	2006	2007
Romanian	3 301	2 881	2 573	2 735	2 024	168
Ukrainian	824	833	634	955	312	207
Serb-Montenegrin*	516	233	100	120	190	426
Moldovan	340	166	143	67	64	59
Chinese	240	89	98	48	54	24
Turkish	132	82	74	50	21	9
Other	742	545	589	401	367	202
Total:	6095	4 829	4 211	4 376	3 032	1095

Within this: the number of expulsion ordered by the court

Nationality	2003	2004	2005	2006	2007
Romanian	342	259	340	274	168
Ukrainian	201	224	332	147	164
Serb-Montenegrin*	80	55	66	67	77
Moldovan	100	81	33	32	27
Slovak	28	29	32	22	13
Other	174	256	200	161	119
Total	925	904	1 003	703	568

Number of expelled persons with a breakdown by main nationalities by border guard:

Nationality	2002	2003	2004	2005	2006	2007
Romanian	377	292	498	465	470	6
Ukrainian	135	580	554	1100	1123	613
Serbian	396	451	680	574	549	809

* Concerning 2007 this category covers people with Montenegrin and Serbian nationality, too. The statistical data cannot be separated by technical reasons.

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Moldovan	256	1099	1153	341	342	253
Chinese	152	48	60	7	13	9
Turkish	199	57	73	24	39	60
Other	984	803	28	387	358	307
Total:	2499	3330	3046	2898	2894	2066

Regarding the years 2002-2007, the number of expelled persons by the OIN, including the number of persons whose expulsion was ordered by the court, decreased. The main countries whose nationals were expelled from Hungary remained the same in the recent years, these countries were Romania, Ukraine, Serbia-Montenegro and Moldova. It has to be borne in mind however, that while until 2007 Romanian nationals constituted the greatest percentage of expelled persons; the situation has changed with Romania's accession to the EU as of the 1st January 2007. From that date on they are not considered to be third-country nationals and therefore do not fall under the scope of the European Return Fund.

Furthermore, in 2006 the OIN determined that there was a breach of law in 2045 other cases, however, it did not render an expulsion decision, since the foreigner left the country voluntarily. The majority of these persons were of Romanian and Ukrainian nationality. The number of such cases was 552 in 2007 and most of these persons came from Ukraine, Serbia, China, Moldova, South-Korea, Turkey and Vietnam.¹⁰

e) Detention for aliens policing purposes with a breakdown by main nationalities:

Nationality	2002	2003	2004	2005	2006	2007
Chinese	175	63	38	8	22	6
Romanian	153	147	155	125	56	7
Serb-Montenegrin*	133	58	26	30	123	318
Turkish	93	36	45	22	15	9
Moldovan	60	54	68	14	24	27
Vietnamese	35	20	10	28	14	8
Other	435	201	229	147	115	68
Total:	1084	579	571	374	369	443

The number of people against whom detention for aliens policing purposes was ordered in the years 2002-2007 was the highest in 2002, while there were no significant changes in the other years. The main nationalities were Romanians and Serb-Montenegrins, however, in 2002 also Chinese nationals constituted a great proportion of detained third-country nationals.

¹⁰ Data are provided by the Office of Immigration and Nationality (Annual Reports of 2006 and 2007).

f) Detention in preparation for expulsion with a breakdown by main nationalities:

Nationality	2002	2003	2004	2005	2006	2007
Romanian	240	121	37	2	3	1
Moldovan	125	16	13	5	1	1
Serb-Montenegrin*	101	16	4	6	1	13
Ukrainian	37	21	8	9	0	3
Chinese	24	4	6	8	9	0
Indian	5	8	15	5	0	0
Other	493	108	84	27	13	8
Total:	1 025	294	167	62	27	26

Detention with a breakdown by main nationalities by border guard

Nationality	2002	2003	2004	2005	2006	2007.
Chinese	121	60	12	0	22	5
Romanian	225	195	252	350	321	9
Serb-Montenegrin*	290	371	372	470	467	713
Turkish	105	49	44	23	19	43
Moldovan	160	951	900	248	180	174
Iraqi	222	100	5	0	10	11
Ukrainian	107	479	430	810	770	177
Other	559	493	206	465	281	167
Total:	1789	2698	2221	2366	2070	1299

According to the Hungarian legislation, detention in preparation for expulsion can be ordered by the Police if the identity of the third-country national cannot be established, while it is the competent regional directorate of the OIN that renders this type of detention in case the legal grounds of the residence is not established. Detentions ordered by the OIN decreased significantly by 2007. With regard to the nationality of third-country nationals, apart from Romanians, it was mainly Moldovans, Serb-Montenegrins and Ukrainians against whom detention was ordered. The number of detentions ordered by the Border Guard changed every year but not considerably. Besides the abovementioned nationalities, detention was ordered also against Iraqi and Turkish nationals.

* Concerning 2007 this category covers people with Montenegrin and Serbian nationality, too. The statistical data cannot be separated by technical reasons

Transit authorisation:

Nationality	2004	2005	2006	2007.
Romanian	842	538	297	153
Serb-Montenegrin*	235	197	63	360
Moldovan	162	121		48
Albanian	117	261	75	215
Ukrainian	235	147	78	128
Other	445	394	100	304
Total:	2036	1658	613	1208

g) Ordering stay in a designated place with a breakdown by main nationalities:

Nationality	2002	2003	2004	2005	2006	2007
Afghan	68	22	13	16	17	10
Serb-Montenegrin*	62	44	46	15	48	115
Iraqi	55	23	16	14	11	17
Chinese	35	33	25	12	15	15
Ukrainian	10	3	18	8	8	2
Other	152	258	187	146	191	183
Total:	382	383	305	211	290	342

The number of decisions concerning ordering stay in a designated place did not change significantly in the last years; however, there was a decrease in 2005. This kind of measure was applied mainly against Afghan, Serb-Montenegrin, Iraqi, Chinese and Ukrainian nationals.

h) The number of removal with a breakdown by main nationalities:

Nationality	2002	2003	2004	2005	2006	2007
Romanian	754	834	353	383	432	30
Moldovan	210	120	79	27	22	37
Serb-Montenegrin*	196	109	67	51	119	295
Chinese	123	91	31	6	14	4
Turkish	84	53	50	15	12	5
Ukrainian	63	163	67	162	93	23

* Concerning 2007 this category covers people with Montenegrin and Serbian nationality, too. The statistical data cannot be separated by technical reasons

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Other	329	235	218	81	56	87
Total:	1759	1 605	865	725	748	481

If we take a look at the figures of the different years, a decrease can be identified with regard to the number of removals. The number of removals was significantly higher in 2002 than in 2007, and removals decreased almost in every year, with the exception of 2006.

In 2006 20 removal procedures by air were carried out that involved 22 nationals of 13 different countries, such as China, Turkey, Russia, Moldova, Serbia, Vietnam, Albania, Egypt, Georgia, Macedonia. All third-country nationals were expelled on the basis of a court decision and removal was necessary because they had completed their time of imprisonment. The OIN participated in the partial removal by air of 100 persons, among those the majority were Serbian citizens (from Kosovo). In 2007 24 removal procedures by air were carried out involving 27 nationals of 14 different countries. The OIN took part in the partial removal by air of 200 third-country nationals who were mostly Serbian citizens (from Kosovo).¹¹

i) The number of voluntary returnees in 2005 with a breakdown by main nationalities:

Nationality	Number of persons
Serb-Montenegrin (Kosovo Albanian)	116
Turkish	15
Mongolian	12
Indian	10
Vietnamese	8
Albanian	8
Total:	212

j) The number of voluntary returnees in 2006 with a breakdown by main nationalities:

Nationality	Number of persons
Serb-Montenegrin (Kosovo Albanian)	146
Mongolian	29
Chinese	8
Iranian	8

¹¹ Data provided by the Office of Immigration and Nationality.

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Georgian	6
Turkish	6
Total:	225

k) The number of voluntary returnees in 2007 with a breakdown by main nationalities:

Nationality	Number of persons
Serb-Montenegrin (Kosovo Albanian)	149
Mongolian	16
Georgian	6
Nigerian	6
Vietnamese	6
Moldavian	5
Total:	212

Data from the last 3 years show that the number of voluntary returnees did not change significantly, approximately 200 third-country nationals returned voluntarily to their country of origin or to the country of their previous residence. It has to be underlined that the large majority of these third-country nationals were Serb-Montenegrins (Kosovo Albanians), in 2005 they constituted almost 55%, in 2006 65% and in 2007 70% of the total number of returnees. The other main nationalities were the following: Mongolians, Georgians, Chinese, Vietnamese, Iranians and Turkish.

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

i) The Hungarian Assisted Voluntary Return Programme (HARP)

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

The program originally started in Hungary in 1994. It aims to assist irregular migrants in Hungary to return to their home countries in safety and dignity and at the same time it provides the Hungarian Government with a cheaper, faster but also a more humane alternative to deportation. In the framework of the programme the IOM works together with the OIN and its staff distributes leaflets and information sheets about the programme for potential returnees.

After a while, rapidly changing conditions and the lessons learned from the previous project made it necessary to revise many aspects of the programme and to design a new framework under which it could be most effectively operated by IOM. The Memorandum of

Understanding between IOM and the former Ministry of Interior, reflecting these modifications, 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.

Most HARP returnees arrived in Hungary illegally either with the help of smugglers and/or crossed the border illegally. After the HARP program, IOM Budapest implemented the Hungarian Assisted Return and Information Program (the same name used in the current project) between November 2004 and November 2005.

ii) The Hungarian Assisted Return and Information Programme (HARIP)

Hungarian Assisted Return and Information Programme (HARIP) (funded by the ERF 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.

Hungarian Assisted Return and Information Program (HARIP I) (funded by the ERF national distribution)

Project duration: November 2005-December 2006

HARIP I facilitates the voluntary and orderly return of rejected asylum-seekers and those who have withdrawn their application for asylum 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 program; 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 programs and emphasizes the continuity and sustainability of such initiatives within Hungary.

Hungarian Assisted Return and Information Programme (HARIP II) (funded by the ERF national distribution)

Project duration: May - December 2007

The second phase of the Hungarian Assisted Return and Information Program (HARIP II) funded by the European Refugee Fund, facilitates the voluntary and orderly return of rejected asylum-seekers and those who have withdrawn their application for asylum 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 II and provide beneficiaries with information about the advantages of participating in the program; and an operational return phase providing assistance to beneficiaries in arranging their voluntary return to their home countries. The HARIP II builds on previous assisted voluntary return programs and emphasizes the continuity and sustainability of such initiatives within Hungary.

Using IOM's worldwide network of offices and expertise, IOM collected country of origin information in order to provide migrants with the most relevant information about the political, economic and social circumstances in their home countries. Based on the information gathered, Country of Origin Information Brochures were produced in the most relevant languages used by the target groups in Hungary: Turkish, Albanian (for Kosovo Province, Serbia), Darii, Pashtu, Georgian, Bosnian, Moldavian, Macedonian, Vietnamese.

iii) RETURN Preparatory Actions – Enhancing Mechanisms and Harmonizing Standards in the field of Voluntary Return of Irregular Migrants in EU Central European States

In the framework of the RETURN Preparatory Actions 2005 and 2006 IOM Budapest implemented a return programme in close co-operation with the Hungarian Government.

The programme “Enhancing Mechanisms and Harmonizing Standards in the field of Voluntary Return of Irregular Migrants in EU Central European States” responds to the identified need for an enhanced framework of integrated voluntary return assistance in the Central European region. In full partnership with the Ministries of Interior of the Czech Republic, Hungary, Poland and Slovakia and in cooperation with relevant EU institutions, the programme provides the technical and financial support mechanisms to strengthen and promote Assisted Voluntary Return (AVR) programmes in those countries. The approach is regional and seeks to contribute to the harmonization of AVR procedures in line with EU policies and principles on Return. The programme builds on IOM's large expertise as well as on identified best practices on AVR worldwide.

The following services are provided to returnees under the aforementioned Assisted Voluntary Return (AVR) programmes of Hungary:

- production and dissemination of leaflets, videos, posters containing information on AVR;
- travel and departure assistance;
- secondary transportation of the returnees to their final destination;
- health assistance;
- reception at the airport;
- financial reintegration assistance;
- revenue-generating projects;
- referral services in countries of origin;
- information on countries of return.

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

Nationality	2002	2003	2004		2005		2006			2007		Jan-June 2008	
			HARP ¹²	EMA ¹³	HARP	EMA	HARP	EMA	RET ¹⁴	HAR ¹⁵	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						
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											

¹² HARP: Hungarian Assisted Return Programme

¹³ EMA: European Refugee Fund

¹⁴ RET: RETURN Program

¹⁵ HAR: HARIP Program

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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	

1.3. The total national resources allocated in 2007

Type of expenditure	Remarks	HUF
Removal on land	Travel costs transferred to the Border Guard or to the Police advanced by the OIN	9 499 812
Removal by flight	Partial removal and removal (flight ticket)	29 673 357
Distressed money		6 137 089
Payment by people under exclusion	App. 90% transferred to the Border Guard or to the Police	7 371 899
Voluntary Return		
Transferred to IOM Budapest	In the framework of AVR	4 967 928
IOM HARIP (ERF)	OIN ensured the own resource to the programme (25 %)	3 416 875
	ERF allocation (75%)	10 250 628

2. ANALYSIS OF REQUIREMENTS IN THE REPUBLIC OF HUNGARY**2.1. The requirements in the Republic of Hungary in relation to the baseline situation**

Hungary strongly believes that the development of an effective return policy is a necessary complement to a credible legal immigration and asylum policy as well as an important component in the fight against illegal immigration. In order to enhance this approach, we want to emphasize the need for more practical cooperation between the relevant authorities in the practice of return. The identification at national level of possibilities for a more integrated return policy has an increasing importance.

The development of an integrated return management system

- The introduction of an *integrated return management* system is needed at national level. It would serve the purpose of encouraging the implementation of return operations in the light of integrated return action plans. The integrated return action plans would analyse the situation with respect to the targeted population, set targets with respect to the operations envisaged and, in cooperation with relevant stakeholders, offer return schemes focusing on effective and sustainable returns through various measures. To reach this goal, the integrated return action plans have to be regularly assessed and adjusted to the possibly changing circumstances.
- The integrated return management system should take into account of the specific situation of *vulnerable persons* as well. It is a very important requirement to ensure better and appropriate circumstances for people with special needs during their return.
- Provision should be made for incentives for such returnees, such as preferential treatment by providing *enhanced return assistance*. This kind of voluntary return is both in the interests of the returnees, as it ensures human dignity, as well as in the interests of the authorities in terms of cost-effectiveness.

Continuation and further development of best practices

- Hungary wants to continue the implementation of identified *best practices* regarding the voluntary or forced return of third-country nationals to their countries of origin or transit. Since assisted voluntary return programmes proved to be successful in the past, we would like to carry on with the promotion of these programmes for sustainable return, return counselling, and we would also like to promote the organisation of joint return operations.
- Hungary would like to stress that voluntary and enforced return measures have to be complementary to each other; this is why we would like to *continue implementing assisted voluntary return programmes*. In this process we can build upon the experience gained during the implementation of the voluntary return programme which has been carried out by the Hungarian government in cooperation with IOM Budapest (HARP). Furthermore, we can also rely on the experience gained concerning the use of EU funding (European Refugee Fund) for developing a voluntary return programme (HARIP). Before the implementation of assisted voluntary return programmes, a call for proposal will be launched.
- Hungary would like to introduce specific measures for returnees in the country of return in order to ensure effective return to their town or region of origin under good conditions and to enhance their *durable reintegration* in their community.

Cooperation with other Member States and with the authorities of third countries

- Due to the geographical situation of Hungary and to the composition of the main nationalities of the returnees, it is not a priority for *Hungary to take part in joint flights*. Return by air is not typical in Hungary and no need has arisen to operate special charter flights for this purpose. However, we could play a leading role in organizing *joint operations on land and land borders* to the neighbouring destination countries such as Ukraine and Serbia.

- As it was mentioned when describing the national situation in Hungary, one important obstacle of returning the third-country national to the country of origin is uncertainty concerning the identity of the person in question and his/her lack of the necessary travel documents. In order to overcome such problems, the *improvement of cooperation with consular services* of third countries should be encouraged, the exchange of information and operational cooperation among themselves also have to be increased as regards the cooperation with such services. Special attention has to be paid to those countries that do not have consular services in Hungary at all.

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

Objective 1: Arranging and implementing assisted voluntary return programmes with special attention to:

- the further improvement of voluntary return programmes taking into account the needs of vulnerable persons and the principle of sustainable return;
- the introduction of re-integration activities in the framework of voluntary return programmes, such as the implementation of projects aiming at the setting up of self-managed enterprises;
- the arrangement of assisted return programmes for certain group of migrants.

Objective 2: The simplification and implementation of enforced returns of third-country nationals who do not or no longer fulfil the conditions for entry and stay with a view to

- enhancing the credibility and integrity of immigration policies,
- reducing the period of custody of persons waiting for forced removal and
- taking supplementary measures in order to ensure the proper treatment or escort of returnees with special needs.

Objective 3: Enhancement of the professional capacity of judicial bodies to adjudicate appealed return decisions more quickly with special regard to the endeavour of

- strengthening the staff with new statuses in order to speed up the decision-making process.

Objective 4: Implementation of joint integrated return plans concerning removal by land with special attention to:

- the introduction and the further improvement of integrated return activities with the OIN and the Police in Hungary, and in cooperation with other Member States that have similar conditions as Hungary;
- the organization of joint removals by land in order to ensure the cost effectiveness of such actions.

Objective 5: Improving the provision of information on voluntary return or/and reintegration possibilities with special attention to incentives for better and more effective information services on voluntary return possibilities.

Objective 6: Improving cooperation on return with partner authorities in third countries, with special attention to

- cooperation with consular authorities of third-countries in order to speed up the process of documenting returnees;
- cooperation with Member States and third countries concerning those third countries which do not have consular representation in Hungary, or has such a service in another Member State

Objective 7: Collecting country of origin/transit/previous residence information for the purpose of durable voluntary return with special attention to

- the implementation of COI missions.

Objective 8: Cooperation with other Member States concerning re-integration to selected third countries, developing joint reintegration programs with special attention to

- the principle of sustainability and
- the selection of third countries that are of relevance for Hungary and for other Member States.

Objective 9: Supporting the completion of studies, exchange of information, sharing of best practices and experiences for instance on the evaluation of the current situation and possibilities for enhancing administrative cooperation among Member States in the field of return as well as on the role of international and non-governmental organizations to be played in this context, supporting missions and visits in order to evaluate return programmes with special attention to

- the exchange of best practices between Member States and
- the effective implementation of common rules.

Objective 10: Improvement of skills to ensure a fair and effective implementation of common standards on return with special regard to

- the exchange of experiences on integrated return operations in the framework of seminars, trainings on definite third countries and
- the exchange of best practices with Member States having an effective return management system.

3. STRATEGY TO ACHIEVE THE OBJECTIVES

The Republic of Hungary decided to target all four priorities described in the Commission Decision of 30/XI/2007 on Implementing Council Decision 575/2007/EC as regards the adoption of strategic guidelines for 2008 to 2013.

During the first two years of the implementation of the multi-annual programme, namely in 2008 and 2009, no actions under priority 2 are foreseen, however, actions under this priority are planned in the course of the coming years.

The Annual Programme for 2008 will promote actions under priorities 1,3 and 4.

Priority 1 will probably bear equal importance between 2008 and 2013, since actions under this priority focus on the arrangement of assisted voluntary return programmes and also on the implementation of enforced returns. These measures are planned to be maintained, continued and possibly developed in every year of the multi-annual programme. In the course of the multi-programme, the share of this priority is planned to be the biggest.

The share of priorities in the annual programmes for the coming years will be decided more precisely based on the experiences of the first years. The shares of priorities 2 and 4 are planned to increase to a certain extent as compared to the first years of the programme, however, the implementation of actions under priorities 1 and 3 are considered to have bigger importance.

The above-mentioned requirements will be satisfied and the above-mentioned objectives will be achieved by taking into account the priorities and by promoting the key actions listed below.

The quantified results and indicators should be considered as indicative under the following chapters.

As regards voluntary return programmes, only in 2009 will the Return Preparatory Actions and the projects under the European Return Fund run parallel to each other. It will be ensured that no overlap will arise between them.

3.1. Priority 1 – Support for the development of strategic approach to return management by Member States

The priority is planned to be implemented in each year of the multi-annual programme and its share will not decrease.

Objective 1: Arranging and implementing assisted voluntary return programs [4. (1) c)] [considered as specific priority no. 1]

a) As mentioned above when describing the requirements, Hungary wants to continue the implementation of assisted voluntary return programmes, since they proved to be successful in the past and contributed to the successful voluntary return of many third-country nationals. Assisted voluntary return is an indispensable component of migration management. This method should be preferred in the future as opposed to forced return, since it provides a better solution both in terms of human rights and cost-effectiveness. Under this objective the further improvement

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of voluntary return programmes is envisaged with special attention to certain groups of migrants and to the needs of vulnerable persons.

Examples of key actions:

- supporting the return of Kosovo Albanians with assisted return programs, ensuring psychological and medical assistance during return [*considered as specific priority no. 1*];
- ensuring measures to answer the special needs of vulnerable persons requiring special treatment during voluntary return [*considered as specific priority no. 2*];
- ensuring escort (medical/psychological etc.) during voluntary return, supporting the reception of the foreigner on the airport of destination, secondary transportation;
- ensuring re-integration support in the framework of voluntary return programmes by means of vocational trainings, language courses, computer skills development, employment assistance, start-up support for economic activities and post return assistance and counselling.

b) Target groups of the actions are: third-country nationals who have not yet received a final negative decision in relation to their request for international protection and who have chosen the possibility of voluntary return; third-country nationals enjoying international or temporary protection and who have chosen the possibility of voluntary return; third-country nationals who do not or no longer fulfil the conditions for entry and stay in Hungary and who, in accordance with the obligation to leave the territory of Hungary, have chosen the possibility of voluntary return.

c) Indicators: Based on past experience, approximately 200 people are returned voluntarily per year. It has to be borne in mind, however, that in 2009 this number will cover both those who return under the Return Preparatory Actions and under the European Return Fund. This situation will come to end from 2010 when the Return Preparatory Actions will cease to exist.

Key action	Indicators	Quantified targets	Impact
1.	Number of voluntary return programmes that aim at assisting the voluntary return of Kosovo Albanians and the number of Kosovo Albanians participating in the programme.	At least 60 Kosovo Albanians per year who return to their country of origin by the help of a voluntary return programme. However, this number may decrease by the end of the multi-annual programme.	Kosovo Albanians can return to their home country by the help of a voluntary return programme.
2.	The proportion of persons who need special treatment and considered as vulnerable amongst those who return voluntarily. At least 2 psychologists	Approximately 30 % of persons have special needs amongst people who return voluntarily, this means approximately 70-80 persons per year who receive special	Vulnerable persons are treated in an appropriate way; receive appropriate treatment during voluntary return.

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	involved in the voluntary return programmes. 1 psychologist is dealing with at least 3 returnees or persons who are supposed to return.	treatment.	
3.	Number of cases when escort, reception or secondary transportation is needed during voluntary return.	At least 80 voluntary returnees assisted by medical or/and psychological or non-medical escort or who are provided with secondary transportation or reception per year.	Third-country nationals can be escorted in appropriate circumstances, their state of health is treated in an appropriate way.
4.	The number of persons who receive re-integration support in the framework of the voluntary return programmes. The number of persons who take part in trainings, language courses. The amount of re-integration support. At least 1 training or employment assistance will be provided per year. At least 10 persons will be involved in the training or employment assistance per year.	At least 20 persons provided with training or employment assistance or limited start-up support for economic activities per year.	Voluntary returnees will be able to re-integrate in their countries of origin and will be able to start a new life.

Objective 2: The simplification and implementation of enforced returns of third-country nationals who do not or no longer fulfil the conditions for entry and stay

a) The objective is to provide for the effective implementation of law relating to the removal by deportation and to enhance the credibility and integrity of immigration policies and reduce the period of custody of persons waiting for forced removal. Actions under this objective also aim at ensuring proper conditions to develop the recent practice on return in order to ensure the cost effective and sustainable nature of such actions and also to improve the quality of the tasks implemented by the respective authorities.

Examples of key actions:

- ensuring measures to satisfy the special needs of persons requiring special treatment before or during return, for instance by providing social and psychological assistance and counselling at community shelters and reception camps [*considered as specific priority no .2*];
- ensuring assistance and escort (administrative/medical/psychological etc.) during transfer from the designated place of residence/detention to the airport/state border to enforced returnees by the Police Headquarters and the civil servant of the OIN;

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- improving the quality of conditions of the enforced return of third country nationals by land who do not or no longer fulfil the conditions for entry and stay, such as providing for the acquisition of travel documents, visas necessary for the entry to the destination country or to transit countries, and providing for the acquisition of the necessary vehicles for transportation, obtaining the necessary travel tickets and providing for the transfer assistance and providing for temporary accommodation of the returnee by the Police Headquarters;
- improving the quality of conditions of the enforced return of third country nationals by air who do not or no longer fulfil the conditions for entry and stay, such as providing for the acquisition of travel documents, visas necessary for the entry to the destination country or to transit countries, and providing for the acquisition of the necessary vehicles for transportation, obtaining the necessary travel tickets and providing for the transfer assistance and providing for temporary accommodation of the returnee by the OIN;
- executing deportation by land by the Police Headquarters;
- developing modes of cooperation between different levels of national, regional, local, urban and other public authorities enabling officials to swiftly gain information on return experiences and practices elsewhere and, when possible, to pool resources 4. (1) d), for instance by means of developing database systems;
- providing interpretation for third-country nationals who are under detention prior to expulsion in order to reduce communication problems with the staff of the responsible authority.

b) Target groups of the actions are: third-country nationals who do not or no longer fulfil the conditions for entry and stay and thus are involved in enforced return procedures, including third-country nationals who require special treatment before or during return. In case of the last action the targets are the authorities themselves and the staff of the competent authorities.

c) Indicators:

Key action	Indicators	Quantified targets	Impact
1.	The number of persons who need special treatment and considered as vulnerable amongst those who return. The number of newly-recruited personnel dealing with vulnerable returnees. The number of vulnerable persons receiving counselling, assistance or training.	Approximately 30 % of persons have special needs amongst people who are obliged to return to their home countries. At least 60-70 persons per year receiving assistance, counselling or additional medical checks. At least 4 additional members of the staff of the OIN(3 social assistants and 1	Vulnerable persons receive appropriate treatment and their special needs are taken into account.

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		psychologist) dealing with vulnerable returnees during the multi-annual programme.	
2.	The number of cases when assistance and escort is needed during transfer from the designated place of residence/detention to the airport/state border.	At least 50 cases per year when escort is needed during transfer.	More returnees are provided with escort and assistance during transfer from the designated place to the airport/state border, the enforcement and the implementation of return procedures is improved.
3.	The number of cases when removal by land takes place and when extra services are provided.	At least 10 cases per year when returnees are provided with extra food, drink	Returnees are provided with better services.
4.	The number of cases when removal by air takes places and when escort, insurance or extra services are provided.	At least 60 cases per year when administrative escort is ensured by the civil servants of the OIN. At least 60 cases when the returnees are provided with insurance in case of cancelling the trip. At least 10 cases when returnees are provided with extra food, drink.	Returnees are provided with escort and with better services, more food, drink, travel insurance.
5.	The number of third-country nationals deported by land by the Police Headquarters. The number of circle transfers and the kilometres taken during the transfers.	At least 50 extra circle transfers.	The time spent in detention between the taking of the removal decision and the deportation decreases.
6.	The number of new methods or developed databases. The number of experts provided by adequate and reliable information.	At least 1 developed database during the multi-annual programme. At least 1 new method to develop modes of cooperation during the multi-annual programme. At least 50 experts who are provided with adequate information.	Cooperation between the competent authorities at different levels will be made more effective, the provision of information will become faster.
7.	The number of third-country nationals assisted by interpretation. The number of interpreters.	At least 15-20 third-country nationals per occasion who are assisted by interpretation.	Communication will be more effective with the staff of the executing authority, third-country nationals will be provided with essential information concerning their detention and the rules of the place of detention.

Objective 3: Enhancement of the professional capacity of judicial bodies to adjudicate appealed return decisions more quickly. [Article 4 (3) c)]

a) The objective aims at the capacity-building of judicial bodies by recruiting court secretaries who are responsible for the preparation of cases and for the drafting of decisions. This would enable the courts to speed up return-related procedures and to finish them within a shorter period.

Examples of key actions:

- strengthening the court staff with new court secretaries in order to speed up all return-related legal procedures or non-litigious proceedings.

b) Target groups of the action are the judicial bodies taking part in the assessment of appealed return decisions.

c) Indicators:

Key action	Indicators	Quantified targets	Impact
1.	The number of newly created statuses for court secretaries and the number of judicial (legal or non-litigious) cases.	At least 2 newly created statuses for court secretaries.	The decision taking procedure will be shorter, procedures will speed up.

3.2. Priority 2 – Support for the cooperation between Member States in return management

Priority 2 will not be implemented in the annual programmes of 2008 and 2009, its implementation is foreseen in a later period.

Objective 4: Implementation of joint integrated return plans concerning removal by land

a) The objective is to develop and implement joint integrated return plans with those EU Member States that have similar tendencies with regard to their migratory flows and return procedures as Hungary and with which we have common borders. The experience and the statistics show that in Hungary the number of removals by air is not high and probably this tendency will not change significantly in the next years, therefore, for Hungary joint integrated return operations concerning removal by land is considered to be a priority.

Examples of key actions:

- building a solid framework of cooperation with the neighbouring EU Member States (*Austria, Romania, Slovakia, Slovenia*) in return operations by land to Ukraine and Serbia

b) Target groups of the action are the competent authorities of neighbouring Member States, such as Austria, Romania, Slovakia and Slovenia.

c) Indicators:

Key action	Indicators	Quantified targets	Impact
1.	The number of returned third-country nationals in the framework of the cooperation, the number of joint return operations.	At least 300 returned third-country nationals, at least 30 joint return operations.	The improvement in the quality of work of the competent authorities in the different EU Member States and better and more effective cooperation between the relevant authorities.

3.3. Priority 3 – Support for specific innovative (inter)national tools for return management

We consider the implementation of priority 3 very important; therefore actions under this priority, especially the provision of information to voluntary returnees, cooperation with partner authorities and collecting of information on countries of origin (objectives 5,6 and 7), will appear in every annual programme.

Objective 5: Improving the provision of information on voluntary return and/or reintegration possibilities

a) The objective is to promote the ways and means of providing information on return as soon as possible in asylum and immigration procedures and to encourage third-country nationals to make use of the possibility of voluntary return. Information will also be provided on re-integration possibilities, such as on possible financial support for the setting-up of enterprises or on possibilities to take part in vocational trainings. The innovative character of the actions would be ensured by new and innovative methods.

Examples of key actions:

- preliminary information on voluntary return possibilities to third-country nationals at the submission of an asylum application or application for other type of legal residence titles (e.g. by producing new information leaflets, providing personal consultations) [*considered as specific priority no. 1*]
- information on voluntary return and re-integration possibilities for asylum-seekers or for other third-country nationals applying for other type of residence titles (after the first instance decision) [*considered as specific priority no. 1*]
- preliminary information and counselling on voluntary return or/and reintegration possibilities for third-country nationals under the scope of detention prior to expulsion or/and for third-country nationals under the scope of compulsory confinement

b) Target groups of the actions are asylum-seekers and other third-country nationals.

c) Indicators:

Key action	Indicators	Quantified targets	Impact
1.	The number of migrants informed on voluntary return possibilities preliminary.	Approximately 500 third-country nationals reached by the information on assisted voluntary possibilities preliminary.	Better and more effective information services will be provided that are of an innovative nature. Third-country nationals will be encouraged to make use of the possibility of voluntary

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			return.
2.	The number of migrants informed on voluntary return and re-integration possibilities after the third instance decision.	Approximately 500 third-country nationals reached by the information on assisted voluntary programmes and re-integration possibilities after the first instance decision.	Better and more effective information services will be provided that are of an innovative nature. Third-country nationals will be encouraged to make use of the possibility of voluntary return.
3.	The number of third-country nationals under the scope of detention prior to expulsion or/and third-country nationals under the scope of compulsory confinement who are informed on voluntary return or/and reintegration possibilities. The number of videos, distributed leaflets or posters on voluntary return or/and reintegration possibilities. The number of visits to reception centres and/or places of detention prior to expulsion and/or community shelters.	Approximately 500 third-country nationals reached by the information on assisted voluntary programmes or/and re-integration possibilities. At least 1 or 2 visits per year to reception centres and/or places of detention prior to expulsion and/or community shelters.	Better and more effective information services will be provided that are of an innovative nature. Third-country nationals will be encouraged to make use of the possibility of voluntary return.

Objective 6: Improving cooperation on return with partner authorities in third countries, with special attention to cooperation with consular authorities of third-countries in order to speed up the process of documenting returnees [Article 4 (1) a]

a) The objective is to establish and improve effective, stable and lasting operational cooperation between the Hungarian authorities and consular authorities and immigration services of third-countries with a view to facilitate the obtaining of travel documents of third-country nationals and therefore ensure speedy and successful removals. In the framework of the cooperation, difficulties can be solved and common solutions can be found.

Examples of key actions:

- cooperation with the authorities of third countries, especially by organizing conferences and regular meetings with the consular authorities and immigration services of third countries, in order to identify the reasons of difficulties and delays in their procedures to provide travel documents to their own nationals and to speed up the process of documenting returnees;
- cooperation with Member States and third countries concerning those third countries which do not have consular representation in Hungary, or have such a service in another Member State—considered as specific priority no. 2

b) Target groups of the actions are the personnel of consular authorities and immigration authorities of both Hungary and of third countries and other Member States.

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c) Indicators:

Key action	Indicators	Quantified targets	Impact
1.	The number of meetings or conferences per year organized with the consular authorities and immigration services of third-countries.	At least 5 conferences/meetings during the implementation of the multi-annual programme. At least 60 persons participating in one conference/meeting.	The time for obtaining travel documents will decrease, cooperation with the authorities of third countries will be enhanced.
2.	Number of cases when obtaining documents is ensured.	Approximately 3-5 cases per year when documentation of returnees is ensured via cooperation with third-countries that do not have consular services in Hungary or have such a service only in another Member State.	Cooperation will improve with those third countries that do not have a consular representation in Hungary, and returnees will be provided with documents in a shorter time.

Objective 7: Collecting country of origin/transit/previous residence information for the purpose of durable voluntary return [Art. 4. (2) a)]

a) The objective ensures the gathering and provision to potential returnees of information on the country of origin, former residence or transit. Collecting information on the socio-economic and political conditions in the country of return and further distributing it to interested stakeholders, such as to governments, NGOs, social services, and the third-country nationals themselves aims at providing potential third-country nationals with the necessary knowledge to make a well-grounded decision on voluntary return. Besides that it also helps the social workers, international organizations, NGO's and potential returnees to analyse reintegration possibilities. Organization of COI missions provides the possibility of acquiring reliable, adequate and accurate information on the country of origin/transit/previous residence.

Examples of key actions:

- gathering up-to-date, in-depth country of origin information on Kosovo and on other countries that are relevant in the field of return from the point of view of Hungary, the COI can be shared with our EU partners;
- Pilot projects on COI missions in other countries of relevance.

b) Target groups of the actions are other EU Member States, potential returnees, NGOs. COI missions will be implemented in relevant third countries.

c) Indicators:

Key action	Indicators	Quantified targets	Impact
1.	At least 4 countries on which information is gathered and distributed to the stakeholders.	At least 100 stakeholders which are provided with reliable, adequate and accurate information on the country of	Stakeholders are provided with reliable, adequate and accurate information on the country of origin/transit/previous

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		origin/transit/previous residence.	residence. Third-country nationals can make a well-grounded decision on voluntary return.
2.	Number of COI missions in relevant third countries. The number of fact sheets providing information about the countries where the missions were organized.	At least 2 implemented COI missions per year. At least 100 stakeholders which are provided with reliable, adequate and accurate information on the country of origin/transit/previous residence. At least 1000 fact sheets.	Stakeholders are provided with reliable, adequate and accurate information on the country of origin/transit/previous residence. Third-country nationals can make a well-grounded decision on voluntary return.

Objective 8: Cooperation with other Member States concerning re-integration to selected third countries, developing joint reintegration programs

a) The objective is to enhance cooperation with other Member States in developing and evaluating re-integration programmes in selected third countries that are of relevance to every country taking part in the actions. Re-integration is a very important factor of sustainable return; therefore the innovative actions implementing the principle of sustainability should be developed and supported.

Examples of key actions:

- elaborating projects on cooperation with other Member States (preferably in the geographical vicinity of Hungary) with similar irregular migration trends in order to pool together the best practices and resources to facilitate sustainable re-integration in selected third countries;
- cooperation with other Member States in order to develop follow-up activities on re-integration programmes.

b) The targets of the actions are third-country nationals who choose the possibility of voluntary return.

c) Indicators:

Key action	Indicators	Quantified targets	Impact
1.	The number of developed joint re-integration projects and the number of returnees taking part in the projects.	At least 3 joint re-integration projects during the multi-annual programme and at least 20 persons participating in each project.	Sustainability of re-integration will be ensured, returnees will have better chances to re-integrate into the society of their countries of origin.
2.	The number of follow-up activities.	At least 1 follow-up activity regarding each re-integration programme.	Cooperation with other Member States will be enhanced and re-integration projects will

			become more effective in the future.
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3.4. Priority 4 – Support for Community standards and best practices on return management

Objective 9: Supporting the completion of studies, exchange of information, sharing of best practices and experiences for instance on the evaluation of the current situation and possibilities for enhancing administrative cooperation among Member States in the field of return as well as on the role of international and non-governmental organizations to be played in this context, supporting missions and visits in order to evaluate return programmes – *considered as specific priority no. 1; [Article 4. (2) d]*

a) The objective aims at the exchange of best practices between Member States in the field of return and at the dissemination of experience by means of study visits. The actions will also contribute to the effective and appropriate implementation of common rules. By evaluating the current situation and practices concerning return management, methods and practices can be further developed.

Examples of key actions:

- encouraging and supporting the work of researchers from governmental, NGO or academic background in the field of return management (e.g. comparative legal studies on the steps necessary to implement the return directive, studies evaluating the results on new practices in return management, etc.);
- visits and missions to evaluate return programmes.

b) The targets of the actions are researchers or NGOs, staff of the competent authorities and experts acting in the field of return.

c) Indicators:

Key action	Indicators	Quantified targets	Impact
1.	The number of studies completed.	Approximately 3 completed studies during the implementation of the multi-annual programme.	Practices in the field of return will become more effective.
2.	The number of visits.	At least one visit per year.	Experience will be gained on the results of return programmes.

Objective 10: Improvement of skills to ensure a fair and effective implementation of common standards on return – *considered as specific priority no. 2;*

a) The objective is to ensure trainings and seminars for all experts and officials working in the field of enforced return or voluntary return. This would make it possible for the authorities to take high-quality return decisions and it would also

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provide for the more effective implementation of removal operations that take into account both human dignity and security concerns.

Examples of key actions:

- seminars and trainings for experts working in the field of return focusing on the legal and practical aspects of return and on the most relevant third countries and/or regions;
- education and training of staff of judicial bodies in order to ensure an effective and uniform application of common standards on return and the respect of obligations under international instruments affecting the treatment of returnees;
- exchange of information, sharing of experiences and best practices with responsible authorities and/or experts of other Member States, with special regard to the voluntary or enforced return of persons requiring special treatment.

b) The targets of the actions are experts and practitioners working in the field of return, including the staff of judicial bodies.

c) Indicators:

Key action	Indicators	Quantified targets	Impact
1.	The number of trainings held each year, the number of hours of the trainings and the number of participants.	At least 1 training per year. At least 20 hours per training for experts working in the field of return, trainings focusing on return practices and/or legal aspects and/or on human rights are welcomed. At least 25 experts per trainings.	Experience will be exchanged among experts working in the field of return which will contribute to the effective implementation of returns or return programmes.
2.	The number of hours of trainings for the staff of judicial bodies, the number of participants.	At least 3 trainings during the implementation of the multi-annual programme.	Higher quality decisions will be taken as a result of the training.
3.	The number of visits or seminars and the number of participating officials.	At least 3 visits during the implementation of the multi-annual programme to other Member States which have an effective integrated return management system. At least 2 participants on behalf of the Hungarian authority taking part in each visit.	Visits and seminars will broaden the knowledge of practitioners working in the field of return and thus will make return management more effective.

4. COMPATIBILITY WITH OTHER INSTRUMENTS

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

4.1. RETURN Preparatory Actions 2005 – Enhancing Mechanisms and Harmonizing Standards in the field of Voluntary Return of Irregular Migrants in EU Central European States

In the framework of *Return Preparatory Actions 2005*, IOM implements the project “*Enhancing Mechanisms and Harmonizing Standards in the field of Voluntary Return of Irregular Migrants in EU Central European States*”. This programme responds to the identified need for an enhanced framework of integrated voluntary return assistance in the Central European region. In full partnership with the competent ministries of the Czech Republic, Hungary, Poland and Slovakia and in cooperation with relevant EU institutions, the programme provides the technical and financial support mechanisms to strengthen and promote Assisted Voluntary Return (AVR) programmes in those countries. The *approach is regional* and seeks contribution to the harmonization of AVR procedures in line with EU policies and principles on Return. The programme builds on IOM’s large expertise as well as on identified best practices on AVR worldwide.

The overall objective of this programme is to contribute to the enhancement, promotion and harmonization of assisted voluntary return practices in Hungary, Slovakia, the Czech Republic and Poland, maximizing the opportunity for successful return of irregular migrants to their home countries.

The specific purposes of this programme are:

- promoting, facilitating and strengthening existing national AVR mechanisms capable of addressing the needs of the specific caseloads, in each host country,
- building the capacities and the know-how of practitioners within the national AVR Programmes as regards integrated return management,
- providing means for reintegration through provision of financial assistance as well as accurate, reliable, up-to-date information on countries of return.

For several years IOM Budapest has been carrying out AVR programmes in Hungary in cooperation with the Hungarian government. In the framework of the European Return Fund we are planning to continue these programmes and activities the implementation of which will be done through calls for proposal.

The project mentioned above aims at the promotion and harmonization of AVR practices of the EU Member States of the Central European region. It complements to the aims of the European Return Fund and in 2009 the two programmes will run parallel to each other, whereas this situation will end from 2010. The experience and know-how gained during the implementation could also be used in the national AVR programmes which will be financed partially by the ERF. When elaborating the national AVR programmes, the best practices and mechanisms of the EU Member States having participated in the project could also be used.

4.2. External Borders Fund

In the framework of the newly introduced *External Borders Fund* Hungary plans a number of activities that affect to the more effective return policy when it comes to the removal of illegal migrants, such as

- development of the common integrated border management system with special focus on the control of persons and protection of borders on external borders,
- development of the national components of the European border protection system to be established on the external borders of the European Union,
- provision of support for the issuing of visas and the fight against illegal immigration, including the recognition of false or forged documents by expanding the consular activities and other services organised by the Republic of Hungary in third countries,
- provision of support for the establishment of the IT systems required for the implementation of the community legal instruments accepted in relation to external borders and visas,
- provision of support for the effective application of the Schengen border control code and the European visa code.

The activities planned to be implemented in the framework of the External Borders Fund can affect the activities of the European Return Fund as well, since their aims include the fight against illegal immigration and the control of persons. In case of a successful implementation of the activities mentioned above, the number of intercepted third-country nationals trying to enter illegally the territory of Hungary will increase.

4.3. Compatibility with the other funds under the General Programme “Solidarity and Management of Migration Flows”

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

RF funding must be made clearly visible for any activity linked to the actions and financed under the programme. The obligations of the grant recipient related to the visibility of the project co-financing from EC funding shall be defined in the grant contract and in the guideline for the grant recipient.

Ways to ensure visibility include the following:

As the responsible authority will be the same organisation (Ministry of Justice and Law Enforcement) in case of each Fund, the Responsible Authority (RA) will have a solid logo.

The EU and RA 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.)

All project beneficiaries will be informed of RF co-financing.

The EU and RA logo will be placed on all equipment purchased in the framework of the project.

The EU logo and indication of RF co-financing will be placed on all relevant publicity materials, leaflets, letterhead, PR work, etc. and on grant recipients' premises (e.g. on office walls, entrances, etc.)

When projects are mentioned at seminars or conferences, the audience shall be informed about co-financing from the Return Fund.

The following acknowledgement should be used for RF co-financing: "project co-financed by the European Return Fund".

Any publications that acknowledge RF-co-funding must specify that the publication reflects the author's view and that the Commission is not liable for any use that may be made of the information.

5.2. The approach chosen to implement the principle of partnership

Right before the finalization of the first version of the multi-annual programme the Ministry of Justice and Law Enforcement organised a meeting in order to identify the Hungarian national priorities. The participants were representatives of partner organizations that will possibly participate in the implementation of the RF related actions:

- Municipal Court of Budapest (judicial level);
- Office of Immigration and Nationality and the representatives of the reception centres (governmental level);
- National Police Headquarters (governmental level);
- UNHCR (international organization);
- IOM (international organization);

The participants discussed and identified the Hungarian national priorities and as a final result of the meeting the participants made an agreement on the joint list of national priorities and also discussed some elements of the possible activities that can be financed from the ERF.

The revised version of the multi-annual programme was also sent to the expert group in order to provide them with the possibility to make comments on it.

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 Return Fund]							
<i>(in 000' euros - current prices)</i>	2008	2009	2010	2011	2012	2013	TOTAL
Priority 1: [...]	438	475	550	736	1 002	1 165	4 366
Priority 2: [...]	0	0	138	184	251	291	863
Priority 3: [...]	332	359	413	552	752	874	3 281
Priority 4: [...]	305	331	275	368	501	582	2 363
							0
							0
Technical Assistance	113	120	136	108	136	153	765
TOTAL	1 188	1 285	1 511	1 949	2 641	3 065	11 639

6.1.2. Comments on the figures/trends

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6.2 Overall financing plan

6.2.1. Table

Multiannual Programme - Draft Financial Plan							
Table 2: Overall Financing Plan							
Member State: [Hungary]							
Fund: [European Return Fund]							
<i>(in 000' euros - current prices)</i>	2008	2009	2010	2011	2012	2013	TOTAL
Community Contribution without TA	1 075	1 165	1 375	1 841	2 505	2 912	10 874
Technical Assistance	113	120	136	108	136	153	765
Total Community Contribution	1 188	1 285	1 511	1 949	2 641	3 065	11 639
Public cofinancing	358	388	458	614	835	971	3 625
Private cofinancing	0	0	0	0	0	0	0
TOTAL	1 547	1 673	1 969	2 563	3 476	4 036	15 264
% Community Contribution	76,83%	76,79%	76,72%	76,05%	75,98%	75,95%	76,25%
% Community Contribution without TA	75,00%	75,00%	75,00%	75,00%	75,00%	75,00%	75,00%

6.2.2. Comments on the figures/trends

The rate of the Community Contribution compared to the total is higher than 75 %, as Community Contribution contains also the Technical Assistance which requires no public contribution. The real rate of financing by Community Contribution in case of each project will be max 75 %.

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

7. ANNEX

The Act II. of 2007 on the Admission and Right of Residence of Third-Country Nationals has the following regulations concerning the key issue:

Refusal of Entry and Assisted Return

Section 40.

(1) The authority carrying out border checks shall refuse the entry of third-country nationals seeking admission for stays not exceeding three months according to the provisions of the Schengen Borders Code, and shall return such persons - in due observation of its interests:

- a) to the country of origin of the third-country national in question;
- b) to the country that is liable to accept the third-country national in question;
- c) to the country where the customary residence of the third-country national in question is located;
- d) to any third country prepared to accept the third-country national in question.

(2) If entry is refused because the third-country national is under exclusion, the visa issued in accordance with this Act shall be void.

(3) The decision for the refusal of entry may not be appealed.

Section 41.

(1) A third-country national whose entry was refused and is turned back shall:

- a) remain for a maximum period of eight hours on the means of transport that is scheduled to depart to the point of origin or another destination of transit;
- b) remain in a designated place located in the frontier zone for a maximum period of seventy-two hours, or if having arrived by means of air transport, in a designated place of the airport for a maximum period of eight days; or
- c) transfer onto another means of transport of the carrier that is liable to provide return transport.

(2) If the return procedure cannot be carried out within the time limit specified in Paragraph b) of Subsection (1), the third-country national shall be expelled following his/her admission. If expulsion is ordered for reasons other than what is contained in Subsection (1) of Section 43 or Paragraph f) of Subsection (2) of Section 43, the third-country national in question may not be excluded.

Order to Leave the Territory of the Republic of Hungary

Section 42.

(1) The immigration authority, if it finds that a third-country national who has lawfully resided in the territory of the Republic of Hungary no longer has the right of residence, shall adopt a resolution to withdraw the document evidencing right of residence of the third-country national in question, and shall order him/her to leave the territory of the Republic of Hungary.

(2) A deadline of maximum thirty days shall be prescribed to comply with the aforesaid obligation.

(3) The decision for the obligation to leave the territory of the Republic of Hungary cannot be contested.

(4) The provisions contained in Subsections (1)-(3) shall not apply if:

- a) the right of residence was terminated due to the expulsion or exclusion of the third-country national or for whom an alert has been issued in the SIS for the purposes of refusing entry;
- b) the third-country national has expressly refused to leave the territory of the Republic of Hungary.

Expulsion Ordered Under Immigration Laws and Exclusion

Section 43.

(1) The immigration authority shall order the expulsion or exclusion of a third-country national under immigration laws, or exclusion shall be imposed in itself in connection with a third-country national whose whereabouts are unknown or who resides outside the territory of the Republic of Hungary, and who:

- a) must not be allowed to enter the territory of the Republic of Hungary under international commitment; or
- b) is to be excluded by decision of the Council of the European Union.

(2) The immigration authority shall order the expulsion or exclusion of a third-country national under immigration laws, or exclusion shall be imposed in itself in connection with a third-country national whose whereabouts are unknown or who resides outside the territory of the Republic of Hungary, and who:

- a) has crossed the frontier of the Republic of Hungary illegally, or has attempted to do so;
- b) fails to comply with the requirements set out in this Act for the right of residence;
- c) fails to comply with the order to leave the territory of the Republic of Hungary within the prescribed time limit;
- d) was engaged in any gainful employment in the absence of the prescribed work permit or any permit prescribed under statutory provision;
- e) who has failed to repay any refundable financial aid received from the State of Hungary;
- f) whose entry and residence represents a threat to national security, public security or public policy;
- g) whose entry and residence represents a threat and is potentially dangerous to public health;
- h) who was returned under international treaty without expulsion to the authorities of another State;
- i) who has failed to pay any instant fine or a fine imposed in conclusion of a misdemeanour proceeding within the prescribed deadline, and it cannot be recovered or collected.

Section 44.

(1) The duration of exclusion that was ordered independently shall be determined by the immigration authority ordering it. Exclusion may be ordered for a maximum duration of three years, and it may be extended by maximum three additional years at a time. An exclusion order shall be cancelled forthwith when the grounds therefore no longer exist.

(2) An exclusion ordered independently may not be appealed.

Section 45.

(1) The immigration authority shall have regard for the following factors before adopting an expulsion order under immigration laws:

- a) any threat to national security, public security, public policy or public health, in view of the gravity and nature of the actionable conduct;
 - b) the duration of stay;
 - c) the age and family status of the third-country national affected, possible consequences of his/her expulsion on his/her family members;
 - d) links of the third-country national to the Republic of Hungary, or the absence of links with the country of origin.
- (2) Any third-country national who:
- a) resides in the territory of the Republic of Hungary under immigrant or permanent resident status;
 - b) is bound to a third-country national residing in the territory of the Republic of Hungary under immigrant or permanent resident status by marriage or registered partnership, and has a residence permit,
- may be expelled only if his/her continued residence represents a serious threat to national security, public security or public policy.
- (3) The provisions of Subsection (2) shall also apply to the immediate family members - defined in specific other legislation - of a third-country national who has applied to the refugee authority for refugee status for the duration of the application pending, and those with refugee status or to whom any subsidiary form of protection or temporary protection was granted.
- (4) Third-country nationals who are victims of trafficking in human beings may be expelled during the time of deliberation they are afforded only if their residence in the territory of the Republic of Hungary constitutes any threat to national security, public security or public policy.
- (5) An unaccompanied minor may be expelled only if adequate protection is ensured in his country of origin or in a third country by means of reuniting him with other members of his family or by state or other institutional care.
- (6) The immigration authority may abstain from ordering expulsion under immigration laws on the grounds specified in Paragraphs a), b) and d) of Subsection (2) of Section 43, if the third-country national affected agrees to leave the territory of the Republic of Hungary on his/her own accord. The immigration authority - having regard to Subsection (2) of Section 42 - shall prescribe the time limit for voluntary exit, and this decision may not be appealed.
- (7) Expulsion may not be ordered under immigration laws, and exclusion may not be ordered independently against a third-country national who was convicted for a crime in the court of the law, yet the sentence did not include expulsion in any form, neither as a principal punishment nor as an ancillary punishment.

Section 46.

- (1) Expulsion orders shall specify:
- a) the criteria weighted in accordance with Section 45;
 - b) the duration of exclusion;
 - c) the country to which the person in question is expelled;
 - d) the deadline for leaving the country;
 - e) the place of entry;
 - f) the obligation for being photographed and fingerprinted.
- (2) Expulsion orders may not be appealed; however, a petition for judicial review may be lodged within eight days of the date when the resolution was delivered. The court shall adopt a decision within fifteen days upon receipt of the petition.
- (3) The court may overturn the resolution. The court's decision is final.

Section 47.

- (1) Unless otherwise prescribed in this Act, exclusion shall be ordered in conjunction with expulsion ordered under immigration laws, for a duration of between one year and ten years.
- (2) The duration of exclusion ordered in conjunction with expulsion shall apply from the date of execution of the expulsion.
- (3) Third-country nationals whose exclusion was ordered may enter the territory of the Republic of Hungary only upon the special consent of the ordering authority.

Section 48.

- (1) Expulsion measures shall be carried out primarily in accordance with a readmission agreement.
- (2) In order to secure the enforcement of an expulsion measure the immigration authority shall be authorized to confiscate the travel document of the third-country national affected; this action cannot be contested.
- (3) Enforcement of an expulsion measure may be suspended until the necessary means and conditions are secured, i.e. until the travel document, visa, transport ticket is obtained. The decision ordering suspension cannot be contested.

Expulsion by the Court

Section 49.

- (1) Where expulsion is ordered by the court it shall be carried out by the immigration authority.
 - (2) The court or the penal institution shall forthwith notify the immigration authority to carry out the expulsion when it becomes final.
 - (3) The immigration authority, upon receipt of the notice referred to in Subsection (2), shall order the expulsion to be enforced.
- (...)

Detention

Section 54.

- (1) In order to secure the expulsion of a third-country national the immigration authority shall have powers to detain the person in question if:
 - a) he/she is hiding from the authorities or is obstructing the enforcement of the expulsion in some other way;
 - b) he/she has refused to leave the country, or, based on other substantiated reasons, is allegedly delaying or preventing the enforcement of expulsion;
 - c) he/she has seriously or repeatedly violated the code of conduct of the place of compulsory confinement;
 - d) he/she has failed to report as ordered, by means of which to forestall conclusion of the pending immigration proceeding;
 - e) he/she is released from imprisonment as sentenced for a deliberate crime.
- (2) Detention under immigration laws shall be ordered by way of a formal resolution, and shall be carried out when communicated.

(3) Detention under immigration laws may be ordered for a maximum duration of seventy-two hours, and it may be extended by the court of jurisdiction by reference to the place of detention until the third-country national's departure, or for maximum thirty days.

(4) Detention ordered under immigration laws shall be terminated immediately:

- a) when the conditions for carrying out the expulsion are secured;
- b) when it becomes evident that the expulsion cannot be executed; or
- c) after six months from the date when ordered.

(5) In the application of Paragraph c) of Subsection (4), the duration of detention prior to expulsion shall be included in the duration of detention.

(6) In connection with the termination of detention under Paragraphs b) and c) of Subsection (4), the immigration authority ordering the detention shall designate a compulsory place of confinement for the third-country national affected.

Section 55.

(1) The immigration authority may order the detention of the third-country national prior to expulsion in order to secure the conclusion of the immigration proceedings pending, if his/her identity or the legal grounds of his/her residence is not conclusively established.

(2) Detention prior to expulsion shall be ordered by way of a formal resolution, and shall be carried out when communicated.

(3) Detention prior to expulsion may be ordered for a maximum duration of seventy-two hours, and it may be extended by the court of jurisdiction by reference to the place of detention until the third-country national's identity or the legal grounds of his/her residence is conclusively established, or for maximum thirty days.

Section 56.

(1) The detention of a third-country national who is a minor under immigration laws or prior to expulsion (hereinafter referred to collectively as "detention") may not be ordered.

(2) Detention shall be terminated immediately when the grounds therefore no longer exist.

(...)

Removal by Deportation

Section 65.

(1) A return or expulsion measure ordered by the court or the immigration authority shall be enforced by way of transporting the third-country national affected under official escort (hereinafter referred to as "deportation") if the third-country national:

- a) is released from imprisonment as sentenced for a deliberate crime;
- b) is under detention;
- c) makes it necessary to supervise his/her exit for national security reasons, if so required by commitment under international treaty, or for the protection of public security or public policy.

(2) Deportation shall be ordered in the resolution ordering expulsion under immigration laws or in the resolution for the enforcement of expulsion if ordered by the court. In all other instances it shall be ordered by specific resolution.

(3) The immigration authority shall have powers to carry out the deportation of a third-country national residing in the territory of the Republic of Hungary by order of another Schengen State, if deportation was ordered:

- a) for the reason that the person in question represents a genuine, present and sufficiently serious threat affecting national security or public security,
 - b) in connection with a conviction under the laws of the country where the resolution was adopted for an offence punishable by a penalty involving imprisonment of at least one year;
 - c) based on suspicion of serious criminal offences;
 - d) based on failure to comply with regulations on the entry or residence of foreign nationals.
- (4) The third-country national affected may lodge a complaint against the deportation measure.
- (5) A decision ordering deportation cannot be reconsidered for reasons of equity and the third-country national affected may not request suspension of the procedure of deportation.
- (6) The immigration authority may cooperate in the enforcement of expulsion ordered by a country that is required to apply the provisions of Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air.
- (7) The deportation of a person shall be abandoned if:
- a) the entry of the person deported to the country of destination is no longer an option;
 - b) the person deported requires urgent medical attention;
 - c) the country from whom permission was requested for using its territory for transit by air in connection with deportation as prescribed in specific other legislation (hereinafter referred to as “requested State”) did not grant consent, or revoked its previous consent;
 - d) the person deported entered the territory of the requested State without authorization during transit.