



Immigration Detention in Hungary

Global Detention Project

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The Global Detention Project (GDP) is a research initiative that tracks the use of detention in response to global migration. Based at the Graduate Global Migration Centre in Geneva, Switzerland, the GDP's aims include: (1) providing researchers, advocates, and journalists with a measurable and regularly updated baseline for analysing the growth and evolution of detention practices and policies; (2) encouraging scholarship in this field of immigration studies; and (3) facilitating accountability and transparency in the treatment of detainees.

"Immigration Detention in Hungary"
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Introduction

Hungary is often characterized as an important transit country for migrants attempting to reach Western Europe. However, in its most recent reports, the EU border control agency Frontex does not mention Hungary as being one of the major migrant crossing points into the EU (Frontex 2013). On the other hand, the country has become a major destination for people seeking asylum, receiving reportedly some 19,000 asylum seekers in 2013 compared to less than 3,000 in 2012 (Matevzic 2014). An important source country has been Afghanistan, with Afghan nationals fleeing the conflict in their country making up more than 40 percent of asylum seekers in 2012 (Eurostat 2013). Perhaps in response to these developments, Hungary appears to have begun systematically detaining people seeking international protection in recent years.

Hungary is among the first EU countries to set up a wholly separate detention regime for asylum seekers that includes both specific grounds of detention for those seeking asylum and a separate detention facility for them. In June 2013, it transposed the EU (Recast) [Reception Conditions Directive](#), even before the Directive had been formally adopted and promulgated. The [UN High Commissioner for Refugees](#) (UNHCR) criticised the country for adopting the Directive in a selective manner, focusing on detention-related provisions while leaving aside provisions on the needs of vulnerable persons. UNHCR argued that the apparent objective of this selective process was to emphasise deterrence aimed at reducing the number of asylum applications (UNHCR 2013b; HHC 2013b). The UN [Working Group on Arbitrary Detention](#) (WGAD) also highlighted its concern over “the recurrence of detaining asylum seekers since the adoption of the new law and the lack of effective legal remedy in place in practice may result in arbitrary detention” (OHCHR 2013).

Hungarian immigration detention practices have repeatedly prompted criticism from regional and international human rights bodies. In a series of rulings from 2011 and 2012, the [European Court of Human Rights](#) found the country’s detention of asylum seekers to be in violation of the right to liberty. Additionally, four UN treaty bodies—the [Committee on the Elimination of Discrimination Against Women](#) (CEDAW), the [Human Rights Committee](#) (HRC), the [Committee against Torture](#) (CAT), and the [Committee on the Elimination of Racial Discrimination](#) (CERD)—have highlighted gaps in Hungary’s procedural guarantees and problems with conditions of detention. Following its 2011 visit, the UN [Special Rapporteur on Contemporary Forms of Racism](#) urged Hungary “to take the necessary measures to put an end to the harsh conditions of detention” of asylum seekers and irregular migrants (ECtHR 2011; 2012a; 2012b; HRC 2010; CERD 2002; CEDAW 2013; CAT 2007; SR on Racism 2012).

Detention Policy

Key norms. Hungary's legal framework for immigration detention, which has been amended several times since the 1990s, is provided in the following laws: [Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals](#) (Third-Country Nationals Act or TCN Act); Government Decree 114/2007 on the Implementation of Third-Country Nationals Act; [Act LXXX of 2007 on Asylum](#) (Asylum Act); and the Government Decree 301/2007 on the Implementation of the Asylum Act. In December 2010, Hungary transposed the EU [Returns Directive](#) by means of the Act CXXXV of 2010, which amended the Third-Country Nationals Act. In July 2013 an amendment to the Asylum Act entered into force (Act XCIII of 2013, contained in the Bill T/11207), which introduced grounds for detention specific to asylum seekers.

Grounds for detention. Hungarian law provides a number of grounds for detaining non-citizens, including in both its immigration legislation and separate asylum-related laws.

The Third-Country Nationals Act sanctions two types of migration-related detention: "alien policing detention," which falls under the scope of the Returns Directive, and "detention prior to expulsion."

There are five grounds for "alien policing detention": (1) when a non-national hides from the authorities or seeks to obstruct the enforcement of an expulsion or transfer order; (2) when a person has refused to leave the country, or is delaying or preventing the enforcement of expulsion (risk of absconding); (3) when a person has seriously or repeatedly violated the code of conduct of the place of compulsory confinement; (4) when a person has failed to report to the authorities as ordered; (5) when a person is released from imprisonment to which he was sentenced for committing a deliberate crime (TCN Act, Section 54(1); Molnar 2011).

"Detention prior to expulsion" may be imposed in order to secure the conclusion of pending immigration proceedings if: (1) the non-citizen's identity or the legal grounds of his residence are not conclusively established; or (2) his return under the bilateral readmission agreement to another EU Member State is pending (TCN Act, Section 55(1)).

Alien policing detention appears to be the most common type of detention. In 2011 and 2012, 98 percent of all immigration detainees were held in alien policing detention (Office of Immigration and Nationality 2013).

Asylum seekers. With the entry into force of the Act XCIII of 2013 in July 2013, which amended the Asylum Act and transposed the (Recast) EU Reception Conditions Directive, Hungary established a dedicated detention regime for asylum seekers that is separate from the pre-removal regime provided in the Third-Country Nationals Act.

The Amended Asylum Act provides that people seeking international protection can be detained for the following six reasons: (1) in order to establish a person's identity or nationality; (2) if the person absconds or hinders the processing of the asylum

procedure; (3) in order to obtain the information necessary for the processing of the asylum claim; (4) if there are reasons to think that the asylum seeker would delay or hinder the asylum procedure or abscond; (5) to protect national security, public safety, or public order; (6) if the asylum application has been submitted at the airport; or (7) if the applicant has repeatedly failed to fulfill his obligation to attend procedural acts and thus hinders the processing of the Dublin procedure (Asylum Act, Section 31/A(1)). These grounds apply only to asylum seekers who submit their first application. Persons who fill subsequent asylum requests are subject to detention on the grounds spelled out in the Third-Country Nationals Act.

The [Hungarian Helsinki Committee](#) (HHC) has highlighted a number of concerns regarding the new detention-related provisions in the Asylum Act. In particular, the NGO argues that the first ground—verification of the applicant’s identity and nationality—could be applied in most cases because more than 95 percent of asylum seekers arrive in Hungary without documents. Moreover, the group claims that the detention provisions are vaguely formulated, leaving discretion to the authorities to interpret them broadly, which could lead to a sharp increase in the number of detained asylum-seekers. When it visited detention centres in Békéscsaba and Nyírbator in mid-2013, both of these facilities were at capacity, appearing to confirm the group’s concerns about increasing use of detention (HHC 2014; 2013b).

UNHCR has recommended that the country develop specific criteria for each detention ground that could be used by law enforcement authorities when assessing the necessity of detention (UNHCR 2013b).

The legal provisions and practice concerning detention of asylum seekers have changed several times during the past two years. Until January 2013, asylum seekers who entered in an irregular manner were brought under the scope of the Third-Country Nationals Act. Thus, before the Amended Asylum Act was adopted, authorities reportedly issued an expulsion order before registering an asylum application in order to have a convenient legal ground for detention. Statistics appear to confirm that this practice led to systematic and widespread detention of asylum seekers who entered the country in an irregular manner. In 2010, 822 persons applied for asylum from detention; in 2011, 1,102; and in 2012 1,266 (Kiss 2013). This practice gave rise to the landmark *Lopko and Touré* case in 2011, followed by two other similar cases in late 2012, in which the European Court of Human Rights (European Court or ECtHR) found that practice to be in breach of the right to liberty under article 5 of the [European Convention on Human Rights](#) (ECHR) (ECtHR 2011; 2012a; 2012b).

Criticism of this practice prompted the January 2013 amendment to the Asylum Act. The amendment brought about two main modifications and led to more lenient practices, which lasted until mid-2013, when the country transposed the Recast Receptions Directive. First, expulsion could not be ordered during the asylum procedures. Asylum seekers who immediately applied for international protection upon apprehension (in practice, before the end of their first police interview) were not detained. Second, asylum seekers returned to Hungary under the Dublin Regulation were not detained, unless they had already received an in-merit negative decision, their applications had been

considered manifestly unfounded, or they had withdrawn their application in writing (HHC 2013a; Matevzic 2013d).

Length of detention. The Office of Immigration and Nationality (OIN) can seek varying lengths of immigration-related detention depending on the particular circumstances of a case and the grounds of detention that are applied. The maximum length of detention is 12 months.

The Third-Country Nationals Act provides that people held on grounds provided for “alien policing detention” can be kept in custody for an initial period of 72 hours. Within 24 hours of arrest, the immigration authority must file a request to the local court for extension of detention beyond this initial period. The court may extend detention for consecutive 60-day periods, but for no longer than six months days in total (TCN Act, Section 54(4)-(5) and 58(1)-(2)).

Once this six-month period ends, the court may extend aliens policing detention for an additional six months under two circumstances: 1) if the execution of the expulsion order lasts longer than six months because of failure by the detainee to cooperate with the competent authorities; or 2) if there are delays in obtaining the necessary documentation to carry out a removal due to circumstances attributable to the authorities in the country of origin, or another state with whom a readmission agreement has been established (TCN Act, Section 54(4)-(5)).

Like [Greece](#) or [Italy](#), Hungary increased the maximum permissible period of detention while transposing the Returns Directive. Prior to the amendment of the Third-Country Nationals Act, the maximum limit of aliens policing detention was six months (HHC 2013a). The average length of detention is four-five months (HHC 2014).

People held on grounds provided for “detention prior to expulsion” also may be initially held in custody for an initial period of 72 hours, may be extended by the court until the non-national’s identity or the legal grounds of his residence has been conclusively established, or for a maximum of 30 days. The duration of detention prior to expulsion is included in the total duration of detention (TCN Act, Section 54(7) and 55(3)).

The recently amended Asylum Act additionally sanctions an initial 72-hour detention period based on the refugee authority’s order. A court can order additional stay in asylum detention up to a maximum of six months (Asylum Act, Section 31/A(6)-(7)).

Non-citizens refused entry can be held in a designated place located in the border zone for a maximum period of 72 hours. Those who arrive by plane can be held in a designated place at the airport for a maximum period of 8 days (TCN Act, Section 41(1)(b)).

Lastly, both the Third Country Nationals Act and the Asylum Act provide that families with children can be detained for a maximum period of 30 days (Asylum Act, Section 31/A(8); TCN Act, Section 56(3)).

Procedural guarantees. Immigration detention sanctioned under the Third-Country Nationals Act must be ordered by the alien policing department in the form of a “formal resolution.” This “resolution,” along with the court’s initial detention decision and decisions extending detention, are to be communicated verbally to the detainee in a language understood by that person (TCN Act, Section 89(2)). Also, immigration detainees shall be informed of their rights and duties in their native language or another language they understand (TCN Act, Section 60(1)). According to the Hungarian Helsinki Committee, in practice while detention orders are usually translated orally to detainees, decisions extending detention are rarely communicated in the same way (Matevzic 2013d). In 2012, the UN Special Rapporteur on Racism recommended that authorities ensure that immigration detainees receive the assistance of a competent interpreter (SR on Racism 2012).

Detention orders cannot be appealed (Asylum Act, Section 31/C(2); TCN Act, Section 57(2); Matevzic 2013d; HHC 2013b). The only legal remedy against detention is judicial review. Judicial review of immigration detention takes place in the form of the court’s validation of the initial detention order issued by the immigration or asylum authorities (72 hours after the arrest) and then subsequent extensions of detention requested by the authorities every 60 days (Asylum Act, Section 31/A(6); TCN Act, Section 54(4)).

Hungarian legislation provides detailed procedural rules for the conduct of judicial review. Accordingly, there has to be a hearing, during which the detainees and the authorities present their evidence in writing and/or verbally. Parties are to be given the opportunity to study the evidence presented. If the detainee is not present but has submitted comments in writing, they will be introduced to the court.

An important point is the possibility for detainees to have a personal hearing to present their arguments about the legality of their detention before the court, which appears to be uncommon in other EU countries. Pre-removal detainees are supposed to be granted a personal hearing upon request. In practice, however, this mechanism appears to lack transparency and consistency. With limited access to legal aid, it is difficult for detainees to request an oral hearing. Asylum detainees are also to be granted an obligatory personal hearing during the first extension of detention—that is, during the court’s validation of the initial detention order—while hearings for subsequent extensions must be requested (Asylum Act, Section 31/D(5)-(8); TCN Act, Section 59(5)-(8)); Matevzic 2013d). One source in Hungary described the personal hearing as “15 people ... brought together in front of a judge who simply confirms their detention orders, without any individual examination” (Matevzic 2014).

The HHC claims that in practice automatic judicial review of immigration detention is a mere formality. The district courts’ decisions tend to be very brief and lack proper assessment of the factual basis for decisions. Reportedly, courts sometimes issue more than a dozen decisions within a span of 30 minutes. According to a survey conducted by Hungary’s Supreme Court, of the approximately 5,000 decisions issued in 2011 and 2012, only three discontinued detention (Matevzic 2013d; HHC 2013b).

The UN Special Rapporteur on Racism recommended in 2012 that the country ensure that more administrative judges with relevant knowledge of and competence in human rights asylum standards be involved in the judicial review process of immigration detention. The rapporteur also recommended that Hungary ensure that specialized human rights training with a particular focus on the principle of non-discrimination and the human rights of migrants, refugees, and asylum seekers be provided to members of the judiciary (SR on Racism 2012).

Hungarian legislation also provides that the court must appoint a legal representative for immigration detainees who do not understand the language and are unable to pay for a legal representative. However, the hearing may be conducted in the place of detention and in the absence of the detainee's legal representative (Asylum Act, Section 31/D(4)-(6); TCN Act, Section 59(4)-(6)). Moreover, according to HHC, officially appointed lawyers usually offer ineffective legal assistance to immigration detainees. Often they fail to meet the detainee before the hearing, do not adequately study case files, and neglect to issue objections to the extension of detention order (HHC 2014). Following its 2013 visit to Hungary, the WGAD stressed that "[effective] legal assistance for immigration detainees must be made available," noting that it was mostly civil society lawyers, rather than the ones officially assigned by the state, who provide free legal aid (OHCHR 2013).

Immigration detainees have the right to file complaints about the conditions of their detention. Any complaint lodged verbally or in writing to the authority ordering or carrying out detention must be forwarded without delay to the competent local court. The court must respond to the complaint within eight days (Asylum Act, Section 31/C(3)-(5); TCN Act, Section 57(3)-(6); Government Decree 114/2007, Section 127).

Minors. Hungarian legislation prohibits detention of unaccompanied children, but allows for family detention. Additionally, the Third Country Nationals Act provides that unaccompanied minors may be placed in a compulsory place of residence (Asylum Act, Section 31/B(2); TCN Act, Sections 56(2) and 62(1)(b)). Although prohibited by law, both HHC and UNHCR have reported that detention of unaccompanied children occurs from because of inaccurate age assessments. Carried out by police-employed physicians, the assessment is a simplified examination based on the physical appearance (HHC 2013a).

The legislation provides specific rules about the conditions of family detention for families with children. They must be provided with separate accommodation that guarantees adequate privacy. Minors must be provided with leisure activities, including play and recreation that is appropriate to their age. They also must have access to education, either in the detention centre or at an outside institution (Asylum Act, Section 31/F(1)(b); TCN Act, Sections 61(2) and 61(3)(i)-(j); Government Decree 114/2007, Section 129).

Both the Third Country Nationals Act and the Asylum Act provide that families with children can be detained for a period of no more than 30 days (Asylum Act, Sections 31/A(8) and 31/B(2)-(3); TCN Act, Sections 56(3), 48(2) and 62(1)). In response to a 2013 freedom of information request sent to Hungary as part of a joint Asylum Access-

Global Detention Project transparency study, the Office of Immigration and Nationality (OIN) stated that family detention can only be used as “an extraordinary measure [taking into account] first and foremost the interest of the child” (Kiss 2013). Additionally, the Third Country Nationals Act stipulates that family detention is to be used in cases where the OIN is unsure that confiscation of travel documents or compulsory place of residence will be sufficient to meet the objectives that can be obtained with deprivation of liberty.

In response to a question asking for statistics on the number of minors—including both accompanied and unaccompanied—placed in detention in recent years, the OIN stated that only one family had been detained in “aliens policing detention” during 2011, and only two in 2012 (Kiss 2013). The agency neglected to include in their response families in asylum procedures, many of whom have been placed in detention. A UNHCR report on Hungary from 2012 reported that “according to Hungarian officials, at least 77 families have been detained under the new legal provision [on asylum seekers]. The relevant provision stipulates that families can only be detained as “a measure of last resort.” UNHCR has requested statistics on the number of families with children seeking asylum in Hungary, those whose detention was ordered, those who were detained, and the duration of the detention. This information was not provided by OIN despite Article 35 of the 1951 Geneva Convention. UNHCR therefore cannot confirm that the law is in practice applied as a measure of last resort” (UNHCR 2012).

Non-custodial measures. The Third Country Nationals Act lays down two non-custodial alternatives to detention: the seizure of travel documents and compulsory residence. However, the scope of these measures is limited: They apply only to persons in alien policing detention; and there are no alternatives to detention prior to expulsion. Additionally, only persons whose alien policing detention is based on grounds set up in the Returns Directive—obstructing removal or risk of absconding—can benefit from alternatives to detention (TCN Act, Sections 54(2), 48(2) and 62(1)).

The Asylum Act provides three alternative measures to asylum detention: periodic reporting, designated place of stay, and bail (Asylum Act, Sections 2(la)-(lc), 31/A(4) and 31/H). However, the legislation does not provide the conditions of application of each measure, which means that they are unlikely to be systematically applied (UNHCR 2013b; HHC 2013b). In fact, according to the HHC, authorities rarely consider alternatives to detention and detention orders do not address whether alternatives have been considered in each case (HHC 2013c; Matevzic 2013d). After its 2013 visit to Hungary, the WGAD urged “the Government to seriously consider using alternatives to detention, both in the criminal justice system and in relation to asylum seekers and migrants in irregular situations” (OHCHR 2013).

Criminalization. In July 2013 the offence of “violation of prohibition of entry” was dropped from the Criminal Code. Previously, any foreign national who was subject to a restriction of entry and stay and who entered Hungary without permission could be found guilty of a misdemeanor punishable by imprisonment for up to one year (Criminal Code, Section 214: Violation of Restriction of Entry and Stay). According to HHC, authorities

used to frequently prosecute migrants who repetitively tried to cross the Hungarian-Serbian border in an irregular manner (HHC et al. 2013; Matevzic 2013d).

Detention Infrastructure

Like most of its European neighbours, Hungary has dedicated detention facilities for confining non-citizens on immigration-related grounds. The law provides that “hostels of restricted access” (for pre-removal detention) and “closed asylum reception centres” (for asylum detention) may not be installed in police detention facilities or in penal institutions (Government Decree 114/2007, s. 129; Government Decree 301/2007, s. 36).

As of November 2013, Hungary appeared to have six long-term dedicated immigration detention facilities in operation with a total estimated capacity of 770. The facilities were located in **Békéscsaba** (capacity of 114), near the **Liszt Ferenc International Airport** in Budapest (capacity of 21), in **Debrecen** (capacity of 200), in **Győr** (capacity of 36), in **Kiskunhalas** (capacity of 138), and in **Nyírbátor** (capacity of 260). The facilities at the Budapest International Airport, in Győr, Kiskunhalas and Nyírbátor are used for pre-removal detention, while detention of asylum seekers is carried out in centres in Békéscsaba, Debrecen, and Nyírbátor. The centres differ as to the management. Pre-removal detention centres are run by police, while asylum detention centres are operated by the Office of Immigration and Nationality (HHC 2014; 2013d; Kiss 2013; Matevzic 2011a; 2011b; 2013a; 2013b; 2013c; 2013e; Refugee Strike Berlin 2014).

Asylum seekers who are not detained during asylum procedures are generally accommodated in non-secure refugee reception centres. If they leave the facility for more than 24 hours without permission, their asylum procedure gets closed. As of November 2013, the refugee centres were located in Bicske, Debrecen, Vámosszabadi, and Fót (for children) (HHC2013d).

As of mid-2011, Hungary also operated an 8-person holding facility in the **transit zone of the international airport (Terminal 2B)**. It is used for confining foreign nationals trying to enter the country without valid travel documents, including those who have applied for asylum at the airport. The facility consists of two 10-square-metres rooms, with two bunk beds each. Following its 2009 visit, the [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#) (CPT) noted that rooms were in a good state of repair, clean, adequately lit, and ventilated (CPT 2010). On the other hand, according to HHC, there is no natural lighting, no access to open-air exercise, and only limited access to public payphones. The maximum limit for staying at these premises is eight days, though most people spend only 1-2 nights there (HHC 2008a). The GDP categorizes these holding premises as a *transit centre* because non-citizens detained there are not considered to be on Hungarian territory (Matevzic 2011b; Pardavi 2010a; HHC 2008a).

Conditions of detention. The legislation stipulates minimum conditions of detention. Both pre-removal and asylum detention facilities must provide living quarters of at least 5 square meters of floor per person, separate accommodation for men and women, a common area for dining and recreation, sufficient outdoor space, separate washroom and toilets for men and women, as well as nurse stations and telephone cabins (TCN Act, Section 61(2); Asylum Act Section 31/F; Government Decree 114/2007, s. 129; Government Decree 301/2007, s. 36).

As HHC reported, over past five years detainees at most detention facilities (with the exception of Békéscsaba) were confined in conditions akin to maximum security prisons. Except from one-hour open-air exercise and meals, non-citizens were kept in their cells, free movement in the premises was generally not allowed, and there were few community or personal activities. More recently, the situation has reportedly improved, with facilities providing better access to toilets, complaint boxes, recreational equipment, internet, social workers, and psychologists (HHC 2013a).

Despite these improvements, advocates continue to point to a variety of problems in the treatment of detainees, including reports of police brutality, poor health assistance, and collective punishment like shortening of outdoor time, meal time, or use of the internet. Police continue to carry batons, handcuffs, and pepper spray in a visible manner. There have also been acute problems with overcrowding, particularly at the facilities in Kiskunhalas and Győr, which prompted the HHC in 2012 to submit a complaint to public prosecutors (HHC 2013a; 2014).

Previous complaints and criticisms. After a July 2012 visit to Nyírbátor, the Hungarian Commissioner for Human Rights found that although the facility was not penitentiary, “foreign nationals placed in Building A practically live in prison conditions, while those placed in Building B live in even worse conditions.” The commissioner criticized the restricted access to toilets at night, lack of basic linguistic skills on the part of the personnel, and restrictive house rules. Nyírbátor is the largest facility in Hungary, with a capacity of approximately 270. It consists of two two-floor buildings that formerly served as border guard barracks, which are comprised of three- to eight-person cells (Commissioner for Fundamental Rights 2012).

Three years earlier, in spring 2009, the Nyírbátor centre was visited by CPT. It found that the material conditions of detention were generally satisfactory, had adequate cell space, were adequately equipped (with tables, stools and shelves), had common dining areas and showers on each floor. However, it noted that “due to the fact that foreign nationals were locked up in their rooms for most of the time and because of the design of the facility which was focused on security rather than the holding of foreign nationals, the accommodation areas had a prison-like atmosphere” (CPT 2010).

The CPT also visited the Budapest facility in 2009. The facility occupies an entire floor of a police building located close to the airport and can accommodate around twenty detainees. The centre is separated into two parts, with a small section for women and a larger, five-room section for men. The committee found that the rooms were bright, well ventilated and clean, and offered cupboards for detainees. However, as there was not secure passage between detention premises and the outdoor area, non-citizens were transferred in handcuffs to enjoy their one hour outdoor exercise. The CPT found that systematic practice disproportionate and hence unacceptable (CPT 2010).

Following a 2008 visit, a Multi-Functional Team (MFT)—consisting of the HHC, the Refugee Mission of the Reformed Church in Hungary, and UNHCR—highlighted that “bedrooms are locked even during daytime in two facilities in Nyírbátor and Kiskunhalas;

chairs and tables are fixed to the floor. The detainees have very little furniture and their personal belongings are taken away from them. There is a very strong light on the ceiling that cannot be dimmed or turned off by the residents but only centrally following a strict timetable. Residents and visitors are separated by a wall with glass pane” (UNHCR 2009a).

In 2009, the HHC reported that “detainees in the majority of the detention facilities are subject to conditions equal to the maximum severity level of a prison sentence, for apart from the one-hour open-air exercise and meals, the detainees are kept closed in their cells, no free movement is allowed in the premises, [and] minimal or no community and/or personal activities are available” (HHC 2009b).

Similar criticisms have been levelled at the facility in Győr. The European Refugee Fund reported in 2007 that “the building is in poor condition with a strange smell all over” (ERF 2007). The same year, the HHC stated that the facility was not suitable for housing people. Food provisions were not sensitive to cultural differences or respectful of religious beliefs, and detainees were not allowed to take the one-hour-per-day open air activity as prescribed by the law (Szigo 2007). However, the MFT found that the Győr centre was more humane and allowed greater freedom of movement than Hungary’s other detention facilities (UNHCR 2009a).

There have also been complaints about insufficient winter clothing, substandard conditions in bathrooms and toilets, a shortage of hygienic items, and little access to leisure activities. Furthermore, there are reports of guards who have provoked residents at the reception centres (UNHCR 2009a).

Facts & Figures

As of November 2013, Hungary's total estimated detention capacity in long-term facilities was 770. The country operated six long-term dedicated immigration detention facilities, which are located in **Békéscsaba** (capacity of 114), near the **International Airport** in Budapest (capacity of 21), in **Debrecen** (capacity of 200), in **Győr** (capacity of 36), in **Kiskunhalas** (capacity of 138), and in **Nyírbátor** (capacity of 260). In addition, the country used a medium-term holding facility in the **Budapest Airport transit zone** which has a capacity of eight (HHC 2014; 2013d; Kiss 2013; Matevzic 2011a; 2011b; 2013a; 2013b; 2013c; 2013e; Refugee Strike Berlin 2014).

According to official statistics, in 2012, 1,424 persons were held in immigration detention, compared to 1,208 in 2011 and 1,397 in 2010. Of the total number of detainees in 2012, 636 were from Kosovo (44.7 percent), 239 from Afghanistan (16.8 percent), and 145 from Pakistan (10.2 percent) (Office of Immigration and Nationality 2013). Of the total number of immigration detainees in 2012, 1,266 applied for asylum (HHC 2014).

In 2012, 2,155 persons sought international protection in Hungary. Forty-one percent of the applicants came from Afghanistan (880), which made Hungary the EU country with the highest proportion of Afghan nationals seeking asylum. Other key countries of origin included Pakistan (325) and Kosovo (225). With respect to gender composition, 81 percent of applicants were men, while only 19 percent were women. Some 185 applications were filed by unaccompanied minors, compared to 60 in 2011, and 150 in 2010. With 2,155 asylum applications in 2012, Hungary received roughly 0.6 percent of the total number of applications lodged in the EU (Eurostat 2013; Eurostat website).

Since 2010 the number of asylum applications has remained largely level. In 2011, 1,695 persons applied for asylum, while in 2010, 2,105. Before 2010, the number of asylum claims was higher. In 2008 and 2009, 3,175 and 4,670, persons, respectively, applied for international protection in Hungary (Eurostat website; UNHCR 2013a).

In 2012, of the roughly 1,100 first instance decisions taken on asylum applications, 70 granted refugee status (6 percent) and 280 complementary protection status (26 percent) (Eurostat website). The number of non-citizens living in Hungary was 207,574 in 2012, or 2.1 percent of the Hungarian population (Eurostat website).

In 2012, 9,240 persons were refused entry at the border. The figure was comparable to the one in Greece and the sixth highest in the EU. However, it was still lower than in the previous years – in 2011 there were 11,790 refusals of entry and in 2010 10,475. On the other hand, the number of apprehensions has increased over last years. In 2011, 3,810 persons were found to be irregularly present in Hungary, compared to 3,255 in 2010 and 2,305 in 2009. In 2012, Hungarian authorities issued 7,450 return decisions and expelled 5,440 persons. The number of expulsion has steadily risen. In 2011 4,610 persons were removed, in 2010 2,445, while in 2009 2,245 (Eurostat website).

According to estimates, in 2007 the number of irregular migrants in Hungary was between 10,000-50,000 (Clandestino Research Project 2009).

List of Detention Sites

Name	Status (Year)	Location	GDP Facility Type	Detention Time-frame	Security	Authority	Management	Date Established	Capacity	Reported Population on a Single Day	Demographics & Segregation
Békéscsaba asylum detention facility	In use (2013)	Békéscsaba, Békés megye	Migrant detention centre	Long-term	Secure	Ministry of Interior, Office of Immigration and Nationality	Office of Immigration and Nationality	April 2011	114 (2012)	192 (November 2013)	Adult females, families (2013); separation of women, family unit (2013)
Budapest Airport immigration detention facility	In use (2013)	Budapest	Migrant detention centre	Long-term	Secure	Ministry of Interior, Office of Immigration and Nationality	Budapest Police Headquarters	1993	21 (2011)	18 (March/April 2009)	Adult males, adult females (2011); separation of men and women (2009)
Budapest Airport Transit Zone Holding Facility	In use (2011)	Budapest International Airport, Terminal 2B, Budapest	Transit centre	Medium-term	Secure	Ministry of Interior, Office of Immigration and Nationality	Budapest Police Headquarters	1993	8 (2011)	0 (March/April 2009)	Adult males, adult females, minors, families (2011); separation of men and women, separation of minors (2011)
Debrecen asylum detention facility	In use (2013)	Debrecen	Migrant detention centre	Long-term	Secure	Ministry of Interior, Office of Immigration and Nationality	Office of Immigration and Nationality		200 (2013)		
Győr immigration detention facility	In use (2013)	Győr, Győr-Moson-Sopron megye	Migrant detention centre	Long-term	Secure	Ministry of Interior, Office of Immigration and Nationality	Gyor-Moson-Sopron Country Police Headquarters	2001	36 (2013)	33 (7 May 2007)	Adult males (2013)
Kiskunhalas immigration detention facility	In use (2013)	Kiskunhalas, Bács-Kiskun megye	Migrant detention centre	Long-term	Secure	Ministry of Interior, Office of Immigration and Nationality	Bacs-Kiskun Country Police Headquarters	September 2007	138 (2013)		Adult males, adult females (2013); separation of men and women (2008)

Nyírbátor immigration detention facility /asylum detention facility	In use (2013)	Nyírbátor, Szabolcs-Szatmár-Bereg megye	Migrant detention centre	Long-term	Secure	Ministry of Interior, Office of Immigration and Nationality	Szabolcs-Szatmár-Bereg Country Police Headquarters / Office of Immigration and Nationality	2001	260 (2013)	207 (16 July 2012)	Adult males (2013)
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Map of Detention Sites



Country View

1. Békéscsaba asylum detention facility
2. Budapest Airport immigration detention facility
3. Budapest Airport Transit Zone Holding Facility
4. Debrecen asylum detention facility
5. Gyor immigration detention facility
6. Kiskunhalas immigration detention facility
7. Nyírbátor immigration detention facility /asylum detention facility

Country links

Government Agencies

Office of Immigration and Nationality

<http://www.bmbah.hu/jomla/index.php?lang=en>

International Organizations

United Nations High Commissioner for Refugees - Regional Representation for Central Europe

<http://www.unhcr-budapest.org>

International Organisation for Migration - Regional Office in Budapest

<http://www.iom.hu>

NGOs and Research Institutions

Amnesty International - Hungary

<http://www.amnesty.org/en/region/hungary>

Cordelia Foundation

<http://www.cordelia.hu/index.php/en/>

Human Rights Watch - Hungary

<http://www.hrw.org/europecentral-asia/hungary>

Hungarian Helsinki Committee

<http://helsinki.hu/en/>

Hungarian Association for Migrants (Menedék)

<http://menedek.hu/en/about-us>

Media

Heti Világgazdaság (English)

<http://hvg.hu/english>

Hungary Around the Clock (English)

<http://www.hatc.hu/index.php>

Magyar Hírlap (Hungarian)

<http://www.magyarhirlap.hu/>

Népszabadság (Hungarian)

<http://www.nol.hu/>

Népszava (Hungarian)

<http://www.nepszava.hu/>

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