



Country Report: Hungary

Updated May 2007

Introduction

Situation 2006

It was not until 1989 - as a result of the Balkan war - that the issue of asylum became pressing. Many of the refugees at that time were ethnic Hungarians (from Transylvania, Romania and Vojvodina, Serbia). A large number of the Bosnian refugees either went back home or were able to move to other states. Until 1998, when Hungary ratified the additional protocol to the Geneva Convention on Refugees, recognition procedures for refugees from non-European countries were carried out exclusively by the UNHCR.

The number of applications for asylum decreased sharply after the Kosovo war. This is mainly due to Hungary's preparation for accession to the EU and the Schengen Agreement, which led to an improvement of border controls and the entering into bilateral readmission agreements with all neighbouring states.

Over the past few years, the number of applications for asylum filed has decreased steadily. While in 2001 there were 9,500 applications, the number decreased to 6,400 in 2002 and to 2,400 in 2003. In 2004 and 2005 only 1600 and 1609 persons were seeking protection in Hungary. In 2006 there were 2117 asylum applications submitted but the rise was largely due to resubmitted claims.

Apart from the general trend in the EU, the gradual decrease was also due to the lengthy detention period in Hungary, which foreigners - including asylum seekers - could face. Until 2002, the maximum duration of detention for asylum seekers was 18 months; then it was reduced to 12 months and the new Aliens Act coming into force in July 2007 will further reduce it to maximum 6 months.

1. Statistics

APPLICATIONS

1. Total number of individual asylum seekers who arrived (with variation in %):

2005	2006	2007 (Jan - March)	Variation +/- (%)	Variation +/- (%)
1609	2117	509	+31.57	- 75.95

Source: Office of Immigration and Naturalization (OIN)

2. Breakdown according to the country of origin/nationality:

Country of origin / nationality	2005	2006	2007 (Jan – March)	Variation +/- (%)	Variation +/- (%)
Turkey	65	43	14	-33.80	-67.40
Serbia and Montenegro	243	384	100	+58.00	+0.06
Iraq	18	68	28	+277.7	-58.80
Russian Federation	37	63	11	+70.20	70.27
China	165	275	75	+66.60	-72.70
Vietnam	319	406	101	+27.27	-75.12
Iran	25	20	2	-20.00	+90.00
India	40	19	4	-52.50	-78.94
Afghanistan	22	13	3	-124.17	-76.92
Azerbaijan	2	0	1	0.00	0.00
Somalia	7	42	6	+500.00	-85.7
Georgia	114	175	28	+53.50	-84.00
Algeria	19	22	3	+15.78	-86.36
Bosnia and Herzegovina	3	2	2	-33.33	0.00
Moldavia	20	42	8	+110.00	-80.95
Nigeria	89	109	19	+22.47	-82.56
Pakistan	40	18	3	-55.00	-83.33
Palestine	24	37	4	+54.16	-89.18
Ukraine	9	38	6	+322.22	-84.21
Albania	-	7	3	-	-57.14
Angola	1	3	1	+200.00	-66.66
Bangladesh	90	15	3	-83.33	-80.00
Belarusia	7	5	2	-28.57	-60.00
Guinea Bissau	-	2	1	-	-50.00
Burkina Faso	1	1	-	+100.00	-
Egypt	13	20	5	53.84	-75.00
Cote d'Ivoire	2	8	2	+300.00	-75.00
Ethiopia	3	6	4	+100.00	-33.33
France	1	1	-	0.00	-
Gambia	2	2	1	0.00	-50.00
Ghana	4	2	2	-50.00	0.00

Greek	-	1	-	-	-
Guinea	-	5	1	-	-80.00
Jordan	2	1	0	-50.00	-100.00
Cameroon	10	13	3	+30.00	-76.92
Kazakhstan	-	1	-	-	-
Kenya	2	5	1	+150.00	-80.00
Kyrgyzstan	-	2	-	-	-
Congo (Brazzaville)	2	2	-	0.00	-
Congo (DRC, Zaire)	0	2	2	0.00	0.00
Cuba	3	6	1	+100.00	-83.33
Lebanon	1	2	1	+100.00	-50.00
Liberia	10	7	0	-30.00	-100.00
Libya	-	3	0	-	-100.00
Macedonia	16	17	14	+6.25	-17.64
Morocco	2	4	2	+100.00	-50.00
Mongolia	4	46	19	+1050.00	-58.69
Nepal	4	6	1	+50.00	-83.33
Armenia	13	15	0	+15.38	-100.00
Peru	-	3	0	-	-100.00
Romania	25	31	0	+24.00	-100.00
Sierra Leone	7	5	0	-28.57	-100.00
Senegal	1	1	1	0.00	0.00
Syria	18	32	4	+77.77	-87.50
Slovakia	25	23	9	-8.00	-60.86
Sudan	10	3	1	-70.00	-66.66
Tanzania	-	1	-	-	-
Tibet	8	1	-	-87.50	-
Togo	3	1	0	-66.00	-100.00
Tunisia	5	1	-	-80.00	-
Turkmenistan	1	2	0	+100.00	-100.00
Uganda	2	1	1	-50.00	0.00
Uzbekistan	2	2	0	0.00	-100.00
Zimbabwe	3	1	1	-66.66	0.00
Stateless	5	5	0	0.00	-100.00
Unknown	14	18	0	+28.57	-100.00
Total	1609	2117	509	+31.57	- 75.95

Source: OIN

3. *Unaccompanied minors (under 18) according to the country of origin/nationality:*

2005	2006	2007	Variation +/- (%)	Variation +/- (%)
42	44	6	+4.76	-86.36

Source: OIN

RECOGNITION RATES

4. *Total number of applications decided and the statuses accorded:*

Statuses	2005		2006		2007 (Jan – March)	
	Number	%	Number	%	Number	%
Recognition	97	6.22	99	5.2	19	5.02
Protection from deportation (Non-refoulement principle)	95	6.09	99	5.2	17	4.50
Impediments to deportation (Subsidiary protection)	-	-	-	-	-	-
Rejections	853	54.71	1217	63.41	359	94.97
Formal decisions	-	-	-	-	-	-
Total decisions	1559		1919		378	

Source: OIN

5. Decisions and decision rates 2005 according to the main country of origin:

Country of Origin	Total decisions	Recognition		Non-refoulement principle		Expulsion order		Rejection		Procedure terminated	
			%		%		%		%		%
Georgia	114	4	3,51	6	5,26	16	14,04	31	27,19	129	113,16
Serbia and Montenegro	243	7	2,88	18	7,41	20	8,23	100	41,15	126	51,85
Turkey	65	5	7,69	3	4,62	16	24,62	21	32,31	36	55,38
Vietnam	319	0	0,00	0	0,00	344	107,84	256	80,25	11	3,45
Nigeria	89	5	5,62	5	5,62	22	24,72	53	59,55	16	17,98
China	164	0	0,00	0	0,00	96	58,54	118	71,95	17	10,37

Decisions and decision rates 2006 according to the main country of origin:

Country of Origin	Total decisions	Recognition		Non-refoulement principle		Expulsion order		Rejection		Procedure terminated	
			%		%		%		%		%
Georgia	138	0	0	1	0.72	19	13.77	26	18.84	112	81.16
Serbia and Montenegro	352	0	0	26	7.29	58	16.48	162	46.02	190	53.98
Turkey	42	5	11.90	4	9.52	22	52.38	32	76.19	5	11.90
Vietnam	359	0	0	0	0	353	98.33	354	98.61	5	1.39
Nigeria	116	4	3.44	0	0	52	44.83	80	68.97	32	27.59
China	252	0	0	0	0	212	84.13	234	92.86	18	7.14

Decisions and decision rates 2007 (Jan – March) according to the main country of origin:

Country of Origin	Total decisions	Recognition		Non-refoulement principle		Expulsion order		Rejection		Procedure terminated	
			%		%		%		%		%
Georgia	49	0	0	0	0	16	32.65	24	48.97	25	51.02
Serbia and Montenegro	88	0	0	2	2.27	26	29.54	47	53.40	41	46.59
Turkey	12	0	0	0	0	5	41.66	6	50.00	6	50.00
Vietnam	116	0	0	0	0	111	95.68	111	95.68	5	4.31
Nigeria	21	0	0	2	9.52	12	57.14	14	66.66	7	33.33
China	60	0	0	0	0	56	93.33	56	93.33	4	6.66

DEPORTATIONS / REMOVALS

6. Persons returned on third country grounds:

No data available.

7. Deportations of rejected asylum seekers (via air):

Year	Expelled persons	Ban on entry and stay	Deportation
2005	4367	n/a	n/a
2006	3032	n/a	748

These figures include deportations of other aliens.

Source: OIN

Number of expelled persons with a breakdown by main nationalities:

Nationality	2005	2006
Romanian	2735	2 024
Ukrainian	955	312
Moldovan	70	64
Ecuadorean	1	-
Serb-Montenegrin	120	190
Chinese	48	54
Turkish	50	21
Other	397	367
Total:	4376	3 032

Detention for alien policing purposes with a breakdown by main nationalities:

Nationality	2005	2006
Romanian	125	56
Moldovan	14	24
Turkish	22	15
Chinese	8	22
Serb-Montenegrin	30	123
Indian	3	
Russian	3	
Vietnamese	-	14
Other	169	115
Total:	374	369

8. Dublin II Convention practice:

Dublin cases in Hungary in 2005	Total number of requests presented by Hungary to other Dublin States	Total number of requests addressed to Hungary by other Dublin States
Requests presented	37	1107
Requests accepted	18	775
Transfers took place	6	159
Requests refused	17	227
Pending	4	105

Dublin cases in Hungary in 2006	Total number of requests presented by Hungary to other Dublin States	Total number of requests addressed to Hungary by other Dublin States
Requests presented	63	775
Requests accepted	36	482
Transfers took place	9	273
Requests refused	27	293

From...	Number of requests presented by Hungary to other Dublin States in 2006	Number of requests addressed to Hungary by other Dublin States in 2006
Belgium	3	32
Slovakia	11	6
Austria	20	545
France	1	52
Netherlands	3	12
Poland	6	2
Czech Republic	3	3
Germany	12	69
Sweden	1	28
Slovenia	-	10
Denmark	-	2
Finland	-	3
Norway	1	5
Italy	2	5
UK	-	1
TOTAL	63	775

Dublin cases in Hungary in 2007 (January-April)	Total number of requests presented by Hungary to other Dublin States	Total number of requests addressed to Hungary by other Dublin States
Requests presented	26	126
Requests accepted	13	123
Transfers took place	7	75

Requests refused	9	3
From...	Number of requests presented by Hungary to other Dublin States in 2007	Number of requests addressed to Hungary by other Dublin States in 2007
Belgium	-	5
Slovakia	2	2
Austria	9	56
France	1	12
Netherlands	2	6
Czech Republic	-	2
Germany	2	29
Sweden	-	6
Slovenia	-	2
Denmark	-	1
Norway	1	2
Italy	1	2
Cyprus	4	-
Romania	4	-
Luxemburg	-	1
TOTAL	26	126

SPECIAL PROCEDURES

9. Airport procedure

Not applied in practice.

Number of accelerated procedure that includes airport cases:

	2005	2006	2007
Case	30	42	4
Person	42	45	4

Source: OIN

A. Legal and structural conditions

1. Ratifications

	Ratified	Implemented
Geneva Convention on Refugees	14 March 1989	12 June 1989 (Act-Decree 1989/15)
European Convention	5 November 1992	5 November

on Human Rights		1992 (Act 1993/31)
UN Convention on the Rights of the Child	7 October 1991	20 November 1991 (Act 1991/64)
UN Convention against Torture	15 April 1987	26 June 1987

2. Legal basis

Article 65 of the Hungarian Constitution contains the right to asylum.

Act CXXXIX of 1997 on Asylum (Asylum Act) entered into force on 1 March, 1998. The Act is currently amended and will come into force on July 1, 2007.

The Government Decree on the Detailed Rules of Asylum Procedures and Documents of Temporarily Protected Persons No.172/2001 (IX.26) came into force 1 January 2002. An amended Government Decree will also be adopted soon with the new act.

Act XXXIX of 2001 on the Entry and Stay of Foreigners (Aliens Act) entered into force on 1 January 2002. The last amendment came into force on 1 December 2005. Parliament modified and adopted Act II of 2007 on the entry and stay of third country nationals (Act II of 2007) substituting Act XXXIX of 2001. The new law will come into force on July 1, 2007.

Government Decree No. 170/2001 (IX. 26.) on the Implementation of Act XXXIX of 2001 on the Entry and Stay of Foreigners. A New GC will also come be adopted soon.

Government Decree 162/1999 (XI.19.) on the Establishment of the Office of Immigration and Nationality (Ministry of Interior)

3. Competences

The Ministry of the Interior's Office of Immigration and Nationality (OIN) is competent in asylum matters. The Metropolitan Court in Budapest has exclusive jurisdiction in the appeal procedure.

4. Social context

Asylum seekers living in reception or accommodation centres receive accommodation, food and health care as benefits in kind as well as spending money of 2,500 HUF (about €10) per month. Asylum seekers in private accommodation do not receive social benefits apart from the necessary health care and language classes.

After a refugee has been recognised, he/she is entitled to the same benefits as a Hungarian citizen.

5. Access to the asylum procedure: conditions of entry and making application

Applications for asylum can be made to the alien policing authorities of the National Border Guards in the course of their procedure or to the refugee authority (OIN).

If a migrant enters the country by air with the intention to seek asylum, this must be declared when arriving at the border entry point of the airport. The alien policing authority must immediately register the application and inform the asylum authority with no delay.

The application can be submitted verbally or in writing to the refugee authority. If a foreigner crosses the border to or stays in Hungary irregularly and declares his/her intention to an alien policing authority of the National Police or the National Border Guards, these authorities must follow a set of procedural steps (Art. 30 (2) of the Asylum Act and Art. 2 of the Government Decree on the Asylum Procedure). These steps include the registration of data and of the application, and the forwarding of the information to the asylum authority.

The majority of asylum seekers enter Hungary irregularly. If a person is able to submit the application at one of the reception centres, he/she may be accommodated in these open facilities during the procedure.

The situation may be different if the asylum application is only made when a foreigner is intercepted by the Border Guards or the police. In such a case, he/she will most likely be detained for up to 12 months and will be subject to an alien policing procedure. Recent practice, however, shows that if the intercepted foreigner claims asylum within a short period after his/her detention order, the authorities will transfer him/her to an open reception facility.

An application made during detention will be forwarded to the asylum authority. The expulsion procedure will be suspended but detention pending deportation continues. Asylum seekers in detention pending deportation have smaller chance of being recognised as refugees. They are therefore in a much worse position than asylum seekers in open facilities, especially as far as the asylum procedure and material living conditions are concerned.

Protection from deportation during the asylum procedure

In preparation for EU accession the Asylum Act was amended and the former four-stage asylum procedure (two administrative and two judicial instances) was reduced to two instances. The court of appeal is the Metropolitan Court in Budapest. The average procedure lasts 2-3 months in public administration level. According to the Section 39 of Act on asylum no administrative appeal shall lie against the decision. A request for judicial review of the decision shall be submitted to the Refugee Authority within 15 days of the communication of the decision. The authority shall, with no delay, forward the request, together with the documents of the case and its counter-application, to the court. The Municipal Court of Budapest proceeding in the legal proceedings with exclusive jurisdiction shall adjudicate upon the request within 30 days of receipt of the request. The foreigner shall be heard at the hearing in person. Since the court is overloaded, in practice it is not able to schedule the day of trial within 30 days. The procedure can last over a year at the court level.

Article 43(1) of the current Aliens Act prohibits the expulsion, refusal of entry and returning of asylum seekers to a country which does not qualify as a safe country of origin or safe third country, in particular where the foreigner would be exposed to persecution owing to one of the

five reasons of the Geneva Convention, or to the territory of a state or the border of an area where the asylum seeker would be exposed to persecution, torture, inhuman treatment or the death penalty. Under subparagraph 2, the *refoulement*, refusal of entry or expulsion of a foreigner who is subject to an asylum procedure can be implemented only pursuant to the valid and enforceable negative decision of the refugee authority. Under this requirement, both the Border Guards and refugee authority have to review the prohibition of *refoulement* respectively in the alien policing and asylum procedure. However, the application of this provision is not always lawful.

Procedure for intercepted asylum seekers

Intercepted refugees are transferred to detention facilities operated by the Border Guards. First, the Border Guard's procedure under the Aliens Act is initiated with a view to refusing the foreigner on the basis of a readmission agreement within 30 days from the date of arrest.

After these 30 days have passed ('detention for refusal') and deportation could not be enforced, the foreigner's case is handed over to the OIN's Alien Policing Department, which under an alien policing procedure brings a decision on expulsion. This decision then serves as a legal basis to further keep the foreigner in detention (this kind of detention is basically the continuation of the former, in the same detention facility, in the same cell). This is called 'alien policing detention ordered to secure the deportation of the foreigner'. These procedures are opened even if an asylum seeker turns to the police, border control or the OIN's Alien Policing Department and will not be suspended by an application for asylum.

Entry can be refused to persons without travel documents or a visa unless they apply for asylum. The alien policing authorities have to draw up a report on the reasons for fleeing or other circumstances and forward it to the asylum authority.

In the past few years, few foreigners chose to enter the EU through Hungary, which is partly due to these harsh detention measures and the practice of the border guards. While the number of asylum seekers in Hungary was 1600 in 2004, this number was 11391 in Slovakia in the same year. Many of the foreigners said that time that their target country was Slovakia and not Hungary. The HHC believes that traffickers advised them not to try to cross the Hungarian border. Since then asylum applications decreased in both countries as, following this period, border guards practices deteriorated significantly in Slovakia as well.

"Safe third countries"

Non-*refoulement* protection is set out in Art. 43 of the Alien Policing Act. If the "safe third country" principle is applied and the "safe third country" is obliged to accept the readmission, the asylum application can be rejected as "manifestly unfounded" in an accelerated procedure (Art. 44 Asylum Act). In practice, accelerated procedure based on the 'safe third country' criteria has hardly been applied. According to the OIN's Department for Information on Countries of Origin there is a list of "safe third countries". However, the general public does not have access to it. The list is said to have been drawn up on the basis of thorough research and is designed to help decision-makers. The assumption that a third country is safe, or the rejection of the application as "manifestly unfounded", can be refuted by the applicant in accordance with §25(2) of the Government Decree.

6. Special procedures

There are no special asylum procedures at the borders.

It is possible – but not obligatory – to conduct an accelerated procedure at the airport (Art. 42 Asylum Act). The alien policing authorities are obliged to inform the asylum authorities immediately about the application for asylum. The first instance decision in the "accelerated airport procedure" has to be delivered within eight days after the application for asylum has been filed. During this time, the asylum seeker is accommodated in a transit facility for returned foreigners. Should it be impossible to decide on the substance of the application within eight days, entry is allowed. Accommodation is assigned to the asylum seeker. The refugee status determination procedure is continued according to the rules of the regular procedure.

The airport procedure is different to other accelerated procedures because the time allowed for a first instance decision to be made is eight days instead of 15 days. In addition, the provisions on medical screening are not applicable. Instead, special provisions exist. The airport procedure is rarely used, if at all.

A 2007 border monitoring project, conducted by the Hungarian Helsinki Committee in within the framework of a tripartite agreement with UNHCR Regional Representation for Hungary, Poland, Slovakia and Slovenia and the National Border Guard Headquarters, has recently revealed some shortcomings at the airport such as the lack of proper interview conducted with foreigners under a return procedure, the lack of information and interpretation and at times inadequate reception conditions for those held at the short-term detention facilities. In addition, the breach of the *non-refoulement* principle was also observed. The project will continue till the end of the year and it is hoped

7. Distribution/accommodation

In Hungary, there are three reception centres: Bicske, Debrecen and Békéscsaba.

Bicske is situated close to Budapest, the other two cities are county capitals which are connected to Budapest by intercity trains. Asylum seekers with a special need for protection are accommodated according to their need of protection, provided that there is a special facility for them. Unaccompanied minors, for example, are taken to Nagykanizsa.

8. Dublin II

Asylum seekers who are returned to Hungary under the Dublin II Regulation receive the same benefits as other asylum seekers.

There are no escorted returns in Hungary. Border Guards are informed in advance about the transfer and they let the foreigner, who's *laissez-passer* is issued by another MS, into Hungary at the designated border crossing point (Budapest - Ferihegy Airport, or Hegyeshalom). Officials of the refugee authority are present at the border points on these occasions. They ask the foreigner if s/he wants to uphold (continue) the application. If yes they direct the foreigner to an open refugee reception centre.

B. Details

1. Information (CD Art. 5)

Asylum seekers are briefed by the OIN and NGOs. At the beginning of the asylum procedure they receive a fact sheet about their rights and obligations during the asylum procedure. Information in writing about the asylum procedure is available in a number of languages but there are no translations into e.g. Albanian or Kurdish. The Hungarian Helsinki Committee has been preparing information leaflets and translates them into several languages. They are distributed at detention and open reception facilities. The HHC regularly monitors the placement of these leaflets at the facilities.

Sometimes problem occurs when the foreigner is intercepted by the border guards. Although they say they provide adequate information about the rights and responsibilities, several asylum seekers have said that they received no information about their status, the procedure and other circumstances.

The lack of appropriate translation and interpretation of the information given is another problem. Often, there is no official interpreter available during the interview and the sometimes the border guards themselves speak in the language of the foreigner, but only at a basic level.

During the second or the "detailed interview", the asylum seekers are again provided with information, and this is kept on record. If one of the officers of the department for asylum holds an intermediate qualification in a foreign language (English, in most cases) there will be no interpreter appointed. The HHC is also aware of a number of cases where fact sheets and decisions were not translated.

Access to information on reception conditions (care, maintenance and benefits) is not stipulated by Hungarian law, therefore the standards set forth in Article 5 of the EU Directive are not guaranteed.

2. Documentation (CD Art. 6)

Asylum seekers receive a document which is suitable for identification and which proves the lawfulness of their stay in Hungary (Art. 15 Asylum Act). In addition, Article 15 of the Act XXXIX 2001 on the Entry and Stay of Foreigners sets out that for humanitarian reasons, the alien policing authority may issue a permission to stay even when the conditions of stay according to the law do not obtain, for the foreigners who requested to be recognised as a refugee or as a person under temporary protection.

In practice, the document is not issued before the medical screening, which takes about two weeks. Asylum seekers in detention pending deportation do not receive this document.

Asylum seekers are obliged to stay in the reception centre or any other facility assigned by the refugee authority. However, this is not mentioned in the document.

The OIN plans to amend the legal provisions in order to fulfil the requirements of the EU Directive.

3. Legal advice, legal protection, social counselling, NGO access (CD Art. 14)

Asylum seekers are entitled to aid and maintenance for the duration of the asylum procedure. However, during times of absence they are not entitled to benefits that were due during this period. Absence does not rule out the granting of benefits on their return.

There is information and counselling on the reception conditions. In the Bicske facility, OIN staff members inform the asylum seekers orally about the procedures and the house rules. They speak Russian, Slovakian, German and English. For other languages an interpreter must be requested in Budapest.

The OIN authorises NGOs to enter open centres and accommodation centres. NGOs may contact any persons in the centre. The following NGOs have access to the centres: HHC, Mejok (legal assistance), Menedék (social assistance), Cordelia Foundation (mental health care).

For asylum seekers in detention pending deportation the permission to visit is issued by the Border Guards. Counselling by the HHC is possible due to a 2002 cooperation agreement with the Border Guard Headquarters. It is the basis for two kinds of visits paid by HHC members of staff, contracted lawyers and law students:

- visits to examine the general situation of detained asylum seekers and other detained migrants
- regular visits of the HHC lawyers and refugee clinic students. They are allowed to pay weekly visits, to inform asylum seekers and other detained migrants about their rights and their legal situation, to assume powers of attorney and to receive authorisation for representation.

The HHC's contracted lawyers visit the country's six detention centers on a weekly basis.

The Act on Legal Aid, adopted in October 2003, entered into force on 1 April 2004. Since then, state-funded legal aid has, to a limited extent, been available for foreigners in the asylum and alien policing procedures. The law brings about reform in legal aid available to indigent persons in extra-judicial and public administrative procedures. Furthermore, the law allows legal aid NGOs to register as legal aid service providers, and the state legal aid budget can reimburse the costs of legal services (albeit at a quite low fee level) falling under the scope of the Legal Aid Act which are provided by the registered NGOs. (The HHC registered with the Ministry of Justice as a legal aid provider as of 1 September 2004.)

The costs for legal fees are reimbursed for verbal counselling during the asylum procedure and the preparation of applications and petitions to the administrative authorities and the court, but not for representation in the proceedings (representation in the asylum interview and in the court procedure are also excluded). The cost of interpreters is not covered either.

Specialised lawyers are at the asylum seekers' disposal to a limited extent, and are mandated by the HCC. Specially trained law students from the Legal Clinics project are also available.

4. Subsidiary protection

There is only one procedure for both kinds of protection. It is not possible to file a separate request for subsidiary protection. Within the framework of the procedure for the ascertainment of refugee status the OIN decides ex officio whether the case at issue is a non-refoulement case. The new asylum act will bring the convention status and the subsidiary protection status closer together to grant similar rights.

5. Residence and freedom of movement (CD Art. 7)

Asylum seekers may move freely within the territory of the country. There is no residence obligation. However, there is an obligation to be present in the reception centres between 10 p.m. and 8 a.m. This obligation is set out in point 4 of the "house rules for reception centres" that constitutes part of the annex to the Decree of the Minister of the Interior No. 24/2001 (XI.21). It stipulates as well that any leave in excess of 24 hours must be approved by the refugee authority. A request for leave must be submitted to the reception centre three working days prior to the day of such leave and forwarded immediately to the competent OIN department.

The material reception conditions are not withdrawn or reduced because of leave, except for the spending money. Art. 7 of the Government Decree on Care and Maintenance provides that "applicants, refugees and temporarily protected persons who have completed their 14th year of age shall receive monthly spending money for free use in an amount fixed by the Minister of the Interior, as of the third month of stay at the reception centre. The spending money shall be cancelled if the person receiving the spending money repeatedly or grossly violates the house rules of the reception centre despite a preliminary warning relating thereto." If the resident leaves the reception centre for over 24 hours without approval this can be considered an infringement of the house rules.

Procedures relating to the granting of benefits or the restriction thereof (such as the withdrawal of spending money) are not clearly prescribed by law. Decisions are made on the basis of internal orders. Currently, a judicial review is not possible

Unlike asylum seekers in reception centres, those in detention at the time being have no "access to all benefits under this Directive". Not to mention the fact that the decision on being accommodated in an open or closed facility seems to be rather arbitrary and discriminatory.

6. Families (CD Art. 8)

If an individual is recognised as a refugee, members of the core family are given recognition as well, in keeping with Art. 2 of the Asylum Act.

The Asylum Act guarantees family unity for the core family provided that the application was filed together or the relative applied for a joint procedure before a decision is taken on the application for asylum of the first applicant.

If an application by family members is filed after the first applicant has already been given refugee status they will not be recognised as refugees, which causes a problem. However, the principle of non-refoulement was complied with in all cases.

Close relatives should be assigned to the same accommodation facility unless one of the applicants expresses the wish for another arrangement, which can be granted. Family members are accommodated together in all the reception centres. There are floors for families only.

In detention facilities family members of different sex are not accommodated in the same place (room or even floor).

Hungarian Parliament adopted the Act XLVI of 2005 on the Amendment of the Act LV of 1993 on citizenship. The law came into force on January 2006. The amended sections introduced the following preferential provisions for refugees, transposing strictly the compulsory part of the Family Reunification Directive and failing thus to apply higher standards even when explicitly recommended by the Directive:

- In case of unaccompanied minors, a first-degree relative in the direct ascending line or – where he/she does not have such relatives – his/her legal guardian can be considered as a family member eligible for family reunification.
- The family tie between a refugee and a family member eligible for family reunification can be proved in every “reliable” way, therefore solely the lack of documentary evidence cannot be a reason for rejection.
- Provided that an application for residence visa with reference to family reunification is submitted within three months following the family member’s recognition as a refugee, the authorities will not observe the conditions usually applicable in such cases (livelihood, accommodation, health insurance).

The family link can be proved through all “credible” ways; the lack of written documentation can not be a reason for rejection in case of refugees.

In case of refugees, the otherwise applicable conditions (see above: livelihood, health insurance, accommodation) shall only be observed by the authority if the request for family reunification was submitted later than 3 months after the recognition as refugee (in accordance with the EU Directive). The 3-month period after recognition during which a refugee is entitled to “positive discrimination” in family reunification is in line with the EU Directive. This limitation – while its justification is evident and acceptable – raises some concerns. It is possible that in some cases the refugee has a valid reason for not applying for family reunification during this 3-month period. For example:

- He/she was under medical and/or psychiatric treatment and was unable to do so
- He/she is a torture victim and/or suffering from PTSD and was unable to do so
- He/she completely lost contact with his/her family members during the flight
- He/she was provided with misleading information, etc.

The right to family union is not a “temporary right” which is not applicable any more after a certain period of time. The reason for this “positive discrimination” is the obvious fact that refugees are generally not able to fulfil the strict conditions normally applicable in family reunification cases.

Prior to the amendment of the Asylum Act in 2001, family members of refugees in Hungary were entitled to refugee status. Under the current legal regime they can be granted with a permission to stay (enabling them to work and study), but will not be recognised as refugees solely on the basis of their close family link to a refugee (while they can still apply for refugee status on their own right, of course).

Persons protected under the subsidiary protection regime (defined in Section 43(1) of the Aliens Act), the so-called persons authorised to stay are not eligible for family reunification at all. They only become eligible when they obtain a permanent residence permit, many years after their arrival in Hungary.

7. Medical screening (CD Art. 9)

Every asylum seeker is obliged to undergo medical screening. According to the Government Decree it is in the interest of public health that asylum seekers shall be accommodated separately in reception centres and authorised places of accommodation until the National Public Health Institute confirms that the asylum seeker does not suffer from any infectious disease. The medical examination covers diseases such as AIDS, TB, lues, leprosy, typhoid fever, paratyphoid, psoriasis, and other acute infectious diseases.

In the case of asylum seekers in detention medical screening is carried out by a doctor appointed by the Border Guards. They are only examined superficially.¹

Asylum seekers in reception centres have to wait for the result of the examination in quarantine, usually 2-3 weeks. Asylum seekers in private accommodation are obliged to undergo an examination at the competent regional office but they may move freely during the time of medical screening.

The new Asylum Act will likely abolish the obligatory medical screening.

8. Schooling and education of minors, access to employment, vocational training (CD Art. 10, 11, 12)

8a. Schooling (CD Art. 10)

In Hungary, individuals under 18 years of age have the right to schooling, independent of their legal status. It is possible to make an exception if the minor stays in Hungary for less than one year. The children attend public schools. There are no tuition fees until after their first leaving certificate. In practice, it is difficult for those without a sufficient knowledge of Hungarian to continue their education. Individuals with a "person authorised to stay" status or asylum seekers are only obliged to attend primary school. The secondary schools decide who will have access to higher levels of education. In practice, starting school in the middle of the year has proven especially difficult.

Occasionally, special classes are offered at the reception centres, held by social workers. In Debrecen a basic level language class for children has been held but in other cities where accommodation facilities are situated there are no classes for children.

The OIN provides school items while local governments or cities are responsible, under child protection and social welfare laws, for the provision of adequate equipment.

In most cases, the guardian decides on the level of education. In daily attended schools the teachers decide on the children's level of education.

¹ For details see B.8e.

It is however not the parents who hinder the child's quick access to education, but the general negative approach of the local schools and the fact that the minimum facilities of being able to go to school are lacking (namely there is no subsidy or support provided for travelling, meals or school-books).

8b. Employment (CD Art. 11)

As a result of the amendments of 1 May 2004 to the Asylum Act, after one year, asylum seekers may take up employment under the provisions applicable for all foreigners. Before 1 May 2004 asylum seekers did not have the right to work at all. However, the procedure is still complicated and takes several weeks.

It can be concluded that the Hungarian provisions are in compliance with – and in some respects go beyond - the minimum requirements set out in CD Art. 11.

During the first year, asylum seekers may work in the reception centres. In each facility there are 10-15 jobs available, such as gardening or cleaning. Asylum seekers may not be self-employed.

In practice, it's very rare that an asylum seeker can find work. The conditions for the integration of asylum seekers into the labour market are quite bad in Bicske, with about 60 percent of the population in Bicske commuting to work in Budapest each day.

8c. Vocational training (CD Art. 12)

There are no known programmes for training or further training for asylum seekers. Training programmes are only open to recognised refugees and permanent residents. To attend, they do not need an employment contract, only proof of qualification (diploma, etc.).

9. (Material) reception conditions

9a. Modalities of provision (CD Art. 13, 14)

The material reception conditions and health care are paid for by the state. The OIN is also competent for controlling the standards.

All benefits on top of maintenance and spending money must be applied for. The circumstances requiring social assistance must be convincing (eligibility criteria: income does not exceed the minimum 'retirement income', which is almost half the amount of the lowest mandatory wage). Asylum seekers in accommodation centres receive a monthly spending money of about 2,500 HUF (about €10). Only individuals over 14 years of age are entitled to spending money after a stay of three months. Travelling by train is free. Asylum seekers in private accommodation do not receive assistance of any kind.

9b. Facilities/living conditions

The asylum authority decides on the place of accommodation for the asylum seeker as soon as the application is made or on the day after release from detention pending deportation or from the compulsory place of stay ordered by the alien policing authority. With the exception of unaccompanied minors, they are referred to a reception centre, an authorised facility or the

private accommodation requested by the asylum seeker. Unaccompanied minors can be accommodated in certain child care facilities, separate sections of reception centres or authorised facilities. They may live with distant relatives if the relatives undertake to provide the child's care in writing and if it serves the best interests of the child.

If the asylum seeker stays in a compulsory place of stay decided upon by the alien policing authority, any change of accommodation requires the approval of the alien policing authority.

The accommodation capacity in open centres is 2,062 places that break down as follows:

Reception centres:		
Békéscsaba		250
Bicske		360
Debrecen		1,000
Red Cross Shelter		100
Open Community Shelter		352

The Red Cross Shelter accommodates recognised refugees and PAS status holders². Exceptionally, asylum seekers can be accommodated. A centre for unaccompanied minors is run by Red Cross in Nagykanizsa.

The three open community shelters are located in Győr, Nagykanizsa and Nyírbátor. They are operated by the OIN and accommodate persons authorized to stay status holders and rejected asylum seekers, and occasionally asylum seekers (if detention is terminated during the asylum procedure or 12 months have expired).

Capacities of Border Guard facilities for detention

Győr		50
Kiskunhalas		90
Nagykanizsa		56
Nyírbátor		100
Orosháza		25
Szombathely		170
Ferihegy (airport)		20
Total		521

The average duration of stay at the centres is 6-8 months but it is possible for refugees, once they are recognised, to apply for a prolongation of stay to one year. As access to employment and the housing market is difficult for recognised refugees they often remain in the reception centres.

² Person authorised to stay.

The facility in Bicske used to be a housing complex for highway workers, while the Debrecen facility was formerly a military barrack of the Soviet army. The reception centres are under the supervision of the Minister of the Interior or the central refugee agency. The professional direction and supervision is carried out by the competent ministries and departments. The heads of reception centres are appointed by the central refugee agency. The Decree of the Minister of the Interior (24/2001) sets forth the conditions of accommodation and the centres' house rules, which may vary in detail between the different facilities. The house rules stipulate, among other things, the right to receive visitors, consult the doctor and use the equipment of the facility freely. Postal services and phone calls must be paid for by the refugee. He/she is obliged to keep the rooms tidy and to participate in cleaning the building and its surroundings.

The rooms are designed for 2-8 persons. Families are accommodated together in a separate section. Rooms and cabinets can be locked. The Bicske facility has been renovated recently. In Debrecen and Békéscsaba only a few buildings have been renovated, leading to lower conditions and standards.

Each reception centre has its own kitchen. Dietary habits and religious eating habits are taken into account. However, sometimes people complain about the quality of food. There are cooking facilities and refrigerators available to the asylum seekers.

Health care is provided at the reception centre. A nurse is always present and a doctor and paediatrician visit twice a week. They have a medical examination room at the centre. In acute cases a doctor is called or the asylum seekers are taken to the hospital. Pregnant women are examined monthly. As the nurses only speak Hungarian there are communication problems. The social workers help with interpreting.

Deficits in health care occur in dental therapy. In Budapest there are dentists who attend to asylum seekers' teeth free of charge. Asylum seekers in private accommodation are not entitled to these benefits and are not able to call in medical assistance, which is free of charge to asylum seekers.

Child care is not offered. The children in Bicske may visit the public nursery school.

As far as activities are concerned there is a soccer field and, in Bicske, a gym. Access to the internet is provided in all centres. Language classes are organised rarely or not at all. It is a reoccurring problem that hardly any leisure activities could be offered due to a tight budget. In cooperation with NGOs the centres occasionally organise soccer tournaments or other events.

In 2004, the OIN entered into contracts with private security companies to guarantee safety in the centres. Due to the low wages it is not possible to employ security guards who speak foreign languages.

Visitors are allowed in the rooms provided that the other inhabitants agree.

Condition in the country's six detention facilities varies. In Győr, the building is in poor conditions with a strange smell all over, while in Nyírbátor, the building was constructed a few years ago but the facility employs a regime similar to the highest security prison, even those foreigners staying there are not criminals.

9c. Sociocultural environment

There are no events to promote contact between local citizens and asylum seekers. Locals are often prejudiced and mistrustful. In 2003, neighbours in Békéscsaba protested heavily against the establishment of a centre for unaccompanied minors even though the facility is only designed for 35 minors. Despite the exemplary status of this accommodation facility its continuation is called into question. The reasons are unknown. The facility had been closed in Békéscsaba.

Many asylum seekers prefer living in Budapest. The UNHCR has strongly criticised the lack of integration programmes for refugees and promoted some programmes for recognised refugees, although these have not been successful. In Budapest, there are organised events on the occasion of International Refugee Day but they are visited mainly by refugees and refugee care staff and refugee assisting NGOs. About two thirds of all recognised refugees move on to western European countries. In 2007, UNHCR and NGOs focus all Refugee Day activities to Debrecen, Bicske and Békéscsaba I an attempt to reduce xenophobia and try to bring the refugee and the local communities closer.

Community Programs of **Menedék Association**. The Association organises monthly leisure time activities (full day programs) for refugee and other migrant children (excursion, sightseeing, museum exhibition, theatre performance, sport activities, handcraft activities, folklore dance house, etc.).

9d. Exceptional arrangements, detention, restriction of freedom of movement (CD Art. 14(8) and 16)

There are three types of detention pending deportation³:

1. Detention for refusal: this applies to migrants who have entered the country irregularly and have been arrested within 30 days with a readmission agreement being applicable. It also applies to migrants who face deportation to a state obliged to readmit them or to their country of origin within 30 days of being readmitted to Hungary.
2. Detention in preparation for expulsion: this applies during an alien policing procedure establishing identification or clarification of legal residence. In these two cases detention pending deportation may be ordered for five days with the local court deciding on a prolongation until the individual leaves the country, mostly for 30 days (Art. 47(4) and Art. 48(3) Alien Act).
3. Alien policing detention may be ordered to secure deportation: this applies if the migrant has thwarted deportation or refused to leave the country, or if there is good reason to believe that he/she will delay or thwart the enforcement of the expulsion. It also applies if the individual has committed an offence under criminal law or severely and repeatedly violated the conditions of stay and therefore hindered the alien policing procedure.
After five days, the local court may prolong the detention and after six months this becomes the competence of the county courts. The Court must review the conditions for maintaining detention every 90 days. The maximum duration of detention is 12 months (Art. 46 Alien Act).

³ This will change with the new Aliens Act in July 2007, which will simplify the regime to only two types of detention in place.

In practice, detention pending deportation is ordered whenever asylum seekers are intercepted by the Border Guards while or after crossing the border irregularly. Detention is usually prolonged to the maximum duration of 12 months. Asylum seekers from Iraq and Afghanistan are an exception since there is an internal deportation ban by the OIN. It is not possible to lodge an appeal against the imposition of detention although it is possible to file an application to the court within five days to review the lawfulness of the imposition of detention pending deportation. The new Aliens Act will reduce the maximum detention period to six months and filing an application to the court will decrease to 72 hours from 5 days. Usually, the Court reviews neither the lawfulness of the expulsion nor whether it is enforceable therefore the judicial review is meaningless at this point. The HHC has offered to organize training to judges dealing with the prolongation of detention in 2007 in an attempt to ensure that judges are better prepared to decide on such cases.

Detention pending deportation is only prohibited by law in the case of unaccompanied minors. The alien policing authority must determine whether an asylum seeker is a minor and who is competent for his/her supervision. The new law will prohibit not only unaccompanied but all minors to be detained.

Asylum seekers with special needs are also detained pending deportation. The Hungarian Helsinki Committee regularly reports such cases and in all cases writes submissions to the border guards and Alien Policing Department requesting the proper accommodation if the alien in need.

The main countries of origin of detained asylum seekers are China, Bangladesh, India, Russia, Ukraine and Moldova.

Living conditions during detention pending deportation

The living conditions in alien policing jails are sometimes worse than those in penal institutions. They seem to depend largely on the orders of the head of Border Guard even though the conditions of detention are set out by law. Usually, detainees are locked up in their room or might be allowed to stay in the corridor and one hour open air activity is allowed per day. The HHC monitors detention facilities regularly and foreigners regularly complain about not being allowed to go outside every day.

In some detention centres the public payphones are placed outside the open detention area, making it impossible for asylum seekers to reach them at any time.

In some detention facilities asylum seekers do not have access to electricity. As a result, hair cuts or shaving are only possible once a month at the most. There is no laundry in most facilities; the detainees are provided with washing-powder to wash their clothes in the sink and dry them in the rooms. No activities are offered apart from TV.

General health care is provided but the detainees complain about a lack of specialist medical care. Detainees are only taken to the hospital in urgent cases.

Psychological or psychiatric care/treatment is not guaranteed should the need arise as there are no specific norms govern the health care of seriously ill or mentally disturbed asylum seekers detained in alien policing jails. Remand prisoners or convicts are transported to the Central Prison Hospital in Tököl, or to the Forensic Observation and Psychiatric Institution (IMEI) in Budapest but this option is excluded in the case of foreigners. In their case the local hospital is available, which might not offer sufficient psychiatric treatment and increase the burden of the Border

Guards as they need several officers to guard one detainee. Victims of torture or violence are not exempted from the implementation of the lengthy alien policing detention.

While asylum seekers in reception centres are examined for infectious diseases there is no such detailed examination of asylum seekers in detention pending deportation. There is also no quarantine on arrival.

In principle, no documents are issued to asylum seekers in detention pending deportation despite the fact that their temporary stay would be legal on the basis of the application for asylum. In this case, the expulsion takes precedence, in the opinion of the Border Guards.

10. Health care (CD Art. 15)

Emergency care and "necessary health care" (CD Art. 15) are provided. The reception centres are equipped with an in-house infirmary. In practice, asylum seekers complain about the low quality or insufficiency of the medication prescribed.

Nurses are present 24 hours a day at the reception centres. During the day, asylum seekers in the accommodation facilities are able to visit doctors who have been contracted by the OIN. No interpreters are available to doctors or nurses. In the case that medical treatment cannot be provided at the centre asylum seekers are taken to a hospital.

11. Withdrawal and reduction (CD Art. 16)

Asylum seekers are entitled to accommodation and maintenance during the procedure. These benefits cannot be withdrawn. The director of the centre is in a position to withdraw allowances (spending money). Complaints and requests concerning accommodation or maintenance must be addressed to him. Any objection against his decision has to be lodged to the director general of the Office, who decides on the complaint within 15 days.

12. Persons with special needs (CD Art. 17-20)

No information is available on how special needs are established and the resulting measures taken. According to the OIN or the border guards, there have been no cases of disabled asylum seekers or elderly refugees with special needs so far. Care is provided for pregnant women. There is no special care, assistance or treatment provided for victims of torture or traumatised refugees. In Hungary, assistance and treatment is only accessible through projects coordinated by NGOs (e.g. the Cordelia Foundation provides psychological assistance to asylum seekers).

In Békéscsaba there is a separate home for unaccompanied minors, run by the "Oltalom Charity Association" NGO. In Debrecen, there is also a separate building for single women (with children).

12a. Minors (CD Art. 18)

The asylum authority or alien policing authority may consult an expert to determine the age of a refugee. In practice, this is rare; only if there are serious doubts that a refugee is a minor. The refugee is X-rayed for this purpose.

Rehabilitation programmes, mental health care and qualified counselling do exist but are rarely sufficient.

According to the current Aliens Act, all unaccompanied minors are exempt from detention while the new act from July 2007 will ban the detention of all minors.

12b. Unaccompanied minors (CD Art. 19)

In 2002 and 2003, 7.6 percent of all asylum seekers were unaccompanied minors. In 2004, their share decreased to 3.3 percent. In 2005 out of 1609 asylum seekers only 42 were unaccompanied minors what is only 2.6 percent of the total number of applicants.

The Government Decree Implementing the Hungarian Asylum Act (Act CXXXIX of 1997) stipulates the right of unaccompanied minors to be represented by a guardian in the asylum procedure from the moment they declare their intention to make an application. OIN officers contact the guardianship authority of the mayor's office for the appointment of a guardian. It is mandatory for the appointed guardian to be present during the interview. However, the Hungarian Helsinki Committee (HHC) is aware of cases where the guardian was not present during the interview and only signed the record afterwards.

A guardian is appointed in cases where the presence of the legal representative or the person accompanying the minor would hinder the investigation of the facts.

The best interests of the child are referred to in several legal provisions: chapter 7 sets forth the appointment of a guardian for unaccompanied minor refugees (under the age of 18); chapter 34 of the Asylum Act stipulates the possibility of consulting a psychologist in the asylum procedure; chapter 10 provides for the accommodation in child care facilities destined for this purpose, reception centres with separate sections for UMs or authorised accommodation facilities as well as accommodation with relatives if they undertake to provide this care in writing and if it is in the best interests of the child (see Government Decree No. 172/2001, chapter 7).

In addition to the OIN-run reception centre in Békéscsaba the Oltalom Charity Association opened a facility for unaccompanied minors in the same city in 2002 – on a contractual basis with the OIN. The members of staff at the new facility were highly qualified and speak several foreign languages. They provided adequate care for the minors who also receive mental health care if necessary.

12c. Victims of torture and violence (CD Art. 20)

The state guarantees no adequate treatment for victims of torture. The Cordelia Foundation offers psychotherapeutic treatment and pays psychologists to visit the reception centres twice a month. A psychologist from the Budapest-based NGO "Menedék" visits Bicske as well.

In 2003, a pilot project on sexual and gender-based violence was launched and led by UNHCR BO in Budapest in Debrecen. Separate buildings or sections are furnished for women and families. All the doors can be locked.

There are no directives or orders on the treatment of victims of torture. The "assistance system" mainly works through cooperation between psychologists, social workers, experts and lawyers.

13. Training staff of authorities and organisations (CD Art. 24)

According to the OIN some sort of training is offered but no details are available.

HHC regularly organises various legal trainings for the refugee authority, judges, border guards, lawyers, and social workers. There are six such trainings planned for 2007.

14. Self-organisation/self-help

Asylum seekers have not formed any organised groups.

C. Actions needed to transpose the Directive

General remarks

The Hungarian Parliament will adopt a new Asylum Act and July and the new Aliens Act will also come into force on July 1, 2007 and some improvements mentioned above can be expected in the area of reception.

The number of detained asylum seekers is quite low. It corresponds to the low number of asylum-seekers coming to Hungary these past few years. However, living conditions in the detention facilities are below the standards provided by the Directive and most of the benefits are simply not accessible. Moreover, asylum seekers in detention have fewer prospects than asylum seekers in open reception centres as far as the asylum procedure is concerned.

For asylum seekers in Hungary there is no way to influence whether they can file their application for asylum from within detention or from an open accommodation facility. This is not due to punishment for misconduct or a criminal offence but to the chance by which the kind of accommodation is determined. It is decisive whether asylum seekers manage to reach the reception centre or the OIN in order to make their application for asylum or whether they are intercepted by the Border Guards while crossing the border irregularly. An improvement could be noted in 2006 and 2007 as more asylum seekers are transferred to open facilities than before.

Chapter II General provisions on reception conditions

Article 5 Information

(1) The provisions are not implemented. Asylum seekers are only informed about their rights and obligations during the asylum procedure. Randomly they receive information about the reception conditions (care, benefits, etc.) from the reception centre staff but there is no legal provision for this.

Asylum seekers who are not accommodated in reception centres but live in private accommodation or detention hardly ever receive important information on the reception conditions. Asylum seekers in detention are often not informed about the possibility of free legal advice.

(2) Information brochures are not available in all languages necessary, posing another problem. NGOs have been preparing information leaflets in several languages and distributing them to reception and detention facilities.

Article 6 Documentation

Asylum seekers who are in detention do not receive any documents confirming their legal status as asylum seekers. The possibility of excluding the application of this Article (subparagraph 2) is therefore used in Hungary.

Article 10 Schooling and education of minors

In Hungary, individuals under 18 years of age are obliged to attend school, independent of their residence status. The Government Decree No. 25/1998, settling questions of detail about care and benefits for asylum seekers, does not contain any provisions about asylum seekers' participation in the education system. As a result, Article 110 of the Act LXXIX of 1993 on Education is applied. This Article contains the notion of non-compulsory school attendance during the first year of stay should the parents neglect to request that their child attend school.

Article 12 Vocational training

In Hungary, there is no possibility for vocational training as set out in this Article. Reception centres occasionally organize vocational training such as a hairdresser or gardening course but it is rare. Menedek Association also organizes such training for asylum seekers and recognized refugees.

Article 13 General rules on material reception conditions and health care

The large number of asylum seekers held in detention facilities for up to 12 months is excluded from some of the obligatory reception conditions. This especially applies to mental health care. Many of the detainees suffer from depression or trauma and are in urgent need for mental health care. This will not change with the new law either.

Article 15 Health care

In practice, necessary and essential health care is provided but asylum seekers often report ineffective or low quality medication.

Chapter IV Provisions for persons with special needs

Article 17 General principle

The OIN has not yet developed any programmes for asylum seekers with special needs. The authorities are said to be trying to provide special assistance to these persons but the attempts are irregular and not reliable. Victims of violence do not receive any special treatment or care. Only the Cordelia Foundation provides mental health care: the NGO staff visit the reception centre regularly but they do not visit the detention facilities. Financial and staff capacities of the

NGO, however, are limited, and it is not possible to help all of the asylum seekers with special needs.

Article 20 Victims of torture and violence

There is no appropriate treatment or care for victims of torture and violence. Cordelia Foundation offers irregular care but is not able to meet demands. It is the duty of the state to implement the Directive and to provide assistance to these asylum seekers with special needs.

Chapter V Appeals

Article 21 Appeals

There is no independent appeals body or court as provided by this Article of the Directive in Hungary. The only possibility for asylum seekers to lodge an appeal against negative decisions relating to the granting of benefits under the Directive is an appeal to the head of the reception centre. They may lodge an appeal against the decision of the head of the reception centre to the Office directorate. Asylum seekers are excluded from an independent appeals body in this context.