



The Organisation of Asylum and Migration Policies

Factsheet: Hungary

1. Introduction

This factsheet provides an overview of how asylum and migration policies are organised in *Hungary*, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on information provided in the Hungary National Report of the EMN Study *The Organisation of Asylum and Migration Policies in EU Member States*¹, as at **October 2012**. Based on desk research, key sources were Ministry of Human Resource, Ministry of Foreign Affairs, Office of Immigration and Nationality, National Police Headquarters, Budapest Tribunal and Central Statistical Office Demographic Research Institute.

2. Overview of organisation of political, legislative and institutional framework

2.1 The political system and institutional context

The Ministry of Interior (MoI) is overall responsible for setting the policy guidelines in the areas of migration, asylum and integration within the Deputy State Secretary for EU and International Relations is the main entity in the area. The Ministry is working in close cooperation with other relevant ministries, the executing authorities and with the relevant international organizations and NGOs.

Within the Ministry of Human Resource has the main responsibility for elaborating and representing the employment policy in the field of migration and asylum. The Ministry is also responsible for determining the detailed rules on work permits, as well as equal opportunities are under the remit of this Ministry. Visa issues belong to the Ministry of Foreign Affairs.

Implementing bodies include the Office of Immigration and Nationality (OIN) (e.g. decision-making regarding certain visas and residence permits, asylum procedures, expulsions and naturalisation), the Equal Treatment Authority, the National Employment Service, Police Headquarters and the Hungarian Central Statistical Office. International organisations such as United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) are active in Hungary, and many NGOs are active in providing various services to migrants, refugees and asylum applicants.

2.2 The legal framework.

The Hungarian new Fundamental Law states the basic rules and principles regarding the organization of asylum and migration policies in Hungary. The rights set down in the Fundamental Law, such as the right to asylum, the freedom of movement, etc.

Act I of 2007 (Free Movement Act) regulate the entry and stay of persons enjoying the right to free movement and their family members, and Act II of 2007 (Aliens Act) regulates the entry and stay of third-country nationals. The Act on Asylum, Act LXXX of 2007, sets down the basic principles and the most important guidelines to follow in the area of asylum in line with the relevant EU directives. There are several provisions on integration in various sectoral legal instruments

3. Development of migration and international protection systems

After the elections in April 2010 significant changes were carried out in the organizational structure of the Hungarian ministries. As part of the administrative reform in 2010, the Ministry of Justice and Law Enforcement (MoJLE) was dissolved and law enforcement tasks were reassigned to the Ministry of Interior thereafter called MoI. Other competences of the former MoJLE were overtaken by the newly created Ministry of Public Administration and Justice. Due to these organisational and structural changes, some of the competences of the former MoJLE, such as public security, border traffic control, citizenship, asylum, admission and residence of foreigners and registration of personal data and addresses were transferred to the

¹ Available on the EMN website

Ministry of Interior. As a consequence of this change, the law enforcement authorities: the Police Headquarters and the penitentiary institutions were also relocated under the auspices of this ministry.

4. Organisation of policy

4.1 Overview of migration and international protection policy

For residence of less than three months within a six-month period, either an airport transit visa or short-stay visa is required for entry: The issue of specific transit visas (the former type "B" visa) and long stay visas concurrently valid as a short stay visa for the first three months (the former type "D+C" visa) has been abolished with the application of the Visa Code, from 5 April 2010. Visas in these categories, issued prior to this date, remain valid until their date of expiry. Visa validity is for a maximum of five years, and applications are typically submitted to the Consul, an authorised representative of a Schengen State.

The Police headquarters carrying out border control may refuse entry if documents are not in place. Asylum applications are lodged with the OIN. If an applicant intends to lodge an application with a different authority, this authority has a duty to record the applicant's wish and to notify the OIN.

For admission for less than three months, the following is required (see 562/2006/EC establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code): a) possession of a valid travel document; b) possession of a valid visa, c) justification of the purpose of entry and stay; d) having sufficient means of subsistence and financial resources for intended stay and return; e) not being subject to an entry ban, and not considered a threat to public policy, public security or public health, or to the national security.

The asylum procedure consists of a preliminary assessment procedure not exceeding 30 days (where applicants are accommodated in Reception Centres).

According to the general rules, a residence permit is an authorization to reside for a limited duration of at least three months and not more than two years. It may be extended for two additional years. Specific purposes of stay include for example family reunification, gainful employment, studies, scientific research, official duties, medical treatment, visit and voluntary service activities. Applications may be submitted to consular offices; however, the competent Regional Directorate of the OIN makes the final decision. In the case of some permits, other institutions or bodies are also involved. Various types of permanent residence permits for foreigners with legal stay are available. Third-country nationals applying for asylum, subsidiary or temporary protection at the OIN, persons recognized as stateless persons as well as unaccompanied minors are granted a residence permit on humanitarian grounds. The following categories of work permits are issued: a) employment with a work permit obligation and b) employment with notification the fact of the employment.

There is a set maximum number of work permits to be issued (18 784 on 31st March 2012). Work permits can be issued by the competent employment centre on the basis of a valid workforce request submitted by an employer, and if neither a Hungarian worker nor an EEA national (or relative) registered as a job-seeker is available for the position.

The Police Headquarters carry out returns of persons without legal stay. The returnee can be escorted to the border or to another country, policing expulsion, removal and ban on entry and stay may be ordered, and in certain circumstances detention may be applied. Voluntary return is carried out in cooperation with IOM.

4.2 Links with other policies

Particularly linked with asylum and migration is educational policy (where foreigners are subject to mandatory schooling), employment policy (with a number of foreign nationals entering the labour market), housing policy (especially regarding accommodation of asylum seekers and housing subsidies for refugees and persons enjoying free movement), health care system (with a health insurance mandatory for long-term residence permits and basic health care eligible for all) and development policy.

5. Analysis of asylum and migration systems

The accession to the EU and Schengen has influenced the development of the asylum and migration system; the transposition of legislation has not been problematic. Learning from the previous working experiences, the Department of European Cooperation in the MoI endeavours to build and maintain durable working relationships with stakeholders active in the field of asylum and migration.

ANNEX: Institutional Chart for Hungary

HUNGARY

Institutional Framework for immigration and asylum policies

