

HUNGARY

2002 COUNTRY

OPERATIONS PLAN

Part I: Executive Committee Summary

(a) Context and Beneficiary Population

After more than twelve years of a UNHCR presence in Hungary and following the 1998 entry into force of an asylum law, the Organisation's activities in the country have been re-oriented from operational assistance to the Hungarian Government for dealing with the refugee influxes of 1988/90 (Romanians) and 1991/1994 (Yugoslavs), to capacity building activities aiming at strengthening the response capacities of the newly established asylum institutions, governmental and non-governmental, with a view to comply both in legislative and practical terms with the EU *acquis communautaire* and other approved international standards. Public information activities aiming at raising public awareness on and acceptance of asylum-seekers/refugees in particular and of migrants in general have also been a major task undertaken by the Branch Office, especially during the last three years, in order to counter limited but steadily increasing xenophobic tendencies in the society.

A UNHCR Branch Office has been operating in Hungary since 1989, when Hungary became the first Central/Eastern European country to accede to the 1951 Refugee Convention. Since March 1998 when a new and, in many aspects, liberal law on asylum entered into force which, among other features, lifted the geographical limitation Hungary had opted for when acceding to the 1951 Convention, UNHCR in Hungary has not anymore been involved in refugee status determination of non-European asylum-seekers, a task taken over by the Government, and has concentrated its efforts on supporting the necessary developments the asylum institutions had to undergo for a correct implementation of the new legislative framework.

Protection activities during the year 2000 focused on the amendments to be made to the Asylum Law and the Aliens Act. Confinement in a detention-like situation of illegal aliens/asylum-seekers remained one of the main problems UNHCR had to deal with through lobbying focused on appropriate amendments to be introduced in the Aliens Act and on a liberal application of the current norms. In this respect, it has to be noted that, as per the National Action Plan adopted within the framework of the EU PHARE Horizontal Programme on asylum, the bill on Aliens, expected to be approved by Parliament during the first half of 2001, reduces to 30 days the detention period applicable to the majority of illegal aliens/asylum-seekers. Should the bill be converted into law by Parliament without modifications, this will represent a substantial improvement to the current eighteen months period of detention. As UNHCR was also requested to provide comments to the amendments of the Asylum Law since the inception of the drafting exercise (March 2000), the major UNHCR concerns, already included in the National Action Plan on asylum, are now reflected, with a few exceptions, in the bill to be discussed in Parliament. The points of concern not yet taken into consideration, such as the fact that some exclusion and cessation clauses go beyond the scope of those mentioned in the 1951 Convention Relating to the Status of Refugees, will be brought to the attention of Parliament during UNHCR's regular hearings with the Parliamentary Committee on Human Rights.

The table below shows the refugee population (including both Convention refugees and persons authorised to stay) in Hungary as at 31 December 2000 as well as the total number of asylum applications pending at the same date (all figures provided by the Government):

Population	Total In country	Percentage F/M	Percentage < 18 years	Assisted by UNHCR
Refugees	5,062	N/A	N/A	None
Asylum-seekers¹	1,634	F 32% - M 68%	33%	None

It should be noted that during 2000, a total of 7,801 asylum applications were lodged in Hungary, the main countries of origin according to number of applicants being Afghanistan, Bangladesh, Iraq, the Federal Republic of Yugoslavia, Sri Lanka, India and Pakistan. The above figure represents a decrease compared to the 11,499 applications lodged in 1999 and is a consequence of the end of the Yugoslav crisis (only 692 FRY citizens applied for asylum in 2000 against a total of 4,616 applicants in 1999), but is still a slight increase compared to 1998 when 7,097 applications were lodged. From these figures it can be assumed that a normal flow of 7,000-10,000 applications per year could be expected in Hungary during the next few years. It is also interesting to note that in a year not affected by a major regional crisis, the number of male applicants (the majority of them being single between 18 and 35 years old) represents 68 per cent of the entire caseload compared to 59 per cent in 1999 and that the percentage of minors decreased from 37 to 33 per cent. However, among the minors the number of "allegedly" separated children increased in the last four years from 11 in 1997 (one per cent of total applications) to 1,170 in 2000 (14 per cent of total applications). Out of 7,801 applications, a total of 197 persons were granted Convention refugee status (Afghans and Iraqis represent 60 per cent of this group) and 680 persons authorised to stay status (Yugoslavs represent 50 per cent of this group). As almost 5,000 applications were closed during the year mainly because of the applicants' disappearance, the total recognition rate (refugee status and authorised to stay status) amounted to 31 per cent (seven per cent Convention status and 24 per cent authorised to stay status).

The above figures indicate that Hungary is still perceived as a country of transit, but also that not a negligible number of socio-economic migrants try to abuse the Hungarian asylum system.

Considering the above, in 2001 and 2002 UNHCR will continue to build the capacity of the Office for Immigration and Nationality – Refugee Directorate (OIN), the governmental body supervised by the Ministry of Interior dealing with the first instance refugee status determination procedure and the management of four refugee reception centers, and of NGOs dealing with asylum issues, such as the Hungarian Helsinki Committee (HHC), Menedek - Hungarian Association for Migrants, etc.. However, activities aiming at strengthening the asylum related skills of the Central Budapest Court, the second instance body for asylum claims, will remain a major focus during the planning period following the signature in October 2000 of an assistance agreement aiming at supporting judges access to updated Country of Origin

¹ The percentages are extrapolated from data available only for asylum-seekers accommodated in the Refugee Reception Centers by the end of December 2000.

Information. It is in fact felt that only a knowledgeable judiciary will be able through judicial interpretation to re-shape the asylum legislative framework in accordance with internationally set standards and play a tutorial role vis-à-vis the first instance administrative decision body. On the other hand, lobbying activities will be carried out vis-à-vis Government officials and Parliamentarians with a view to promote the design and implementation of appropriate mechanisms and schemes facilitating the integration of refugees and other persons in need of international protection into the Hungarian society, the reception/management of separated children and other vulnerable categories of people and the accession by Hungary to the two UN Conventions on Statelessness. In this respect it is worth noting that Hungary's full and active involvement in the Global Consultations process is greatly facilitating lobbying activities.

(b) Selected Programme Goals and Objectives

Bearing in mind that Hungary's accession to the European Union, expected to materialise by early 2004, will remain for the next two/three years the major political challenge for the Hungarian Government and that it is expected that by January 2002 the amended Asylum Law will be enacted as well as the new Aliens Act, UNHCR will continue to pursue, in order of priority, through a three pronged thematic approach (quality of asylum; government and public opinion support to refugees and UNHCR; statelessness), the following main objectives:

- Reinforce the capacity of the judicial system on asylum and refugee-related issues;
- Design and implement a proper policy on the integration of refugees, including a partial transfer of responsibilities from the Ministry of the Interior to other government bodies (Ministry of Social Affairs and Ministry of Labor);
- Set up proper mechanisms for the reception and management of separated children by involving if possible the Ministry of Social Affairs;
- Monitor the implementation of the amended Asylum Law and continue lobbying activities in respect of any possible shortcoming, using the Global Consultations process as a tool;
- Monitor the implementation of the new Aliens Act which should considerably limit the periods of detention of illegal aliens/asylum-seekers;
- Achieve a fair, efficient and rapid asylum procedure through providing training to the institutions concerned and advocating for increased staff resources to be allocated to OIN and therefore continue to gradually decrease support provided to OIN by UNHCR;
- Continue to promote an early accession of Hungary to the two UN Conventions on Statelessness.

It is felt that the above objectives, although challenging, can realistically be achieved within a reasonable and relatively short period of time (two to three years) by appropriately using the EU accession negotiations and the Global Consultations

process as strategic tools coupled with vigorous PI/PA campaigns and lobbying for increased funding from Hungary's main bilateral and multilateral partners to strengthen the asylum institutions.

Theme: Quality of asylum in a uniting Europe	
Main Goal(s): States will harmonise the asylum systems in conformity with international standards; States will promote the rights of separated children and adolescents in Europe	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Upgrade skills of the judiciary on asylum related issues 	<ul style="list-style-type: none"> • Judiciary able to re-shape through interpretation legislative framework in accordance with internationally approved standards
<ul style="list-style-type: none"> • Enhance chances of successful integration of refugees and other persons in need of international protection 	<ul style="list-style-type: none"> • Implement with full involvement of MOI, MSA, MOL, municipalities and NGOs a sustainable and realistic plan favouring integration and therefore limit movements of refugees westward
<ul style="list-style-type: none"> • Improve quality of asylum through strengthening asylum institutions 	<ul style="list-style-type: none"> • Increase financial and human resources allocated to asylum institutions
<ul style="list-style-type: none"> • Set up an homogeneous procedure for age assessment 	<ul style="list-style-type: none"> • Separated children are properly and promptly identified
<ul style="list-style-type: none"> • Creation of a specialised juvenile institution for separated children 	<ul style="list-style-type: none"> • Provide separated children with adequate care and maintenance

Theme: Europe's support to UNHCR and refugees world-wide	
Main Goal(s): The European peoples will give more and better informed support to UNHCR and to the refugee problem; States will actively uphold UNHCR's protection concerns and seek solutions to refugee problems.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Hungarian civil society will be knowledgeable of and more open to refugees and other persons in need of international protection 	<ul style="list-style-type: none"> • Moral and financial support for UNHCR activities and chances of integration of refugees in the society will increase
<ul style="list-style-type: none"> • Hungary strongly adheres to international standards relating to protection of refugees 	<ul style="list-style-type: none"> • Hungary reiterates the centrality of the 1951 Convention and support for UNHCR's concerns within the framework of the Global Consultations Process

Theme: Statelessness	
Main Goal(s): Statelessness will decrease in the sub-region; Stateless persons will enjoy, at a minimum, a status consonant with the 1954 Convention standards.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Accession to the two UN Conventions on Statelessness 	<ul style="list-style-type: none"> • An appropriate governmental body dealing with statelessness issues is set up