

COUNTRY OPERATIONS PLAN

Country: Hungary

Planning Year: 2003

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Part I: Executive Committee Summary¹

(a) *Context and Beneficiary Population*

UNHCR has been present in Hungary for over thirteen years. Following the 1998 entry into force of an asylum law, UNHCR activities in the country have been re-oriented from operational assistance to the Hungarian Government in dealing with the refugee influxes of 1988/1990 (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 alike, with a view to complying 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, within the overall framework of migration trends, have also been a major task undertaken by the Branch Office, especially during the last four years, in order to counter limited but steadily increasing xenophobic tendencies in the society.

UNHCR opened a Branch Office in 1989, when Hungary became the first Central/Eastern European country to accede to the 1951 Refugee Convention. In March 1998 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. Since then, UNHCR in Hungary has not anymore been involved directly 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. UNHCR nevertheless retained an advisory role on individual cases on an *ad hoc* basis and continued to contribute to information on country of origin.

Protection activities during the year 2001 mainly focused on the amendments to be made to the Asylum Law and the Aliens Act and their implementing decrees. In May, the Parliament passed a new Aliens Act and substantial amendments to the Asylum Law, to enter into force on 1 January 2002, and by the end of the year their respective government implementing decrees were finalised too. The new legislation introduces some important positive developments in the asylum system by incorporating, to a large extent, the recommendations of the Action Plan on Asylum adopted by the Government in 2000 within the framework of the EU PHARE Horizontal Programme. Although no detailed analysis can be made on the two instruments because of lack of practice, many observers stated that by and large they fulfill the EU *acquis communautaire* and international approved standards. In this respect, it has to be noted that Hungary has been, in December 2001, the first accession country which has provisionally closed negotiations on chapter 24 (Justice and Home Affairs) of the EU *acquis*. This legislation has also addressed the issue of detention of illegal

¹ This plan makes also reference to the activities of the Regional Unit Budapest (RUB), especially as far as the Competence Development Process and the Regional Refugee Law Clinics Support Programme are concerned. These two regional initiatives being implemented by Menedek, Hungarian Association for Migrants, and the Hungarian Helsinki Committee, the two main BO's Hungary implementing partners, have therefore been included for programme management convenience in BO Hungary's project. In addition, as RUB is administratively attached to BO Hungary, all its non-project resources (staffing and ABOD) are included in this COP too. For more details on RUB's planning activities, please refer to their 2003 COP.

aliens/asylum-seekers by substantially decreasing the detention period from eighteen months to 30 days, and under special circumstances to twelve months. Two other major achievements/events to be mentioned are Hungary's accession in November 2001 to the 1954 United Nations Convention on the Status of Stateless Persons and, the strong interest on the part of the Government in actively participating in and promoting the Global Consultations Process on International Protection which led to a joint UNHCR/Hungarian Government organisation of a Global Consultations Regional Conference in Budapest on 6 and 7 June 2001.

The table below shows the refugee population (including both Convention refugees and persons authorised to stay) in Hungary as at 31 December 2001 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	4,710	N/A	N/A	None
Asylum-seekers²	2,398	F 21% - M 68%	33%	None

It should be noted that during 2001, a total of 9,554 asylum applications were lodged in Hungary. The main countries of origin were Afghanistan, followed by Bangladesh, Iraq, Somalia, Sierra Leone, India and the Federal Republic of Yugoslavia (the first three countries representing 71 per cent of the asylum-seekers). The above figure represents an increase compared to the 7,801 applications lodged in 2000, mainly due to the doubling of applications by Afghan asylum-seekers (4,311 against 2,185 in 2000 and 2,238 in 1999). The 2001 figure is nevertheless a decrease compared to the 11,499 applications lodged in 1999 at the peak of the Kosovo crisis, but also a substantial increase compared to 1998 when 7,097 applications were lodged. From these figures it can be deduced that a normal flow of 7,000-10,000 applications per year can be expected in Hungary during the next few years. The number of separated children has constantly increased over the years (starting with 11 in 1997 ending with 2,018 in 2001) just like their proportion within the total asylum-seeker population in Hungary (from 1.03% in 1997 to 21.12% in 2001), making Hungary one of the leading European countries hosting separated children. As more than 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 11 per cent (4 per cent Convention status and 7 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 may try to abuse the Hungarian asylum system.

Considering the above as well as the Bureau for Europe 2000-2004 Strategic Directions and the March 2002 regional pre-COP meeting held in Budapest, during which priorities were set at the regional level, in 2002 and 2003 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

² The percentages are extrapolated from data available only for asylum-seekers accommodated in the Refugee Reception Centres by the end of December 2001.

Interior dealing with the first and second instance refugee status determination procedure and the management of five refugee reception centers; of the **Budapest Municipal Court**, the sole judicial body dealing with asylum cases in Hungary and of NGOs dealing with asylum issues, such as the **Hungarian Helsinki Committee (HHC)**, **Menedek - Hungarian Association for Migrants**, **Autonomia Foundation** and the **Foundation for Development of Democratic Rights (FDDR)**;

- refocus its activities with a view to tackling more in-depth specific issues such as the treatment of separated children, the integration of recognised refugees, the inclusion of refugee and human rights education programmes in the school curricula. Activities aiming at enhancing the awareness on refugees among the public at large and at combating increasing xenophobic trends will be intensified. With a view to creating synergies facilitating the achievements of BO's objectives, other partners will be sounded out and involved for a possible co-operation, be they governmental (Ministry of Social Affairs; Ministry of Education; Ministry of Labour; Municipalities); Intergovernmental (Council of Europe; European Commission) or International Organisations (UNICEF; International Federation of the Red Cross; International Organisation for Migration; International Committee of the Red Cross).

(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 years the major political challenge for the Hungarian Government and that a new legislation on asylum, by and large considered compatible with the EU *acquis* and internationally approved standards, was enacted as of 1 January 2002, UNHCR will pursue, in order of priority, through a thematic approach deriving from the UNHCR Bureau for Europe 2000-2004 Strategic Directions ("**strengthening asylum**"), the following main objectives:

- Facilitate the successful integration of refugees by designing and implementing, together with OIN, the Ministries of Social Affairs, Education and Labor and UNHCR implementing partners, including the Hungarian Red Cross, as well as other actors of the civil society (i.e. municipalities; trade unions) a proper policy on **integration**, including the setting-up of an "integration house";
- Set up proper mechanisms, taking into account the recommendations of the country report drafted within the framework of the "Separated Children in Europe Programme", for the reception and management of **separated children** by involving, in addition to OIN, the Ministry of Social Affairs, the Ministry of Education, UNICEF as well as non-governmental organizations;
- Achieve legal harmonization with international standards by **monitoring** the implementation of the amended Asylum Law and the new Aliens Act, in particular the practical implementation of the detention policy (Aliens Act) and the competencies and working modalities of the newly established OIN second instance administrative body (Asylum Law);
- Seek further adherence to international legal standards by continuing strengthening the capacity of the **judicial system** on asylum and refugee-related issues;

- Enhance **refugee children education**, in close co-operation with the Ministry of Education, by promoting and facilitating access to education of refugee and asylum-seeker children alike and by improving teachers' skills in dealing with foreign children;
- Achieve a fair, efficient and rapid **asylum procedure** by providing training to the institutions concerned, targeting especially newly recruited OIN staff members;
- Initiate exploring **fund raising** possibilities within the private sector to broaden the donor spectrum and continue lobbying for substantial government funding to UNHCR programmes.

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. In addition, BO Hungary will make extensive use of the following four regional initiatives with a view to better coping with the BO's limited available resources and better harmonizing approaches in the region:

- **Justitia Project**: capacity building for and support of regional asylum judges (objective related: "strengthening the capacity of the judicial system");
- **ACCORD Country of Origin Project**: country of origin information services and capacity building support (objective related: "achieve a fair, efficient and rapid asylum procedure");
- **Regional Refugee Law Clinics Support Project**: strengthening national refugee law clinics through regional co-ordination, best practice learning and sustainability support (objectives related: "monitor the implementation of the amended Asylum Law and the new Aliens Act"; "achieve a fair, efficient and rapid asylum procedure");
- **Competencies Development Project**: development of refugee specific competencies of non-legal social GO/NGO refugee workers and their agencies involved in reception, counseling and integration of asylum-seekers/refugees (objectives related: "separated children"; "integration").

Theme: Strengthening Asylum	
Main Goal(s):	
Goal I : Persons in need of international protection have access to the territories of European states;	
Goal II: Asylum-seekers have access to fair, efficient and effective asylum procedures and are treated in accordance with international protection standards;	
Goal III: The rights of refugees are respected, and effective durable solutions are found for them;	
Goal IV: Public opinion is receptive to the protection and solution needs of refugees.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Measures to combat irregular migration and smuggling include 	<ul style="list-style-type: none"> • Asylum-seekers are not subject to detention or possibly only for a very

Country Operations Plan

<p>adequate safeguards against direct or indirect <i>refoulement</i></p>	<p>limited period of time as a result of correct interpretation and close monitoring of application of the new Aliens Act.</p> <ul style="list-style-type: none"> • Access to asylum procedure is guaranteed to all asylum-seekers, including those initially kept in detention, thanks to effectiveness of the UNHCR sponsored lawyer network and refugee law clinics project and BO monitoring visits to border stations, detention centers and eligibility offices.
<ul style="list-style-type: none"> • Asylum-seekers have access to procedures in which their claims are heard fairly and promptly 	<ul style="list-style-type: none"> • Thanks to training activities and support on COI, including the ACCORD regional COI project, decisions at all instances are well reasoned and make appropriate reference to updated Country of Origin information • Second instance administrative body harmonises, if necessary, first instance decisions as a result of lobbying by BO on basis of survey on decisions • As a result of capacity building activities, number of pending cases at the end of each month do not amount to more than the double of new arrivals
<ul style="list-style-type: none"> • Legal frameworks for asylum are established in line with international standards and practice 	<ul style="list-style-type: none"> • OIN and Court will implement and interpret amended Asylum Law and new Aliens Act in line with international approved principles as a result of orientation given by BO and NGO through dissemination of policy papers, formal and informal discussions and sharing of positions on relevant individual cases.
<ul style="list-style-type: none"> • Asylum-relevant institutions develop to become effective and eventually independent from external support 	<ul style="list-style-type: none"> • Improved quality of asylum because of strengthened asylum institutions with more governmental financial and human resources as per UNHCR lobbying • Upgrade skills of the judiciary on asylum related issues through facilitating the Court's access to updated COI and exchange of regional experiences through the "Justitia" project so that the Court's

Country Operations Plan

	<p>interpretation of legislative framework is in accordance with internationally approved standards</p>
<ul style="list-style-type: none"> Asylum-seekers are treated in accordance with international standards 	<ul style="list-style-type: none"> By training and developing standards, also within the overall framework of the regional Competence Development Project, and by closely monitoring, basic but standard services are provided to asylum-seekers in enlarged and upgraded facilities By lobbying relevant government institutions and providing training to relevant stakeholders, separated children are properly and promptly identified and accommodated in a specific and specialised juvenile institution
<ul style="list-style-type: none"> Refugees have real possibilities to integrate 	<ul style="list-style-type: none"> Enhance chances of successful integration of refugees and other persons in need of international protection by designing and implementing a sustainable and realistic plan with full involvement of MOI, MSA, MOL, municipalities and NGOs and thereby limiting movements of refugees westward
<ul style="list-style-type: none"> Xenophobic tendencies diminish in favour of increased tolerance, and the public at large understands the relevance of refugee protection, and the difference between economic migrants and refugees 	<ul style="list-style-type: none"> Through organisation of PI/PA events, including multicultural education programmes at schools, the Hungarian civil society will be more knowledgeable of and more open to refugees and other persons in need of international protection
<ul style="list-style-type: none"> UNHCR's standing as the international authority on refugee protection is understood and acknowledged 	<ul style="list-style-type: none"> As a result of reinforced and effective partnership with stakeholders, Hungary strongly adheres to international standards relating to protection of refugees Thanks to effective support and trustworthy relations built by UNHCR with the Government and the civil society, moral and financial support for UNHCR activities increases world wide