


# Chapter 4

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## Hungary

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Since the late 1980s, due to the increasing competition in the world economy, the rise of FDI, and the evolving EU integration, the role of migration as a source of labour and human capital has been increasing. Throughout the EU, regions and people have become increasingly involved in the global systems of migration. Over the past sixty years, net migration rates have been fluctuating significantly in south-eastern Europe. In the 1950s, it was a region of net emigration, with the exception of countries in the south-west of the Soviet Union. Changes that occurred between the 1960s and 1990s turned some areas into destinations of immigration flows, while others became or remained areas of emigration.

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<sup>22</sup> This draft was written in 1 December 2016, so it reflects the state of affairs up until that time.

Over the last 60 years, the destination countries of emigration from Hungary have not changed significantly, which shows how important historical links are in mass migration. Hungarian emigrants have traditionally been moving to Austria, Germany, the United Kingdom, North America (USA and Canada), to some extent Australia, and to Israel in the 1970s. At the same time, in line with regional trends, Hungary's external relationships have become more Eurocentric. Even if we look at the refugee inflows to Hungary since 1989, when the country signed the Geneva Convention, and especially between 1997 (when geographical limitations concerning the non-European countries were lifted) and early 2015, the cyclical inflows were based on incoming Hungarians (in the early years), Bosnians (1994-95) and Kosovars. Afghanistan, Pakistan and Iraq, however, played smaller role until 2015, when large crowds went through without stopping in Hungary.

Concerning immigration, the key feature is that the whole region including Hungary, while sending massive flows of people through the historical links to the 'West', receives migrants only from its neighbourhood. Further immigration links are rare and relatively weak (like China, Vietnam or other areas of the world). Thus, in addition to low fertility, there is also an 'emptying' process in Hungary and the surrounding region when it comes to migration.

### **Brief history of migration legislation**

After 1989, the first legal change was to favour the return of Hungarians who lost their citizenship due to restrictive policies (Hungarian National Assembly [HNA] 1989, Act XXXI). When Hungary joined the Geneva Convention, this legislation was mainly used by ethnic Hungarians from neighbouring countries and by East German citizens. Legislation changed as the number of immigrants and asylum seekers radically increased. In 1993, the 'Aliens' Act' (HNA 1993b, Act LXXXVI) came into force to tighten the 1989 law. As a result, the process of naturalisation for a foreign citizen requires eight years of residency in Hungary, and at least three years of living and working in Hungary with a residence permit is required in order to gain a settlement permit.

Finally, in 1998 an Act on Asylum entered into force (HNA 1997, Act CXXXIX), which ended geographical limitations of refugees and specified the three categories with different procedures and rights:

refugees, the temporarily protected and persons granted subsidiary protection.

### Entering the EU and the creation of a four-pillar system

By the early 2000s, Hungary established a four-pillar immigration system directed at:

- EEA citizens
- Third country nationals without an ethnic-historical background connected to Hungary
- Foreign citizens with historical or ethnic ties to Hungary
- Asylum seekers based on EU and international legislation<sup>23</sup>

During the EU pre-accession period, national rules and legislations on migration were adapted in harmonising with EU legislations and norms. The 2001 Act on the Entry and Residence of Foreigners (HNA 2001, Act XXXIX), which entered into force in 2002, was the legal basis of the free movement of EU citizens in Hungary and divided the legal status of immigrants into EU citizens and third-country nationals (TCNs). However, it preserved the requirements for settlement permission even for EU citizens, namely three years of working and living in Hungary with a residence permit. For TCNs, it required eight years of residence for naturalisation. Certain ethnic privileges were also built into the system, most importantly social and educational support for ethnic Hungarians living outside the country and legal support when applying for Hungarian citizenship (HNA 2001, Act LXII). This shows that the Hungarian immigration policy and legal framework followed the previously existing German model of selective exclusion and system of ethnic privileges. In the same period, Hungary, just like other applicant countries, signed all relevant EU legislation concerning refugees and human rights.

In 2004, both regulations and the institutional system of migration issues were transformed. The 2004 XXXIX Act established the Office of Immigration and Nationality (OIN). The 2007 Act I (Government Decree 113/2007, Hungarian Government 2007) defines the rights of EEA citizens to free entry, registration and rights of permanent residence, but do not really support their access to public education or health care. Act II of 2007 on the Entry and Stay of Third Country

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<sup>23</sup> More detailed background material concerning various purposes and conditions of stay and settlement in Hungary, naturalisation, and forms of international protection can be accessed by sending an email to [attilamelegh@gmail.com](mailto:attilamelegh@gmail.com)

Nationals (Government Decree 114/2007, Hungarian Government 2007) defines the rights of TCNs, which is in accordance with EU criteria.

There has been several attempts to further enhance the ethnic privileges of people of Hungarian origin, including a referendum (2004) on providing automatic citizenship if their ancestors lived on previous territories of the Hungarian Kingdom. In 2007, Hungary joined the Schengen Zone, which introduced complete freedom of movement. In the same period, Hungary also introduced complete freedom of employment for EEA citizens. This structure has been reconfigured since 2010.

In 2011, an amended citizenship law was established (HNA 2010, Act XLIV amending HNA 1993, Act LV). It offers full citizenship to everyone who knows the language, is able to claim historical Hungarian background and has one ancestor who lived on the territories of historical Hungary. This law provides them rights to move freely and to settle in Hungary, even if they come from non-EU countries. For TCNs without such a background, however, the process of naturalisation still takes 11 years overall, preserving the continuous ethnic-historical privilege built into the Hungarian system of immigration.

In 2012, the government created a special proceeding for immigration with national economic interest, the so-called national settlement permit (HNA 2007, Act II, Article 35/A, enrolled by the HNA 2012, Act CCXX) for those who have been holding a residence permit for any purpose for at least six months prior to the submission of the application and provided securities with a total nominal value of 300 000 EUR have been registered (which should be invested into a special personal treasury bond issued by the Government Debt Management Agency) (HNA 2012, Act CCXX). This new legislation was introduced in order to finance governmental debt and to provide privileges not on the basis of ethnic-historical grounds.

In September 2013, the government (Government Resolution 1698/2013, Hungarian Government 2013) implemented the Migration Strategy based on the seven-year-long strategic plan document related to the Asylum and Migration Fund of the EU for the period of 2014-20. The main principles of the strategy are 1) safeguarding free movement with enhancing the simplified naturalisation of the Hungarian diaspora, 2) providing international protection for asylum

seekers based on international and national laws, 3) integration focusing on legal migrants and beneficiaries of international protection, 4) protecting stateless persons by assistance of granting independent status and protection, 5) fighting illegal migration by actions against violations of the rules of entry and for terminating the illegal situations stemming from abuse of legal migration and residence opportunities; and 6) the importance of communication. These principles also show the hierarchical structure of the migration policy, the focus on securitisation, and the exclusion of topics like the preferential provision of citizenship (i.e. ethnic policies), emigration, or a detailed discussion of integration.

## Amendment of legal regulations concerning refugees after 2013

With the arrival of large numbers of asylum seekers from Kosovo in 2014-2015, Hungary started experimenting with various symbolic and real legal changes in order to slow down and even stop the incoming flow of refugees.

These changes included the following:

1. Changed the legal status of Serbia and various other countries to 'safe countries' (Government Decree 191/2015, Hungarian Government 2015).
2. Built a border fence (HNA 2015, Act CXL) along the Hungarian-Serbian border (HNA 2015, Act CXXVII) and restricted entry points for refugees.
3. Started criminalising the illegal crossing of borders (HNA 2015, Act CXL).
4. Introduced a so-called crisis situation ('state of exception') due to extreme migratory pressure (09.03.2016).

5. Restricted several rights of people seeking and receiving international protection (Amendments on HNA 2007, Act LXXX on Asylum and Act LXXXIX on State Borders 2016).<sup>24</sup>
6. Started a (to a large extent) symbolic fight against the ‘forced settlement’ of immigrants by the EU which ended in an inconclusive referendum and an attempt to change the constitution.

## Relevant definitions

### Migration

The Hungarian legal system defines the main types of migration in reference to the EU legislation. In addition, it intends to provide exclusive rights to TCNs with a Hungarian background. Four main types of migrants are recognised in the Hungarian law: the asylum seekers and beneficiaries of international protection (HNA 2007, Act LXXX), the EEA citizens (HNA 2007, Act I), the TCN migrants, except asylum seekers (HNA 2007, Act II), and the ‘Hungarians abroad’ (co-ethnic Hungarians living outside of the country).

### *Key categories used in the Hungarian legal system*

The Hungarian legal system uses the term ‘illegal’ migration/ migrants rather than ‘irregular’. On the other hand, it does not refer to ‘legal’ or ‘regular’ migration/migrants, as the focus of the relevant laws is on the process of permissions and visas.

Only a few official documents refer to the term ‘illegal immigrants’ in reference to the Schengen Borders Codex, and uses the term in

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<sup>24</sup> Amendment of the Asylum Government Decree (from 1 April 2016): Termination of monthly cash allowance of free use for asylum-seekers (monthly HUF 7125/ EUR 24). Termination of school-enrolment benefit previously provided to child asylum seekers. Amendment of the Asylum Act (from 1 June 2016): Terminating the integration support scheme for recognised refugees and beneficiaries of subsidiary protection introduced in 2013, without replacing it with any alternative measure; introducing the mandatory and automatic revision of refugee status at minimum 3-year intervals following recognition or if an extradition request was issued (previously refugee status was not limited in time, yet it could be withdrawn any time); reducing the mandatory periodic review of the subsidiary protection status from 5 to 3-year intervals following recognition; reducing the maximum period of stay in open reception centres following the recognition of refugee status or subsidiary protection from 60 days to 30 days; decreasing the automatic eligibility period for basic health care services from 1 year to 6 months following the recognition of refugee status or subsidiary protection (Hungarian Helsinki Committee 2016).



reference with crossing the Hungarian border in an illegal way (HNA 2007, Act II, Section 43), such as entering the country without visa if it is required, or not entering through the official border crossing points, especially since the recent migration crisis in 2015. A fence has been built on the south borders of the country which is considered as a state facility (HNA 2015, Act CXL). Therefore, crossing it is a crime punished with three years' imprisonment or, if the crossing was committed as part of a mass riot or by using arms, it can be punished with five years' imprisonment (HNA, 2015 Act CXL, Section 352/A-C).

Only the act CLXXV of 2015 (HNA 2015, Act CLXXV) refers to 'irregular migration' in relation to the recent migration crises. According to the preamble of the act, the Hungarian Parliament is 'aware of the historical challenge of the irregular migration meant for the European Union and Hungary', and acknowledges and approves the efforts made by the Hungarian government to protect the national borders by building a fence.

### ***Key forms of legal migration and related basic rights***

Legal/regular migration, in reference to EU legislation, is separated into four groups: the migration of EEA citizens whose rights are in accordance with EU legislation; TCNs, for whom there are ways of acquiring Hungarian citizenship outside the country; asylum applicants who receive the same rights as Hungarian citizens if they are recognised as refugees or beneficiaries of subsidiary protection (see below in the section on Asylum seekers and refugees), and Hungarian citizens naturalised outside of Hungary and who have established a residence in Hungary.

### ***Who is an economic migrant?***

The Hungarian legal system does not refer to the term 'economic migrants'. Nevertheless, those persons who hold a permit which allows the lawful performance of gainful work could be considered as 'economic migrants'. This includes the following permits: 1) residence permit for the purpose of gainful employment, 2) seasonal employment visa, 3) family reunification (which enable the family member without any restriction), 4) EU Blue Card, 5) residence permit granted on humanitarian grounds, and 6) to a limited extent those who stay in Hungary in order to pursue studies. Moreover, it includes all kinds of settlement permits, such as 7) Permanent

Residence Card, 8) EC Permanent Residence Permit, 9) Temporary Settlement Permit, 10) National Settlement Permit.

### ***What is the legislation referred to? (EU/UN)***

The Hungarian legal system mainly refers to EU law as a reference point in the relevant texts and it has limited reference to UN legislation. UN legislation and UN principles are referred to mainly in the Preambles of the relevant pieces of legislation. Hungary as an EU Member State (MS) has the obligation to adapt its legislation to the EU law and therefore references to EU law can be found in the so-called approximation clauses in the relevant pieces of legislation. The Hungarian state administration is willing to integrate UN initiatives if the EU approves such legislation. This has been a continuous policy since Hungary's EU accession.

### ***What rights are granted to an irregular migrant?***

Hungary has signed all international human rights conventions, thus fundamental human rights should in principle apply to irregular migrants as well. However, Hungary has been criticised by international organisations for not applying those in all cases (UNHCR 2016).

A special case of irregular migrants is the 'stateless person', who is not recognised by any state as its citizen under the operation of its own law. Hungary is party to both UN Conventions on statelessness. It was also the first country to implement, in cooperation with UNHCR, a quality assurance initiative with regard to statelessness determination. Hungary - in line with all other EU MSs - has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

### ***How does family reunification work?***

For the purpose of family reunification, residence permits could be granted for TCNs if the person is a family member of a Hungarian citizen, an EEA national or a TCN who has residence, immigration, permanent residence, national permanent residence, or EC permanent residence permit (hereinafter sponsor). In case of family members of a Hungarian citizen, an EEA national and a refugee, work permits are granted.



The following family ties are recognised in relation to family reunification: spouse, minor children common with his/her spouse, minor children of his/her spouse (including adopted children in both cases), dependent parent(s), sibling(s) or other direct relative(s) if he/she is unable to care for oneself due to his/her health status. For third country nationals born in Hungary, residence permits should be granted in purpose of family reunification.

In the case of a refugee's family members, the above-mentioned kinships are recognised even when there is a lack of documentation proving the family relationship. However, marriage with the spouse must have occurred prior to the arrival of the refugee. Moreover, for parent(s) of unaccompanied minors, residence permits should be granted also in purpose of family reunification. Family members of Hungarian citizens are granted preferential routes of naturalisation as mentioned above. The validity of residence permits issued for family reunification could not be longer than the residence permit of the sponsor.

The right of residence of a family member who is a TCN shall terminate if the relationship is terminated within six months from the time when the right of residence was obtained, provided that it was contracted solely for the purpose of obtaining the right of residence (HNA 2010, Act CXXXV 2§ (2)). Accordingly, the TCN family members of EEA citizens have all the rights granted by EU law which is extended to the family members of Hungarian citizens. Concerning the family reunification of TCNs, Hungary has transposed the Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (European Council 2003).

#### *Which provisions do exist for non-accompanied minors?*

In the Hungarian law, 'unaccompanied minor' means 'any third-country national below the age of eighteen, who arrive on the territory of Hungary unaccompanied by an adult responsible for them whether by law or custom, for as long as they are not effectively in the care of such a person, including minors who are left unaccompanied after they entered the territory of Hungary' (HNA 2007, Act II, 2§ e). The same definition is used in the asylum legislation (HNA 2007, Act LXXX).

The law offers no details about specific provisions for unaccompanied minors because they are not considered as a separate group of migrants, but as TCNs having special (procedural or reception) needs, meaning that asylum applications of unaccompanied minors have to be prioritised. Moreover, the asylum authority has to arrange the temporary placement of the minor in a childcare institution and notify the guardianship authority without delay. The guardianship authority then has to appoint the guardian in no later than eight days from the notification. Unaccompanied minors may never be detained. In the case of an unaccompanied minor whose application is rejected, besides the fundamental guarantees for *non-refoulement*, return may not be implemented except if family reunification or (public) institutional care is provided in the country of origin. If this condition is not met, the unaccompanied minors receive a humanitarian residence permit.

## Asylum seekers and refugees

### *Which categories of protection exist and which rights are these entitled with?*

The Hungarian legal system distinguishes four types of protection, which relate to refugee status in EU law. These are refugee (*menekült*), beneficiary of subsidiary protection (*oltalmazott*), beneficiary of temporary protection (*menedékes*), and tolerated stay (*befogadott*) (HNA 2007, Act LXXX).

Table 4.8. Protection categories and corresponding rights

Status	Work	Family reunion	Residence document	Travel documents	Basic health care
<b>Refugee</b>	Yes, same as HU nationals	Yes	Yes – ID card	Yes – Convention travel document	Yes
<b>Beneficiary, subsidiary protection</b>	Yes, same as HU nationals	Yes	Yes – ID card	Yes	Yes
<b>Beneficiary, temporary protection</b>	Yes	No	Yes	Limited – for a single travel	Yes
<b>Tolerated stay</b>	Yes	No	Yes – humanitarian residence permit	Only for a single travel to the country of origin	Yes

### Who processes asylum applications?

The asylum procedure is aimed at determining whether a) a foreigner seeking recognition satisfies the criteria of recognition as a refugee, a beneficiary of subsidiary protection or a beneficiary of temporary protection, b) the principle of *non-refoulement* is applicable with regard to foreigners seeking recognition, c) a foreigner seeking recognition may be expelled or deported where the principle of *non-refoulement* is not applicable, d) a foreigner can be handed over in the framework of a Dublin transfer (HNA 2007, Act LXXX, Section 32).

The procedure starts when an application is submitted to the asylum authority. It must be submitted in person before the authority, but the statement on the intent to apply for asylum could also be made during the alien's police procedure, infringement or criminal procedure (OIN, n.d.). OIN is responsible for the asylum procedure, and the integration of the beneficiaries of international protection. However, it is also the migration authority. This centralised administration means unified application of law on the one hand, but also that local authorities have no role in the process.

Table 4.9. Asylum seekers in Hungary and persons granted international protection status (2000-2015)

Year	Asylum seekers	Refugees	Subsidiary protection	Tolerated stay
2000	7 801	197	-	680
2001	9 554	174	-	290
2002	6 412	104	-	1 304
2003	2 401	178	-	772
2004	1 600	149	-	177
2005	1 609	97	-	95
2006	2 117	99	-	99
2007	3 419	169	-	83
2008	3 118	160	88	42
2009	4 672	177	64	156
2010	2 104	83	132	58
2011	1 693	52	139	14
2012	2 157	87	328	47
2013	18 900	198	217	4
2014	42 777	240	236	7
2015	177 135	146	356	6
<b>2000-2015 total</b>	<b>287 469</b>	<b>2 310</b>	<b>1 560</b>	<b>3 834</b>

Source: Hungarian Central Statistical Office

### ***To what extent does the protection actually granted comply with existing legal frameworks?***

The Hungarian asylum law is based on the Geneva Convention but it also uses the related EU legislation in fields not covered by Geneva, such as subsidiary protection or temporary protection. Moreover, the Hungarian legislation introduced the 'tolerated stay' status in cases where none of the categories of international protection are applicable.

Before 2010 the Hungarian immigration policy on beneficiaries of international protection was rather permissive concerning obligations or optional provisions stemming from EU law. From 2010 onward the Hungarian legislation has become steadily stricter. Within the framework of the EU directives of the Common European Asylum System, it means that Hungary has mainly transposed the stricter rules from the Acquis such, as the asylum detention that was introduced in 2013.

### ***References to international protection in national documents***

The Hungarian legal system mainly refers to EU law as a reference point in the relevant texts and it has limited reference to UN legislation. UN legislation and UN principles are referred to mainly in the Preambles of the relevant pieces of legislation. Hungary as an EU MS is obligated to adapt its legislation to EU law and therefore, references to EU law can be found in the so-called approximation clauses in the relevant pieces of legislation.

## **Reception system**

### ***Organisation of reception***

Reception as outlined below is only available for asylum seekers in Hungary, so this part should be understood accordingly. As elaborated on in the previous sections, OIN grants four types of protection in Hungary. After a formal asylum process, the type of protection is determined and applicants may be granted asylum.

The reception mechanism is outlined in Chapter VI of the Asylum Act, under the title 'Reception conditions (*befogadási feltételek*), asylum detention (*menekültügyi őrizet*); benefits and support for the refugee, the person of subsidiary protection, and the beneficiary of temporary protection'. The process is put in motion as soon as the person crosses the Hungarian border and applies for one of the above titles. The aim of the process – apart from assessing the correct category of the asylum

seeker – is to determine whether the principle of *non-refoulement* shall be applied, and if not, whether the asylum seeker should be expelled, extradited, or be transferred to another MS based on the Dublin procedure (HNA 2007, Act LXXX, Section 33). The basic rights, benefits and material conditions are the same for both ‘regular’ applicants and those who are put under asylum detention (HNA 2007, Act LXXX, Section 28, modification on HNA 2013, Act XCIII, Section 89). The difference regarding the right to the provided benefits lies between those who are indigent (in case of first-time applicants, the reception with all the benefits is free of charge) and those who are not, or who are later proven to have concealed their financial possibilities (they either have to pay or refund later) (HNA 2007, Act LXXX, Section 26 (2-5)). Material conditions include in-kind contributions, such as accommodation, three meals per day/food allowance, hygienic tools/allowance, clothes, travel discounts (for train and bus) and funeral costs. The original practice (Government Decree 301/2007, Sections 22-23, Hungarian Government 2007) also included cash allowance, in the form of an (extremely low) amount of pocket money and the right to a share of donations, but these possibilities were eliminated by a 2013 and a 2016 Decree (Government Decrees 62/2016 and 446/2013, Sections 8 (d) and 36 (2) b, Hungarian Government 2013 and 2016). As per the version of the 2007 Decree currently in force, ‘the reception institution may offer work opportunities for the asylum seeker within its own territory,’ for ‘a monthly remuneration of up to 85 per cent of the smallest amount of old-age pension’. The expected work is to contribute to the maintenance and preservation of the facility. Since 2015, applicants who are not in detention are also entitled to join the Hungarian public work programme (HNA, 2015, Act CXXVII).

### Type of structures, time length

The reception is organised around three types of facilities: reception centres (*befogadó állomás*), community shelters (*közösségi szállás*) and guarded asylum reception (detention) centres (*menekültügyi őrzött befogadóközpont*). As for reception centres, there are two currently operating in the country, in Bicske and in Vámoszabadi, after the biggest one in Debrecen (capacity above 700 persons) was closed at the end of 2015. The Bicske centre has been in place since 1989, accepting refugees without geographic limitation since 1998. Its ‘normal’



capacity is around 300 persons.<sup>25</sup> The Vámoszabadi centre is quite new, operating since 2013, with a capacity of more than 200. Apart from these permanent facilities, there are temporary centres also in Nagyfa, Körmend and Kiskunhalas. There is currently one community shelter in Hungary, located in Balassagyarmat, with a capacity of 110. The maximum length of stay in reception centres and the community shelter for those granted protection, is currently 30 days.<sup>26</sup>

Asylum detention was introduced to Hungarian law in 2013 (HNA 2013, Act XCIII, Section 92). As for the detention centres, the maximum duration of detention is six months. It can be ordered by OIN for up to 72 hours. This can be extended by the court by 60 days, and after that prolonged by another 60 days. The system was introduced in 2013 with the amendment of the Asylum Act, and detention facilities currently operate in Békéscsaba (capacity 185), Nyírbátor (capacity 105) and Kiskunhalas (capacity 76). The rationale for the detention is to 'ensure the availability of third country applicants' during the asylum procedure. According to the Asylum Act (HNA 2007, Act LXXX, Section 31/A (1)), the OIN may detain the applicant:

- (a) to establish his/her identity or nationality;
- (b) when a procedure is ongoing for the expulsion of the applicant and it can be proven or there is a well-founded reason to presume that the person is applying for asylum exclusively to sabotage the expulsion;
- (c) in order to establish the required data for conducting the procedure;
- (d) to protect national security, public safety, or public order;
- (e) when the application has been submitted in an airport procedure;
- (f) where Dublin transfers are proved to be problematic.

Families can only be detained under exceptional circumstances, while for unaccompanied minors, it is prohibited. However, civil society groups and international organisations question whether transit zones are not detention centres and that the government violates non-detention rules. The Hungarian regulation is in line with EU Directive 2013/33 (European Parliament and European Council 2013), which sets

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<sup>25</sup> According to press releases, the Government decided to close the Bicske reception centre by the end of 2016 (Hungarian Government, Press release, 2016.09.13).

<sup>26</sup> Previously two months (HNA 2007, Act LXXX, Section 41 (1)). Reduced to 30 days as from 1 June 2016 by HNA 2016, Act XXXIX.

out the legal and material conditions and guarantees for detention. However, though the directive sees detention as a last resort, in Hungary, 'detention became a key element in the Government's policy of deterrence,' UNHCR observed (UNCHR 2016).

Cases of unaccompanied minors are treated by the Guardianship Office of Hungary, while their accommodation is organised in two specialised childcare facilities in Fót and in Hódmezővásárhely (the latter closed in 2016). While their detention is explicitly banned by law (HNA 2007, Act II, Section 56; HNA 2007, Act LXXX, Section 32/B), the rules for other vulnerable groups are less restrictive. As the number of asylum seekers started to increase significantly in Hungary in the middle of 2015, the reception system underwent some important changes, reacting to the enhanced challenges. In the peak period of 2015, the authorities decided to effectuate temporary facilities, 'registration centres', in order to provide for the primary humanitarian needs of asylum seekers and for the registration prescribed by the EU *acquis*. These facilities ceased to operate following the decrease of the migratory pressure. Moreover, simultaneously to completing a border fence, the Government introduced the so called 'transit zones'. These zones were established at the southern border of Hungary (in Tompa, Röszke, Beremend, and Letenye, the latter two at the Hungarian-Croatian border has never been operational). In the transit zones, asylum and immigration authorities, and the security services are present. This is where applicants for asylum are registered, and primary interviews are conducted. In case of applicants who do not belong to any of the vulnerable groups, a specific accelerated procedure, the so-called border procedure is conducted. There is room to appeal the decision on the spot. In practice, the applicants detained in the transit zones until a decision is made in their cases. The border procedure, however, does not apply to vulnerable applicants, who are given special attention and are moved to open reception facilities as soon as possible.

## Return of migrants

### *When is return possible?*

Return is applicable when a TCN does not satisfy (or does not satisfy anymore) the conditions of stay in the country. This includes those who have never had any kind of permission, those whose permit has expired and those whose applications (asylum or other stay) has been

refused. Here, we only examine the practice regarding refugees. Hungary's Fundamental Law reaffirms *non-refoulement* in its Section XIV (3). Based on these rules, the case of every asylum seeker, who declare their intention of applying for asylum in Hungary by one of the above-mentioned procedures, should be carefully scrutinised. Before any such declaration of intention, the alien policing authorities are responsible for deciding whether a person crossing the border has a right to stay in the country. If he/she does not have that right, the authority can order either his/her return or expulsion. The alien policing is 'obligated to examine the principle of *non-refoulement* in all procedures regarding the order and execution of return and/or expulsion' (HNA 2007, Act II, Section 52 (1)), for it is the most basic prerequisite in the asylum procedure, guaranteeing that the asylum seeker can access the territory of the state.

### 'Safe' countries

In 2010, with a modification of the Asylum Act, the concept of 'safe third country' was introduced in the asylum procedure (HNA 2010, Act CXXXV, Section 2(i)). The criteria for 'safe third countries' included that:

- (a) the applicant's life or freedom should not be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion;
- (b) the principle of *non-refoulement* is respected;
- (c) the international legal rule that aims to prevent deportation to a country where he/she would face the danger of murder, torture, or any kind of inhumane treatment is respected and applied; and
- (d) applying for asylum is possible and once granted, protection in accordance with the Geneva Convention is assured.

In the case of a safe third country, the asylum authority could find the application inadmissible, and thus reject it without examining it in merit – while the applicant could claim that the specific country was not safe in his/her respect. Hungary had not adopted a list of safe third countries at that time (along with the 2010 change in legislation). The government went further in this sense only in 2015, by publishing a list of safe third countries in a governmental decree (Government Decree 191/2015, Hungarian Government 2015). The list included: all EU MSs, EU candidate countries (except Turkey), MSs of the European Economic Area (EEA), US States that do not

have the death penalty, Switzerland, Bosnia-Herzegovina, Kosovo, Canada, Australia, and New Zealand. Serbia, therefore included in the list, is still the main problematic point, as it remains highly debatable whether it can be recognised as safe. Many relevant international actors argue that it cannot, because of its lack of capacity of properly handling the difficult situation (how to manage sudden surges in migration) and for the risk of chain-*refoulement* it holds (see Bakonyi et al. 2011 for details). This 2015 legal development, along with others already mentioned from the same year, could mean a 'quasi-automatic rejection at first glance of over 99 per cent of asylum claims (as 99 per cent of asylum-seekers enter Hungary from Serbia), without any consideration of protection needs' (Hungarian Helsinki Committee 2015) Under these circumstances, the only remaining legal guarantee - that nobody can be returned or expelled whose application for asylum is lodged by the authority - seems to be unsatisfactory.

### ***Readmission agreements***

The above-mentioned Act II of 2007 specifies the concept of readmission agreements (an international treaty on the authorisation of transfer, officially accompanied transit, and travel of persons through state borders), which constitute the basis of this sort of removals, and sets forth the procedural regulations that apply (HNA 2007, Act II, Sections 2 (i), and 45/B). Since the Amsterdam Treaty delegated readmission issues to the EU level, the EU agreements apply automatically to Hungary. However, this is a shared competence, which means that in case there is no agreement with a specific country on the EU level, MSs can have their own agreements with third countries. Thus, while many agreements exist on the EU level,<sup>27</sup> this system mostly builds on bilateral agreements between states. Hungary has agreements with all its neighbours and other countries, regulating the execution of the readmissions in the specific cases (Manke 2016). For Hungary, this shared competence system first became important in regard to Kosovo. Since the EU did not have (and still does not have) a readmission agreement with Kosovo, and Serbia was unwilling to accept transfers based on the EU-Serbia agreement, during the enhanced migration period from 2012,

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<sup>27</sup> The EU currently has 17 Readmission Agreements with third states (see European Commission, n.d.).

Hungary was able to effectuate transfers based on its bilateral agreement with Kosovo (HNA 2012, Act LXXXVII).

## Search and rescue operations, hotspot approach

### *How are they defined at the national level?*

In September 2015, Hungary was offered 'hotspot assistance' by the European Commission, which was shortly after turned down by the government (Hungarian Government 2015). Behind this move was two basic convictions. First, Hungary is not a 'frontline state', meaning that asylum seekers arrive to its territory after having already been to another EU MS, namely Italy or Greece (this can be important when it comes to executing transfers based on the Dublin Regulations). Second, migration should not be simply 'handled,' it should be stopped. According to government officials, the hotspot system design builds on the opposite conviction, because of the different relocation and resettlement options, and the establishment of hotspots within the territory of the EU.

### *Is there a national legislation managing the hotspot approach?*

The government elaborated only a semi-official action plan, the so-called Schengen 2.0 (About Hungary, 2016). This plan includes the following ten points: 'borders', 'identification', 'corrections', 'outside', 'agreements', 'return', 'conditionality', 'assistance', 'safe countries' and 'voluntary'.<sup>28</sup> The action plan, including the Hungarian approach to the hotspot policy, is not (yet) codified in law. The most characteristic element of the government's position on the 'migration problem' is thus, probably, that it should be solved before it reaches Europe. Taking into account this fundamental assumption, Hungary has been taking part in joint Frontex operations, and has been cooperating with its partners in the framework of the Visegrad Group in order to strengthen external border control. The Hungarian government has also supported the idea of a new agency replacing Frontex, and on 6 October 2016, the new European Border and Coast Guard was officially launched with a Hungarian contribution of 65 persons (European Parliament and European Council 2016). Border protection

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<sup>28</sup> These are keywords which outline the government's strategy: 'border' means the protection of borders, 'identification' means the compulsory registration of biometric data, 'corrections' means the reestablishment of the proper functioning of the Dublin System, 'outside' means that asylum procedures should be completed outside the EU, and so on. The full program is available under the link.



however, is only one element in preventing migrants from reaching EU territory. Hungarian government officials also emphasise the need to 'get help to those in need instead of bringing the problem to Europe' (Hungarian Government 2016) According to the Department for International Development and Humanitarian Aid (Ministry of Foreign Affairs, n.d.), Syria and Libya are, among others, set as target countries for Hungarian humanitarian aid. According to the information provided on the website, Hungarian aid diplomacy has been focusing on Syria since 2012, directing 60 per cent of the resources to its neighbouring countries. The official strategy for 2014-20, however, does not highlight or even mention Syria, instead, focuses on Eastern European and Western Balkan targets (Ministry of Foreign Affairs and Trade, n.d.).

## Resettlement and relocation

### *How are 'resettlement' and 'relocation' defined?*

The definitions of resettlement or relocation in the Hungarian legal framework concerning migration are based on Act LXXX of 2007 on Asylum 7 § (5) and its decree 301/2007 (XI.9.) 7/A. Hungary undertakes only the resettlement or relocation of refugees – according to international regulations – which must be based on solidarity, but most importantly, it must be voluntary. Although the concepts of resettlement and relocation in the Hungarian legal system are not very well-defined, these issues were treated at EU level as Hungary was part of the implementation and evaluation of the EUREMA project (European Union's Relocation Project for Malta, which was evaluated by the European Asylum Support Office 2012). This was an intra-EU-location pilot project relocating refugees from Malta in 2011-2012, organised by the European Resettlement Network. Hungary is also a participant of the European Solidarity - Refugee Relocation System (Government Decree 1139/2011 and 91/2012, Hungarian Government 2011, 2012).

The Hungarian government also announced its decision to become a resettlement country, confirming its commitment through a pledge submitted to the Ministerial Conference organised by UNHCR in Geneva in December 2011 (UNHCR 2011). Later, it became member of the EUREMA project. However, according to a UNHCR report from 2012 (UNHCR 2012), Hungary as a country of asylum is not taking steps for establishing a framework of relocation and resettlement.

In line with the relevant Council decisions, Hungary should have to accept 1,294 refugees from other MSs, but together with Austria, Croatia and Slovakia, it has not pledged any places for relocation under Decision 2015/1523 and Hungary has lodged actions before the Court of Justice of the EU against Decision 2015/1601 (European Council 2015a, 2015b). In the case of resettlement, the European Commission Recommendation on a European resettlement scheme (European Commission 2015), 27 MSs and Dublin Associated States agreed on resettling 22,504 displaced people from outside the EU through multilateral and national schemes. Hungary did not participate in this agreement.

In February 2016, the prime minister announced that Hungary would hold a referendum on whether the country should accept the proposed mandatory quotas of settling (the expression he used was not relocation or resettlement, but settling or settlement.) Thus, the so-called Hungarian Migrant Quota Referendum on 2 October 2016 asked the following question: 'Do you want the European Union to be able to mandate the obligatory resettlement of non-Hungarian citizens into Hungary even without the approval of the National Assembly?'<sup>29</sup>

As we can see, the EU decision in 2015 was about relocation and the translation of the referendum into English used the word resettlement. However, the question in Hungarian was about future obligatory settling/settlement or, more precisely, forced settlement. As the public in general – including most representatives of the media – do not know the difference between the two concepts (or even three: relocation, resettlement and settlement) and as it is not defined in any Hungarian legal documents, the goals and effects of the EU decision about relocation or resettlement could have easily been misunderstood. The referendum was dealing with a future possibility of an EU decision about forced settlement of non-Hungarians in the country. The turnout of the referendum was too low to make the poll valid, and although the government stated its political validity (98% of the valid votes were 'no') and tried to amend the Fundamental Law of Hungary, this has also failed.

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<sup>29</sup> In Hungarian: 'Akarja-e, hogy az Európai Unió az Országgyűlés hozzájárulása nélkül is előírhasssa nem magyar állampolgárok Magyarországra történő kötelező betelepítését?'

### *Human smuggling*

Smuggling of human beings is defined in §353 of the Penal Code of Hungary and it follows EU regulation as defined in the Charter of Fundamental Rights. Recently the punishment for human smuggling has been strongly tightened (HNA 2015, Act CXL).

Human smuggling is currently punished as follows:

- (1) Any person who provides aid to another person for crossing state borders in violation of the relevant statutory provisions is guilty of a felony punishable by imprisonment not exceeding five years.
- (2) The penalty shall be imprisonment between two to eight years if the smuggling of human beings: a) is carried out for financial gain or advantage; or b) involves several persons crossing state borders.
- (3) The penalty shall be imprisonment between five to ten years if the smuggling of human beings is carried out: a) by tormenting the smuggled person; b) by displaying a deadly weapon; c) by carrying a deadly weapon; d) on a commercial scale; or e) in criminal association with accomplices.
- (4) The penalty shall be imprisonment between five to fifteen years if the smuggling of human beings is carried out in the different combination of the crimes mentioned in point 3).
- (5) The penalty shall be imprisonment between 10 to 20 years to any person who is the organiser or perpetrator of a crime defined in (3) and (4).
- (6) Any person who engages in preparations for the smuggling of human beings is guilty of misdemeanour punishable by imprisonment not exceeding three years.

The Unlawful Employment of TCNs is a separated criminal activity from human smuggling and is defined in §356.

Table 4.10. Human smuggling crimes broken down by border sections

	2014	2015	Total % of 2015	2016 until September	2016 Total % (until September)
<b>Austrian</b>	0	0	0 %	-	-
<b>Budapest</b>	2	1	0 %	0	0 %
<b>Croatian</b>	31	83	7 %	7	1 %
<b>Romanian</b>	69	63	5 %	23	10 %
<b>Serbian</b>	231	550	46,73 %	80	35,87 %
<b>Slovakian</b>	0	0	0 %	-	-
<b>Slovenian</b>	0	0	0 %	-	-
<b>Ukrainian</b>	27	13	1 %	3	3 %
<b>Inland</b>	233	467	39,68 %	110	49,33 %
<b>Total</b>	593	1177	100 %	223	100 %

Source: Hungarian Police, Border Police, 2016

### *Human trafficking*

Concerning human trafficking, the fundamental EU regulations are the foundations of the Hungarian legislation: the Charter of Fundamental Rights of the European Union, Article 5 about the Prohibition of Slavery and Forced Labour, or the special directive (European Parliament, 2000) created due to the high number of human trafficking in the EU. In 2006, Hungary also ratified the United Nations Convention against Transnational Organized Crime and its Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (HNA 2006, Act CI). Although there were some national strategies before 2013 (Government Decision: 1018/2008, Hungarian Government 2008), the actual legal framework of defining and punishing the different forms of human trafficking came into force on 1 July 2013 based on the Penal Code 2012/C regulation. This new definition emphasises the purpose of trafficking, for example for the purpose of exploitation.

In paragraph 143 of the Hungarian Penal Code, in section 'Crime Against Humanity', human trafficking is mentioned for the first time as '[a]ny persons who - being part of a widespread or systematic practice [...] engages in the trafficking in human beings or in exploitation in the form of forced labour'.

The exact definition and the punishment are stated in § 192, which distinguishes between two types of human trafficking:

(1) Any person who: a) sells, purchases, exchanges, or transfers or receives another person as consideration; or b) transports, harbours, shelters or recruits another person for the purposes referred to in paragraph a), including transfer of control over such person;

(2) Any person who - for the purpose of exploitation - sells, purchases, exchanges, supplies, receives, recruits, transports, harbours or shelters another person, including transfer of control over such person.

Thus, it differentiates between human trafficking for not defined reasons and for the purpose of exploitation. The first is punished with maximum three years, and the second with maximum five years of imprisonment. There are aggravating elements which can prolong the duration of imprisonment, such as different forms of physical abuse and endangering human life, targeting a disadvantaged group or a certain age group (the younger the worse) or doing it in an organised form for financial gain. In this system, the most serious punishment can be 20 years. Participating in the preparation of this crime can lead to up to two years' imprisonment.

In the Hungarian legislative system, smuggling of illegal immigrants has a similar weight regarding punishment as human trafficking, although the characteristics of the victims are not as well explained in case of smuggling, nor do they play an important role in defining the exact punishment.

## Three conceptions of justice

### Justice as non-domination

From a Westphalian perspective, with the necessary simplifications, we can treat the Hungarian state as a sovereign actor, who articulates and enforces migration policies, and therefore possesses power which might be abused to the detriment of either individuals (migrants) or other states. On the other hand, it is also a unit exposed or subjected to the possible domination of other actors, primarily the EU. These two aspects, however, are closely interlinked.



The problem of dominance appears basically on two territories of legal and institutional arrangements. The first is defined by procedures and arrangements concerning TCNs seeking international protection: arbitrary actions of the Hungarian state for limiting access to international protection. The second is the set by procedures and arrangements concerning TCNs with historical-ethnic ties to Hungary: arbitrary actions of the Hungarian state introducing exterritorial naturalisation without consulting the concerned states.

In the first case the Hungarian state gave way to, and engaged in, dominating practices vis-à-vis individuals and third states alike, by for example amending the existing law in Act CXL of 2015 to include the criminalisation of 'illegal immigration', the legally questionable implementation of the accelerated border procedure, and the introduction of a state of exception in case of crisis situations caused by mass immigration. In addition, it brought in new legal arrangements, such as the concept and the list of safe third countries, as noted above. With this, the state managed to effectively exclude potential asylum seekers from enjoying their internationally guaranteed rights, and arbitrarily altered a sensitive, interstate legal procedure, which by pushing back refugees impaired the interests of a third state (Serbia). Act CXL of 2015 is also noteworthy because it introduced the concept of 'crisis situation caused by mass immigration', a state of exception in the Agambenian sense, in which legal guarantees of non-domination may be suspended, allowing the government to use exceptional measures and disregard important laws. Also, Hungary is trying to block the return of asylum seekers to Hungary within the Dublin system. The rationale behind these legal actions, and a basis for the relating (political) narrative, was an extreme burden on the Hungarian migration system, interpreted as threatening to the state's authority, sovereignty and even existence.

Concerning the second category of dominance, as of Act XLIV of 2010, ethnic Hungarians can be naturalised on preferential terms. This act aimed for the unification of the Hungarian nation in its symbolic sense, including those ethnic Hungarians who have been excluded since the Treaty of Trianon (1920), which after World War I distributed two thirds of the historic Hungarian territories among the neighbouring countries. The highly political decision was not conciliated with these countries, specifically with those prohibiting dual citizenship, and caused tensions in bilateral diplomatic relationships.

As a way to understand this, we have to be aware that this situation was partially produced in a context where states – although formally equal partners – are involved in complex and highly unequal relationships, including their common exposure to global migratory flows. Without a deeper analysis of the frustrations this has caused, we risk to assume that the recent Hungarian rhetoric and policy of dominance is just a factor of political will, while there are also structural processes to consider. The Orbán government, when addressing these structural issues (like inequalities among Member States – noticeably, for the first time since Hungary’s accession to the EU), it has been verbally hostile to EU ‘dominance’ since its 2010 inauguration. And as we have seen, the ‘migration crisis’ provided an excellent opportunity for further criticisms of the incorrect policies invented and enforced by EU bureaucrats: the most conspicuous issue was the ‘forced settlement quota’, as explained earlier. Interpreting policies laid down in Council Decision 2015/1523 as arbitrary interference in Hungarian sovereignty, the government brought ‘external domination’ directly to the centre of the debate.

Thus, it can be concluded that in the Hungarian case the state is no guarantee of (interstate) non-domination. On the contrary, it tends to engage in practices that can be labelled as arbitrary interference vis-à-vis other states, not to mention vis-à-vis asylum seekers themselves. Nonetheless, we have to be aware that its position within the EU holds the risk of being dominated by other actors who have vastly different institutionalised practices and historical migratory processes than that of Hungary, which has traditionally been either an emigrant country or only received migrants from neighbouring countries.

### Justice as impartiality

The principle of impartiality is endangered in various ways in Hungary, most notably in the following points:

- The lack of an integrated view on the various categories of migrants in migration policy documents and the lack of implementation of any strategy of integration of migrants.
- The Hungarian state has established a four-pillar system which contains various hierarchies and priorities with differential procedures among and within categories of migrants.

Prior to September 2013, there was no governmental strategy in Hungary that could have provided some normative principles to the various categories of migrants. The 2013 Migration Strategy had many general and positive features, but also some challenges from the perspective of impartiality:

- It could not integrate all the processes of migration, most importantly immigration and emigration. This could have given a basic impartial perspective as it would have handled the rights of outgoing 'Hungarians' and incoming 'foreigners' in the same way. This lack of a combined perspective has become very clear when the Hungarian government has been trying to reduce various forms of immigration while at the same time fighting for the rights of outgoing Hungarians.
- The document promised the construction of a universal perspective for an integration strategy for all migrants, but this has not yet been adopted.
- The strategy stated that Hungary supports and facilitates all forms of legal migration, although the official communication of the government since 2015 blatantly contradicts this principle.
- Lack of monitoring and evaluation of the strategy (UNHCR 2013).

The state's priority is clearly to ensure full rights for Hungarian minorities living outside the country. There are certain privileges explained above, the most important one is that Hungary provides full citizenship for those who can prove that he/she had a Hungarian ancestor born in the territory of (historical) Hungary (HNA 2010, Act XLIV amending HNA 1993, Act LV). Another pillar of the policy is the category of EU and EEA citizens benefiting from free movement (of persons and labour) according to EU law. A third pillar consists of the TCNs who are treated in accordance with the *acquis communautaire*. Finally, regarding those who are seeking international protection and/or are crossing the borders of Hungary in an irregular manner, rights were strictly tightened in 2015 and 2016 as an answer to the migration crisis. The hierarchical treatment of these different 'types' as demonstrated above, could be a sign of a lack of impartial treatment. We also have to add that the tightening of the punishment for human smuggling was parallel to the tightening of the punishment for illegally crossing the temporary border protection fence. It shows the importance of defending the state border in every related issue. However, the punishment for unlawful employment of a TCN

has not changed, even under exploitative working conditions. It is still punished with only a maximum of three years imprisonment. Those differences show the unequal treatment of one of the most vulnerable groups of people.

### Justice as mutual recognition

We recognise three areas where justice as mutual recognition is clearly in danger.

- The unequal access to citizenship: for the sake of preferential treatment, the government reduced the institutional capacities toward immigrants without historic-ethnic ties to Hungary. In addition, there is a preferential treatment for ethnic Hungarians that have not (yet) obtained the Hungarian citizenship.
- The unequal recognition of migrants who do not form an accepted 'historical minority' (historical minorities enjoy a certain legal and cultural support).
- The lack of recognition of cultural diversity.

With regard to the unequal treatment in providing citizenship, we can refer to the Migration Integration Policy Index (Huddleston et al. 2015) which evaluates policies to integrate migrants. According to MIPEX, Hungary's overall score is 45 which is an average in the region, but Hungary ranks much lower, even compared to the regional average, in those fields that are related to mutual recognition such as education (score 15), political participation (score 23), and access to nationality (score 31). The exception is anti-discrimination policy, where Hungary's score is 83 of 100.

With regard to the access to citizenship, the key problem is not the preferential treatment of certain groups, but the reduction of the institutional capacity to handle the applications of other migrants after 2011. Co-ethnic Hungarians originating from non-EU states have favourable conditions at all levels of the immigration process compared to other TCNs (National residence and National settlement permits, or preferential naturalisation) if they can claim some ethnic background and/or one ancestor living on Hungarian territories (HNA 1993, Act LV, Article 5(3), enrolled by HNA 2010, Act XLIV).

Beside these policy measures, it should be noted that Hungary does not have any overall policy document on integration of immigrants.

The common praxis has been following the same logic of the immigration policies' four pillars, which is favourable to EEA nationals, co-ethnic Hungarians from neighbouring countries and immigrants of historical minorities, but non-supportive toward other TCNs and asylum seekers. From the perspective of mutual recognition, this means a clear geographic East-West divide on the one hand, and ethnic preferences on the other.

EEA migrants enjoy the social and political rights that come with EEA citizenship, creating a privileged zone of 'Europeans' which governmental priority is not independent from the increasing number Hungarian emigrants directed mainly to EEA countries. Mutual recognition of immigrants with ethnic backgrounds of historical minorities is more favourable because they are permitted to establish autonomy on a local governmental level and organisations which facilitate their socio-cultural recognition and integration. At the same time, they enjoy preferential treatment in accessing local and national media and various forms of cultural funds. They also enjoy certain privileges of political representation on a national level. In the meantime, other TCN groups receive no institutionalised support such as language and vocational training, or housing support.

Mutual recognition with regards to cultural diversity is institutionalised only in a limited way. There is a clear hierarchy of general recognition of diverse cultural origins and identities. The Hungarian government is maintaining a repressive and assimilatory discourse and a goal of building a homogeneous nation. In addition, in the educational sphere, there is substantial evidence that schools and educators follow a 'culturally blind' approach, meaning that they disregard the possible specific cultural and religious needs of children. These homogenisation efforts are also related to the structure of the historical migration processes Hungary has been experiencing.



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## Appendix

Data and statistics on the different categories of migrants:

Table 4.1. People holding permits entitled to reside or settle in the territory of Hungary

<b>Status</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016 by 30 Sept</b>
Immigration permit issued by OIN	-	-	-	-	-	5 574	5 073	4 924
Settlement permit issued by OIN	-	-	-	-	-	2 973	2 726	2 585
Immigration permit	47 205	42 659	40 781	39 267	38 505	37 528	-	-
Settlement permit	23 475	20 588	18 120	4 845	4 376	3 655	-	-
Residence permit	33 682	32 897	33 108	32 276	33 585	40 269	45 497	53 336
National residence permit	-	-	5 012	2 005	784	439	242	156
EEA resident permit	20 855	12 990	7 847	8	7	7	-	-
Registration card	70 248	72 938	88 465	101 795	113 507	101 071	112 752	113 509
Permanent Residence Card	8 319	14 272	16 508	17 014	17 344	17 563	18 960	18 093
TCN family member of a Hungarian citizen	5 562	7 025	7 764	6 321	3 530	1 805	3 932	4 519
TCN family member of an EEA citizen	382	432	469	375	273	171	434	574
EC Permanent Residence Permit	206	398	472	479	478	529	574	632
National Settlement Permit	4 063	5 504	6 513	6 947	6 672	7 387	10 755	15 631
Temporary Settlement Permit	6	9	12	5	5	3	7	10

Source: Office of Immigration and Nationality

Table 4.2. Number and percentage of purpose to stay (2008-2015)

Purpose of stay	Gainful employment	Study	Family reunification	Other purpose	Official	Other purposes of stay	Total
2008	17 681	8 687	4 780	2 654	264	604	<b>34 670</b>
% of total	51,00%	25,06%	13,79%	7,66%	0,76%	1,74%	
2009	14 043	9 814	4 260	2 451	963	723	<b>32 254</b>
% of total	43,54%	30,43%	13,21%	7,60%	2,99%	2,24%	
2010	16 060	11 179	4 678	2 685	1 646	784	<b>37 032</b>
% of total	43,37%	30,19%	12,63%	7,25%	4,44%	2,12%	
2011	13 187	10 236	4 452	2 465	2 218	907	<b>33 465</b>
% of total	39,41%	30,59%	13,30%	7,37%	6,63%	2,71%	
2012	13 580	10 176	4 635	2 635	2 471	1 115	<b>34 612</b>
% of total	39,23%	29,40%	13,39%	7,61%	7,14%	3,22%	
2013	12 787	12 276	5 609	3 317	2 531	1 027	<b>37 547</b>
% of total	34,06%	32,70%	14,94%	8,83%	6,74%	2,74%	
2014	13 010	10 615	7 742	5 576	1 611	929	<b>39 483</b>
% of total	32,95%	26,88%	19,61%	14,12%	4,08%	2,35%	
2015	12 650	12 576	6 984	5 895	1 742	499	<b>40 346</b>
% of total	31,35%	31,17%	17,31%	14,61%	4,32%	1,24%	

Table 4.3. Number of submitted and recognised residence and settlement permits (2008-2015)

		Resi- dence permit	National residence permit	EC permanent residence permit	National settle- ment permit	Temporary settlement permit	Total
<b>2008</b>	Submitted requests	34 670	-	128	1 821	2	36 621
	Recognised requests	84,3%	-	34,4%	60,0%	50,0%	82,9%
<b>2009</b>	Submitted requests	32 354	-	123	2 083	3	34 463
	Recognised requests	86,2%	-	52,8%	62,0%	33,3%	84,6%
<b>2010</b>	Submitted requests	37 032	-	99	1 952	3	39 086
	Recognised requests	87,9%	-	61,6%	73,8%	100,0%	87,1%
<b>2011</b>	Submitted requests	33 465	761	91	1 889	6	36 212
	Recognised requests	82,5%	93,8%	70,3%	69,2%	50,0%	82,0%
<b>2012</b>	Submitted requests	34 612	722	218	1 999	3	37 554
	Recognised requests	83,4%	93,9%	64,7%	62,4%	33,3%	82,3%
<b>2013</b>	Submitted requests	37 547	357	232	2 558	0	40 694
	Recognised requests	83,1%	96,9%	78,4%	71,9%	0,0%	82,5%
<b>2014</b>	Submitted requests	39 483	46	165	3 477	2	43 173
	Recognised requests	76,1%	87,0%	57,6%	61,4%	0,0%	74,9%
<b>2015</b>	Submitted requests	40 346	14	162	5 797	9	46 328
	Recognised requests	75,9%	78,6%	36,4%	57,6%	44,4%	73,5%

Table 4.4. Foreign citizens residing in Hungary by country of citizenship (1995-2016)

Country	1995 (1 Apr.)	2001 (1 Jan.)	2005 (1 Jan.)	2011 (1 Jan.)	2012 (1 Jan.)	2013 (1 Jan.)	2014 (1 Jan.)	2015 (1 Jan.)	2016 (1 Jan.)
<i>Europe</i>									
Austria	606	694	544	3 926	3 331	3 702	3 917	3 990	4 007
Belgium	113	113	107	658	637	740	848	918	1 000
Denmark	41	41	57	230	219	252	277	280	285
United Kingdom	631	624	440	2 486	2 078	2 380	2 639	2 768	2 975
Finland	100	243	105	437	342	384	414	439	490
France	364	511	330	2 058	1 886	2 067	2 254	2 429	2 615
Greece	1 362	710	299	488	321	381	444	471	538
Netherlands	191	324	236	1 933	1 858	2 166	2 395	2 544	2 704
Ireland	22	38	27	384	394	412	444	459	496
Luxembourg	3	5	6	28	24	28	27	27	33
Germany	7 427	7 493	6 908	20 232	15 834	17 418	18 669	18 773	19 403
Italy	514	542	404	1 773	1 606	1 992	2 323	2 670	3 098
Portugal	28	22	20	216	232	296	267	395	454
Spain	54	64	50	621	689	874	1 112	1 337	1 597
Sweden	319	299	181	1 017	901	965	994	967	994
<b>EU-15</b>	<b>11 785</b>	<b>11 723</b>	<b>9 714</b>	<b>36 487</b>	<b>30 352</b>	<b>34 051</b>	<b>37 124</b>	<b>38 467</b>	<b>40 689</b>
Bulgaria	1 712	1 200	1 177	1 259	539	608	638	673	716
Croatia	305	917	837	953	676	674	650	831	1 012
Poland	4 628	2 279	2 178	2 734	1 385	1 631	1 863	1 964	2 129
Romania	68 439	41 561	67 529	76 878	41 596	34 795	30 924	28 641	29 665
Slovakia	231	1 576	1 225	7 297	6 705	7 573	8 275	8 744	9 393
<b>EU-28</b>	<b>87 304</b>	<b>59 812</b>	<b>82 903</b>	<b>128 017</b>	<b>82 243</b>	<b>80 509</b>	<b>80 817</b>	<b>80 758</b>	<b>85 143</b>
Norway	77	607	73	911	990	971	1 010	1 094	1 137
Russia	277	1 893	2 642	3 483	2 864	3 390	3 657	4 341	4 935
Switzerland	186	330	440	911	698	791	879	907	988
Serbia	15 297	12 664	13 643	16 301	8 281	4 894	3 051	2 430	2 426
Turkey	483	455	615	1 691	1 657	1 727	1 741	1 842	1 912
Ukraine	3 501	8 947	13 933	16 537	11 894	10 849	8 317	6 906	6 749
Other European	15 792	8 489	8 012	4 065	1 495	1 832	2 066	2 223	2 535
<b>Together</b>	<b>122 917</b>	<b>93 197</b>	<b>122 261</b>	<b>171 916</b>	<b>110 122</b>	<b>104 963</b>	<b>101 538</b>	<b>100 501</b>	<b>105 825</b>
<i>Asia</i>									
Israel	518	781	732	1 176	996	1 029	951	888	885
Japan	314	431	582	1 232	1 117	1 085	1 161	1 336	1 507

China	3 470	5 819	6 856	11 829	10 114	11 504	12 716	16 467	19 811
Mongolia	528	738	856	1 169	1 008	880	817	745	757
Syria	680	583	674	803	626	786	965	1 158	1 396
Vietnam	1 276	1 893	2 521	3 149	2 612	3 056	3 073	3 078	3 242
Other Asian	2 849	2 358	2 900	6 937	8 260	8 697	9 149	10 196	11 640
<b>Together</b>	<b>9 635</b>	<b>12 603</b>	<b>15 121</b>	<b>26 295</b>	<b>24 733</b>	<b>27 037</b>	<b>28 832</b>	<b>33 868</b>	<b>39 238</b>
<i>America</i>									
United States	1 700	1 636	1 679	3 266	3 060	3 102	3 021	3 090	3 299
Canada	277	235	262	476	473	469	454	426	491
Other American	918	617	726	1 341	1 180	1 328	1 627	2 492	1 618
<b>Together</b>	<b>2 895</b>	<b>2 488</b>	<b>2 667</b>	<b>5 083</b>	<b>4 713</b>	<b>4 899</b>	<b>5 102</b>	<b>6 008</b>	<b>5 408</b>
<i>Africa</i>									
Nigeria	178	144	230	842	988	1 164	1 260	1 381	1 487
Other African	1 903	1 089	1 326	1 937	2 296	2 686	3 232	3 604	4 026
<b>Together</b>	<b>2 081</b>	<b>1 233</b>	<b>1 556</b>	<b>2 779</b>	<b>3 284</b>	<b>3 850</b>	<b>4 492</b>	<b>4 985</b>	<b>5 513</b>
Other and unknown	573	507	548	836	509	608	572	606	622
<b>Total</b>	<b>138 101</b>	<b>110 028</b>	<b>142 153</b>	<b>206 909</b>	<b>143 361</b>	<b>141 357</b>	<b>140 536</b>	<b>145 968</b>	<b>156 606</b>



Table 4.5. People naturalised in Hungary by country of previous citizenship (1993-2015).

Country	1993	2000	2001	2005	2010	2011	2012	2013	2014	2015
<i>Europe</i>										
Austria	3	7	9	6	4	20	14	9	7	10
Greece	11	6	6	1	-	1	2	2	-	2
Germany	28	36	44	25	25	55	67	35	59	29
<b>EU-15</b>	<b>49</b>	<b>55</b>	<b>65</b>	<b>42</b>	<b>49</b>	<b>106</b>	<b>116</b>	<b>81</b>	<b>93</b>	<b>66</b>
Bulgaria	158	45	20	14	23	9	7	6	5	3
Czech Republic	7	41	53	142	76	16	9	7	17	7
Estonia	3	7	60	148	19	-	1	-	1	-
Croatia	27	100	45	50	26	61	50	22	27	15
Poland	27	38	41	26	9	27	18	11	45	15
Romania	7 381	2 988	5 644	6 890	3 939	15 658	14 392	6 999	6 200	2 605
Slovakia	39	135	158	161	97	414	307	202	310	208
<b>EU-28</b>	<b>7 695</b>	<b>3 410</b>	<b>6 089</b>	<b>7 474</b>	<b>4 238</b>	<b>16 296</b>	<b>14 903</b>	<b>7 333</b>	<b>6 708</b>	<b>2 925</b>
Russia	350	207	202	162	111	168	151	97	170	131
Switzerland	2	2	5	2	-	1	7	4	6	3
Serbia	223	1 079	1 254	949	721	1 678	1 330	647	410	158
Turkey	1	7	2	7	9	12	8	20	58	19
Ukraine	258	586	855	828	646	2 189	1 765	894	858	386
Other European	15	3	10	199	127	12	12	13	19	13
<b>Together</b>	<b>8 544</b>	<b>5 294</b>	<b>8 417</b>	<b>9 621</b>	<b>5 852</b>	<b>20 356</b>	<b>18 176</b>	<b>9 008</b>	<b>8 229</b>	<b>3 635</b>
<i>Asia</i>										
Afghanistan	2	6	5	5	24	4	5	2	5	13
Iraq	1	15	4	6	3	-	6	-	4	5
Iran	1	9	4	10	14	7	14	11	16	10
Yemen	3	4	2	4	4	3	8	7	10	5
Jordan	7	4	9	5	2	1	3	2	18	7
Kazakhstan	3	7	10	8	3	3	3	5	6	8
China	-	3	3	16	27	15	3	7	13	12
Lebanon	5	7	3	5	1	1	3	-	8	3
Mongolia	2	3	8	11	16	18	9	8	20	18
Syria	6	17	12	13	10	7	11	10	57	21
Vietnam	9	14	17	53	75	38	29	15	67	39
Other Asian	16	12	25	34	16	36	23	29	49	50
<b>Together</b>	<b>55</b>	<b>101</b>	<b>102</b>	<b>170</b>	<b>195</b>	<b>133</b>	<b>117</b>	<b>96</b>	<b>273</b>	<b>191</b>
<i>America</i>										
United States	7	1	1	3	2	17	13	9	25	13

Cuba	7	6	17	14	5	5	7	2	14	9
Other American	18	11	11	13	4	20	16	13	38	40
<b>Together</b>	<b>32</b>	<b>18</b>	<b>29</b>	<b>30</b>	<b>11</b>	<b>42</b>	<b>36</b>	<b>24</b>	<b>77</b>	<b>62</b>
<i>Africa</i>										
Algeria	14	7	15	11	12	1	5	1	19	11
Egypt	2	2	3	2	3	2	6	9	81	93
Libya	7	3	5	1	1	1	1	1	4	2
Nigeria	-	4	6	9	5	3	9	5	15	13
Sudan	9	1	-	2	-	1	4	2	2	3
Other African	9	15	13	24	7	13	24	31	43	36
<b>Together</b>	<b>41</b>	<b>32</b>	<b>42</b>	<b>49</b>	<b>28</b>	<b>21</b>	<b>49</b>	<b>49</b>	<b>164</b>	<b>158</b>
Other and unknown	185	1	-	-	-	2	1	1	2	2
<b>Total</b>	<b>8 857</b>	<b>5 446</b>	<b>8 590</b>	<b>9 870</b>	<b>6 086</b>	<b>20 554</b>	<b>18 379</b>	<b>9 178</b>	<b>8 745</b>	<b>4 048</b>

Source: Hungarian Central Statistics Office

Table 4.6. Asylum seekers arrived in Hungary by country of citizenship

Country	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>Europe</b>	<b>413</b>	<b>503</b>	<b>471</b>	<b>657</b>	<b>1 161</b>	<b>1 782</b>	<b>2 607</b>	<b>568</b>	<b>300</b>	<b>306</b>	<b>6 471</b>	<b>21 860</b>	<b>25 178</b>
Bosnia and Herzegovina	2	1	1	2	2	5	25	2	2	2	3	9	9
Kosovo	–	–	–	–	–	1 266	1 786	379	211	226	6 212	21 453	24 454
Macedonia	5	8	16	17	32	44	50	5	3	2	11	11	18
Moldavia	15	54	20	42	45	23	35	14	9	7	10	5	8
Russia	105	41	37	63	51	21	27	23	11	4	11	19	17
Serbia	112	180	243	384	911	327	536	67	27	20	88	145	89
Turkey	125	125	65	43	56	70	114	59	25	30	86	116	292
Ukraine	15	45	26	38	19	4	9	9	5	2	7	37	28
<b>Asia</b>	<b>1541</b>	<b>828</b>	<b>914</b>	<b>1156</b>	<b>1849</b>	<b>916</b>	<b>1750</b>	<b>1289</b>	<b>1070</b>	<b>1530</b>	<b>7594</b>	<b>1809 7</b>	<b>143 007</b>
Afghanistan	469	38	22	13	35	116	1 194	702	649	880	2 328	8 796	46 227
Bangladesh	31	29	90	15	10	35	26	4	3	15	679	252	4 059
Georgia	205	288	114	175	131	165	116	68	21	12	41	40	30
India	46	34	40	19	8	12	7	3	11	12	84	11	345
Iraq	348	36	18	68	136	125	57	48	54	28	63	497	9 279
Iran	170	46	25	20	14	10	87	62	33	45	61	268	1 792
China	67	64	173	275	417	55	45	12	10	6	5	11	8
Mongolia	4	12	4	46	79	21	19	4	2	5	–	5	102
Armenia	54	16	13	15	5	13	12	11	12	2	3	4	3
Pakistan	53	54	40	18	15	246	41	41	121	327	3 081	401	15 157
Occupied Palestinian Territory	23	63	24	37	52	41	23	225	29	19	136	875	1 036
Sri Lanka	–	–	1	–	10	12	28	6	4	10	9	19	115
Syria	11	10	18	32	48	16	19	23	91	145	977	6857	64 587
Vietnam	49	105	319	406	862	42	73	37	11	3	8	28	33
<b>America</b>	<b>3</b>	<b>9</b>	<b>5</b>	<b>9</b>	<b>31</b>	<b>22</b>	<b>7</b>	<b>5</b>	<b>1</b>	<b>4</b>	<b>32</b>	<b>215</b>	<b>228</b>
Cuba	1	6	3	6	30	18	7	2	1	2	32	209	181
<b>Africa</b>	<b>404</b>	<b>233</b>	<b>200</b>	<b>272</b>	<b>356</b>	<b>355</b>	<b>205</b>	<b>221</b>	<b>287</b>	<b>285</b>	<b>4767</b>	<b>1890</b>	<b>7205</b>
Algeria	79	57	19	22	48	19	11	35	56	59	1116	98	599
Egypt	22	3	13	20	41	50	19	14	20	8	105	23	92
Ethiopia	8	5	3	6	5	3	6	3	1	6	5	8	43
Ghana	2	2	4	2	4	3	5	–	2	1	269	177	337

Cameroon	7	8	10	13	6	4	8	6	6	3	54	94	642
Nigeria	74	73	89	109	86	56	66	37	22	27	455	257	1005
Sierra Leone	5	3	7	5	3	6	4	5	5	11	54	61	93
Somalia	113	18	7	42	99	185	75	51	61	69	191	194	352
Sudan	16	11	10	3	10	4	1	14	4	2	104	71	278
Tunisia	4	4	5	1	–	5	5	10	30	21	234	44	77
<i>Other and unknown</i>	40	27	19	23	22	43	103	21	35	32	36	715	1 517
<b>Total</b>	<b>2401</b>	<b>1600</b>	<b>1609</b>	<b>2117</b>	<b>3419</b>	<b>3118</b>	<b>4672</b>	<b>2104</b>	<b>1693</b>	<b>2157</b>	<b>1890</b>	<b>4277</b>	<b>177</b>
											<b>0</b>	<b>7</b>	<b>135</b>

Table 4.7. Refugees in Hungary by country of citizenship

Country	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>Europe</b>	<b>43</b>	<b>34</b>	<b>12</b>	<b>11</b>	<b>12</b>	<b>4</b>	<b>1</b>	<b>9</b>	<b>3</b>	<b>6</b>	<b>1</b>	<b>2</b>	<b>–</b>
Kosovo	–	–	–	–	–	–	–	7	3	5	–	–	–
Russia	9	1	–	4	1	2	–	–	–	–	1	–	–
Serbia	19	23	7	–	2	–	1	–	–	–	–	2	–
Turkey	9	8	5	5	5	–	–	2	–	1	–	–	–
Ukraine	3	–	–	2	–	1	–	–	–	–	–	–	–
<b>Asia</b>	<b>99</b>	<b>79</b>	<b>44</b>	<b>34</b>	<b>76</b>	<b>31</b>	<b>53</b>	<b>42</b>	<b>26</b>	<b>53</b>	<b>141</b>	<b>157</b>	<b>88</b>
Afghanistan	28	19	7	5	2	7	8	11	10	40	39	17	25
Georgia	14	1	4	–	–	1	2	2	1	–	15	6	2
Iraq	33	13	5	15	64	21	11	6	1	1	1	5	6
Iran	9	20	10	6	4	–	10	2	8	7	–	4	15
Armenia	8	3	1	–	–	–	–	–	–	–	1	–	1
Pakistan	1	6	12	–	–	1	2	–	–	1	–	1	5
Occupied Palestinian Territory	2	10	1	1	1	–	10	2	1	–	14	14	9
Sri Lanka	–	–	–	–	–	1	6	8	3	–	1	0	–
<b>America</b>	<b>1</b>	<b>2</b>	<b>–</b>	<b>3</b>	<b>28</b>	<b>7</b>	<b>3</b>	<b>1</b>	<b>–</b>	<b>–</b>	<b>2</b>	<b>8</b>	<b>–</b>
<b>Africa</b>	<b>21</b>	<b>18</b>	<b>29</b>	<b>39</b>	<b>42</b>	<b>109</b>	<b>109</b>	<b>21</b>	<b>10</b>	<b>15</b>	<b>26</b>	<b>54</b>	<b>42</b>
Algeria	2	2	–	–	1	–	–	–	–	–	–	–	–
Ethiopia	2	2	1	3	2	2	–	–	–	2	5	1	2
Cameroon	2	–	1	2	1	–	–	–	3	–	1	1	2
Nigeria	–	3	5	4	–	2	–	–	–	–	1	5	5
Somalia	–	–	–	–	–	104	100	19	4	11	9	18	18
Sudan	9	1	5	–	1	–	2	–	–	–	2	3	3
<i>Other and unknown</i>	14	16	12	12	11	9	11	10	13	13	28	19	16
<b>Total</b>	<b>178</b>	<b>149</b>	<b>97</b>	<b>99</b>	<b>169</b>	<b>160</b>	<b>177</b>	<b>83</b>	<b>52</b>	<b>87</b>	<b>198</b>	<b>240</b>	<b>146</b>