

**Minister of Interior Decree 29/2013 (VI. 28)<sup>2</sup>  
on Rules Implementing Asylum Detention and Asylum Bail**

Based on the authorisation in Section 93 (3) e) of Act LXXX of 2007 on Asylum, in respect of subheading 3 of Section 93 (3) d) of the same Act, within my scope of responsibilities determined in Section 37 h) of Government Decree 212/2010 (VII. 1) on the Duties and Powers of Certain Ministers and the State Secretary heading the Prime Minister's Office, I hereby order the following:

**1. Definitions**

**Section 1** For the purpose of the present Decree

- a) *guarded asylum reception centre* shall mean an institution maintained by the Office of Immigration and Nationality for implementing asylum detention (hereinafter: detention);
- b) *living space* shall mean a building or part of a building for the accommodation and secure detention of a foreign person applying for recognition as a refugee or a beneficiary of subsidiary protection (hereinafter: person seeking recognition), which is suitable for permanent human residence and consists of private living areas, community areas suitable for eating and free-time activities, bathrooms, shower rooms and toilets as well as areas for isolation;
- c) *extraordinary event* shall mean natural disasters affecting the detention and all other events, acts or omissions which violate or seriously jeopardise the lives, physical integrity or health of any person seeking recognition or of those responsible for guarding, escorting, transporting and providing for persons seeking recognition, those in charge of managing the staff performing these tasks and the persons carrying out supervision, or events which violate or seriously jeopardise the order of the guarded asylum reception centre, in particular:
  - ca) criminal acts committed in the guarded asylum reception centre by a person seeking recognition, escapes or attempts of a criminal offence or escape;
  - cb) collective defiance of the lawful procedures of the staff at the guarded asylum reception centre;
  - cc) the collective disturbance of the order of the guarded asylum reception centre;
  - cd) attempted suicide or intentional injury to health by a person seeking recognition, or the death of a person seeking recognition; and
  - ce) any criminal act committed against a person seeking recognition.

**2. Rules of implementation of detention**

**Section 2** When the guarded asylum reception centre receives a person seeking recognition, the authority created for the performance of general police tasks (hereinafter: the Police) and transporting such a person shall hand over to the guarded asylum reception centre any documents and items handed over by the refugee authority, in particular the valuables and cash of the person seeking recognition as listed in the records, a copy made of the records

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<sup>1</sup> Translation: Afford Fordító- és Tolmácsiroda Kft., proofreading: UNHCR Hungary Unit

<sup>2</sup> The Decree was adopted and promulgated by the Minister of Interior on 28 June 2013, with entry into force on 1 July 2013. The Decree was subject to amendment by Minister of Interior Decree 68 of 2013 (date of promulgation: 10 December 2013). The current text reflects this state of affairs as at 9 May 2014.

listing such valuables and cash, and, if there are any marks of injury on the person seeking recognition, the medical report (hereinafter: medical report) establishing such injuries, provided that the medical report has been made during the aliens policing proceedings.

**Section 3** (1) A person seeking recognition may only be accommodated based on a prior medical examination, with the written approval of the doctor carrying out the examination.

(2) No person seeking recognition with a contagious disease or pathogens shall be accommodated in community. A person seeking recognition with a contagious disease or pathogens shall be separated from other persons seeking recognition, and the competent public health institution of the district office which jurisdiction at the place of the guarded asylum reception centre shall be informed with no delay.

(3) If the person seeking recognition cannot be accommodated in the guarded asylum reception centre due to his/her health condition, s/he shall be taken to a health institution with no delay. A copy of the medical report specified in Section 2 shall be handed over to the health institution.

(4) Any person seeking recognition who suffered torture, rape or other violent acts in their country of origin or elsewhere and who requires special treatment shall be provided with appropriate specialist treatment of the injuries caused by the above-mentioned acts, based on the opinion of the physician performing the medical examination necessary for admission.

(5) If it is justified based on the individual situation of the person seeking recognition and requiring special treatment, s/he shall be provided with separate accommodation within the guarded asylum reception centre.

(6) In order to ensure the appropriate rehabilitative and, if necessary, mental health treatment and consultancy for a person seeking recognition who has suffered torture, rape, or any other grave form of psychological, physical or sexual violence, the director of the guarded asylum reception centre shall – based on the written recommendation of the physician or psychiatrist providing medical care in the guarded asylum reception centre – inform the competent health institution with no delay.

(7) Family unity shall be maintained even during the separate accommodation of a person requiring special treatment. During the procedure of admission to a guarded asylum reception centre, the best interests of the child shall be the primary concern.

(8) Families and married couples shall be provided with a separate living space that meets the basic requirements of family life.

**Section 4** (1) The medical examination determined in Section 3 (1) shall extend to the following:

- a) the determination of the weight of the person seeking recognition;
- b) the establishment of the fact that there are marks of injury on the person seeking recognition or that there are no such marks; and
- c) the causes of such marks of injury.

(2) If there are any marks of injury on the person seeking recognition, the director of the guarded asylum reception centre shall record this fact in a report and provide an opportunity for the person seeking recognition to make a statement on the causes of and circumstances relating to such marks. The director of the guarded asylum reception centre shall record the statement or the lack of such statement in a report. The report shall be signed by the person seeking recognition and the director of the guarded asylum reception centre in the presence of two witnesses.

(3) The medical report and the report specified in Subsection (2) shall be sent with no delay to the public prosecutor who carries out the legal oversight of the guarded asylum reception centre.

**Section 5** (1) Upon admission, persons seeking recognition shall be informed – in their mother tongue or another language they understand – of the house rules of the guarded asylum reception centre, their rights and obligations, the possibility of the application of means of restraint against them and their right to appeal. Persons seeking recognition shall sign or, if they are illiterate, mark a document declaring that they have received written information or have been provided with oral information. Illiterate persons seeking recognition shall be provided with oral information in the presence of two witnesses. The witnesses shall sign the report.

(2) On the day of admission, the asylum-seeker shall be provided with tableware, toiletries, bedding and bed linen.

(3) At the time of accommodation, a living space, a separate bed and a storage room for the items that are permitted to have with him/herself shall be allocated to the person seeking recognition.

**Section 6** (1) In order to maintain order in the guarded asylum reception centre, the house rules determined by the director of the guarded asylum reception centre shall be approved by the Director General of the Office of Immigration and Nationality, with the consent of the National Commander of the Police. Any deviation from this provision shall only be allowed if there is an extraordinary event, upon the order of the director of the guarded asylum reception centre.

(2) The house rules shall set out the system for exercising rights and meeting obligations, with regard to the specific characteristics of the guarded asylum reception centre, in particular covering the following:

- a) the night rest period;
- b) meal times;
- c) the doctor's consulting hours;
- d) the times when the telephones and the Internet may be used;
- e) visiting times;
- f) the working hours of the Office of Immigration and Nationality;
- g) the system for submitting objections, requests, complaints and announcements of public interest;
- h) the rules concerning smoking; and
- i) rules applicable to accident prevention and fire precautions.

**Section 7** (1) The person seeking recognition may – with exceptions in Subsection (2) – in accordance with the house rules, freely use the rooms in the living area during the period of the detention and may move without restriction within the designated areas of the guarded asylum reception centre. The person seeking recognition shall have unlimited access to toilets, at any time of the day.

(2) The person seeking recognition shall be obliged to stay in the living area designated for him

- a) if s/he has committed a material violation of his/her obligations, despite the fact that s/he has been informed of his/her rights and obligations in the manner determined in Act LXXX of 2007 on Asylum (hereinafter: the Act);
- b) if there is an extraordinary event, until the extraordinary event is terminated; and

c) during the rest period at night.

(3) If, by violating the order of the guarded asylum reception centre, the person seeking recognition endangers his/her own and others' physical integrity, s/he may be accommodated in an isolation room for as long as necessary but not exceeding 24 hours, taking the prior opinion of the medical staff into consideration (hereinafter: isolation). The person seeking recognition shall be informed of the reason for his/her isolation with no delay, in his/her mother tongue or another language s/he understands. During the isolation, the medical staff of the guarded asylum reception centre shall continuously monitor the health of the person seeking recognition. If the circumstance that gave rise to the measure no longer exists, the person seeking recognition will be restored into the community following a medical examination.

(4) The restrictive measures taken because of an extraordinary event or an event specified in Subsections (2) and (3) shall be immediately terminated if the circumstances that gave rise to the measures no longer exist.

**Section 8** Persons seeking recognition may use the communal and eating areas, as well as the courtyard created for the purpose of spending time outdoors, at the same time, irrespective of their gender and they may participate in the community programmes organised by the social workers.

**Section 9** (1) Persons seeking recognition shall be provided with three – or those who are younger than 14, five – meals a day.

(2) The food provided to a person seeking recognition each day shall have an energy content of at least 10,900 joules. When supplying food, the health, age and the dietary requirements of the religion of the person seeking recognition shall also be taken into account. Expectant mothers, mothers with small children and minors shall be provided with dairy products and fruits every day or, if justified on medical grounds, other equivalent food.

**Section 10** (1) The person seeking recognition shall be entitled to communicate with the following without monitoring:

- a) his/her duly authorised legal counsel or the appointed guardian ad litem;
- b) persons providing legal aid;
- c) the representative of a non-governmental organisation, the statutes or deed of foundation of which mentions the protection of human rights among the aims of the organisation;
- d) the member of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment, the member of the Council Europe's and/or the United Nations' organisations mandated for the protection of human rights, who has been sent for such purpose;
- e) the member of an organisation authorised by the national laws of Hungary to protect human rights and the member of an authority or organisation entitled to examine for restrictions of the freedom of movement;
- f) on his/her own initiative, with the diplomatic representative or consular officer of his/her native country accredited in Hungary, or – if there is no such person – the representative of the state which represents his interests; and
- g) for the purpose of practicing religion, a representative of the church (denomination) or an organisation that performs religious services in a professional manner, the legal entity of the church or any other person entrusted by the organisation performing religious activities.

(2) Contacts between the person seeking recognition and his/her relative or persons other than those specified in Subsection (1) (hereinafter: receiving visitors) shall be

facilitated at a date agreed upon in advance. The frequency of such visits shall not be restricted.

(3) If it does not jeopardise the order and security of the guarded asylum reception centre, the person seeking recognition may, with the authorisation of the director of the guarded asylum reception centre, receive several visitors at a time.

(4) Visitors may be received at the following times:

- a) on work-days, during official working hours, or
- b) on public holidays, during the times that correspond to normal working hours.

**Section 11** Communication over the telephone may only take place through the device provided by the guarded asylum reception centre, at the cost of the person seeking recognition. The duration of telephone conversations may only be limited during rest periods or if the safety of the guarded asylum reception centre or the implementation of detention is endangered.

**Section 12** (1) A person seeking recognition may also communicate through correspondence. The frequency of letters shall not be restricted. Any costs of correspondence shall be borne by the person seeking recognition.

(2) The person seeking recognition may receive packages at his/her own expense, which may contain clothing, toiletries, tobacco products, books, periodicals, stationery and non-perishable food. The frequency of receiving packages shall not be restricted.

(3) A person seeking recognition may send packages at his/her own cost. The frequency of sending packages shall not be restricted.

(4) The correspondence and the content of the packages of a person seeking recognition may only be inspected for security or public health reasons. Such an inspection shall not extend to any texts within the consignment. The person seeking recognition shall be informed of the inspection and packages shall be examined in the presence of the person seeking recognition.

(5) If the inspected letter or package endangers the security of the guarded asylum reception centre or the implementation of detention and this dangerous nature cannot be eliminated, the letter or package shall not be forwarded. The person seeking recognition shall be informed that forwarding the letter or package has been refused.

(6) Letters containing complaints, requests, objections or announcements of public interest and addressed to the authority entitled to monitor the implementation of detention or to an organisation that performs the protection of human rights (specified in Section 10) (1) c)-e) shall be forwarded with no delay. All other letters shall be forwarded within two working days and any letters to the person seeking recognition shall be delivered within two working days.

**Section 13** (1) In addition to the provisions of Section 31/G of the Act, the person seeking recognition may make a complaint orally or in writing about measures taken or omitted during the implementation of detention. Complaints made orally shall be recorded in a report. If it is justified for the purpose of investigating the complaint, the complainant shall be heard at his/her request. Complaints shall have no suspensive effect on the implementation of the measures concerned. In instances determined by this Decree, a person seeking recognition may submit a request in connection with the circumstances of the implementation of detention.

(2) Complaints and requests by a person seeking recognition shall be examined by the director of the guarded asylum reception centre within eight days – with the exception of the instance specified in Subsection (3) – and s/he shall inform the complainant in writing about

any decision or measures taken as a result of such examination. Within eight days of his/her being informed about the decision or any measures that were taken, the person seeking recognition may turn to the Director General of the Office of Immigration and Nationality, who will make a decision on the case within fifteen days.

(3) If the complaint of the person seeking recognition refers to abuse or inhuman or degrading treatment, the director of the guarded asylum reception centre shall transfer the complaint to the public prosecutor who carries out the legal oversight of the guarded asylum reception centre with no delay but within five days of the submission of the complaint at the latest.

(4) Complaints and requests shall be recorded in a numbered register, also containing any measures taken.

(5) A closed box shall be made available for the collection of submissions, which shall be placed in a location accessible to all persons seeking recognition and which shall be emptied by the director of the guarded asylum reception centre every working day.

(6) The decision made on the complaint or the request shall be communicated to the person seeking recognition.

**Section 14** (1) In cases relevant to the implementation of detention, a person seeking recognition may directly turn to the public prosecutor who carries out the legal oversight of the guarded asylum reception centre and may request a hearing with the public prosecutor.

(2) In cases relevant to the implementation of detention, a person seeking recognition may directly turn to

a) the Parliamentary Commissioner for Fundamental Rights; and

b) an organisation that performs the protection of human rights (specified in Section 10(1) c-e)).

(3) The director of the guarded asylum reception centre shall ensure that the right of appeal of the person seeking recognition can be enforced.

**Section 15** (1) The costs of interpretation and translation necessary for the exercising of the rights and the performance of the obligations of the person seeking recognition in connection with the implementation of detention shall be borne by the guarded asylum reception centre.

(2) If a person seeking recognition requests an interpreter in a case that is not related to the implementation of detention, the interpreter shall be provided at the cost of the person seeking recognition.

**Section 16** (1) The guarded asylum reception centre shall provide persons seeking recognition with the appropriate personal items and, if necessary, seasonal clothes as well as with toiletries and the cleaning preparations necessary for maintaining cleanliness in the living area. Persons seeking recognition shall be responsible for preserving and keeping their clothes tidy as well as for cleaning their living area, and the guarded asylum reception centre shall provide the conditions required for this.

(2) Minors seeking for recognition shall be provided with special toiletries corresponding to their age. The toiletries – in the case of minors seeking recognition, their special toiletries – shall be supplied as and when required but at least monthly.

(3) Items that a person seeking recognition is permitted to keep with him/herself are specified in Annex 1.

**Section 17** (1) In addition to his/her personal items, a person seeking recognition may have non-perishable food and medications authorised by the doctor with him/her.

(2) The person seeking recognition may not have with him/her any objects or materials that may endanger the safety or order of the guarded asylum reception centre or the person seeking recognition's own or others' life or physical integrity. The director of the guarded asylum reception centre may check whether these rules are observed.

(3) Depending on the circumstances of accommodation, the guarded asylum reception centre may limit the number of personal items that a person seeking recognition can have with him/her. The guarded asylum reception centre shall handle any items that are not allowed as deposits.

(4) Any valuables belonging to a person seeking recognition, as well as his/her personal identification documents, shall also be deposited. Any cash that the person seeking recognition has with him/her shall be deposited.

(5) Based on a final and enforceable decision that establishes the person seeking recognition's liability for damage, deposited means of payment can be retained for pay for damage.

(6) The person seeking recognition shall be free to dispose of his/her cash deposit and the utilisation of his/her money transferred to a financial institution.

(7) Persons seeking recognition can buy products authorised for use on the premises of the guarded asylum reception centre – primarily food, hygiene products, stationery and telephone cards – at their own expense, in the manner and at the times designated by the director of the guarded asylum reception centre.

**Section 18** (1) Persons seeking recognition are free to avail themselves of the educational and sports facilities in the areas of the guarded asylum reception centre designated for such purposes and they may also use the library, listen to the radio and watch television.

(2) A minor seeking recognition who stays with his/her family at the guarded asylum reception centre shall be provided with the conditions and equipment necessary for the educational and recreational activities corresponding to his/her age and maturity, including but not limited to the use of a playroom and classes held by a teacher or a specially trained social worker. In order to provide the education corresponding to the level of development of the school-age minor, the director of the guarded asylum reception centre shall immediately contact the school district of the Klebelsberg Institution Maintenance Centre with jurisdiction over the guarded asylum reception centre.

(3) Persons seeking recognition may not be obliged to carry out work besides cooperating in keeping those areas used by them clean.

**Section 19** (1) During detention, social workers of the guarded asylum reception centre shall perform the tasks of providing for the persons seeking recognition, and within this activity they shall

- a) perform the registration of new arrivals and keep continuous records of the same;
- b) ensure individual case management, if necessary;
- c) organise community programmes that help detainees to spend their free time usefully;
- d) carry out the tasks assigned to them in connection with the disbursement of freely usable monthly spending money;
- e) participate in the provision of services provided in connection with the material conditions of reception;
- f) inform the child welfare service with no delay if a child is in danger;
- g) initiate the procedure of the child welfare agency if they observe child abuse, serious neglect or any other serious threats to the child or a serious danger caused by the child him/herself;

- h) take measures to enrol the detained child in a public education institution;
- i) participate in arranging - if necessary - the medical treatment of persons seeking recognition, monitor the health condition of the persons seeking recognition and inform their general practitioner if necessary;
- j) assist persons seeking recognition in dealing with their official matters and, if necessary, in communication; and
- k) participate in the prevention and resolution of conflicts.

**Section 20** (1) If a person seeking recognition wishes to get married in Hungary, attend a funeral or wedding of his/her relative or visit a seriously ill relative, the director of the guarded asylum reception centre shall forward his/her request to the refugee authority with no delay.

(2) The detainee's attendance at an event specified in Subsection (1) shall be authorised by the refugee authority that has ordered the detention of the person concerned, taking into consideration the opinion of the director of the guarded asylum reception centre and indicating the expected location and duration of the relevant event. The person seeking recognition shall be guarded by the Police during his/her attendance at the event.

(3) At the request of the director of the reception centre, the Police will arrange the transport, escort and guard for the person seeking recognition, at the cost of the latter.

**Section 21** (1) The director of the guarded asylum reception centre may, at the request of the person seeking recognition, authorise him/her to leave the guarded asylum reception centre for the purpose of withdrawing cash, in accordance with the house rules.

(2) In the case specified in Subsection (1), at the request of the director of the guarded asylum reception centre, the Police will arrange the transport, escort and guard for the person seeking recognition, at the cost of the latter.

**Section 22** (1) If the investigative authority or any other authority wants to hear the person seeking recognition in the guarded asylum reception centre, the director of the guarded asylum reception centre shall authorise such a hearing if agreed in advance.

(2) The refugee authority that ordered the detention shall make a decision on the handover of the person seeking recognition to the investigative authority at the request of the investigative authority.

(3) The duration of such a handover shall be counted in the duration of the detention.

**Section 23** (1) If, during the implementation of detention, a notice is received for the execution of

a) a pretrial detention ordered or a confinement or prison sentence imposed in a criminal procedure;

b) a detention awaiting extradition, a temporary detention awaiting extradition, a detention awaiting transfer or a temporary detention awaiting transfer; or

c) a confinement in a minor offence procedure or confinement imposed as a result of the conversion of a fine,

the detention shall be interrupted on the day the notice is received, of which the refugee authority that ordered the detention and the court that ordered the extension of detention shall be informed with no delay.

(2) The interruption of detention for the purpose and for the period specified in Subsection (1) shall not be counted in the term of detention. The implementation of detention shall



resume after the period of interruption has ended, unless the refugee authority or the district court has terminated the detention.

**Section 24** The person seeking recognition shall be transported and escorted to the court and guarded during this by the Police, at the request of the refugee authority.

**Section 25** (1) If the person seeking recognition leaves the place of the implementation of detention and this qualifies as an extraordinary event, the director of the guarded asylum reception centre shall immediately inform the refugee authority which has ordered detention.

(2) The guarded asylum reception centre shall investigate any extraordinary events concerning the person seeking recognition – if justified, requesting the help of the Police – and it shall report the same with no delay to the public prosecutor who carries out the legal oversight of the guarded asylum reception centre.

(3) The funeral or cremation of a person seeking recognition may only be authorised after an autopsy, with the letter of consent of the public prosecutor who carries out the legal oversight of the guarded asylum reception centre.

(4) The director of the guarded asylum reception centre shall inform with no delay the refugee authority of the death of a person seeking recognition.

**Section 26** (1) The taking of person seeking recognition to examinations or treatments at an out-patient clinic and their appropriate guarding during such periods shall be performed by the Police, at the request of the guarded asylum reception centre.

(2) If the person seeking recognition requires treatment in an in-patient clinic, the refugee authority shall be informed of this and, concurrently,

a) the guarded asylum reception centre shall arrange the transport of the person seeking recognition for the purpose of emergency care through the National Ambulance Service, in which case guarding shall be provided by the Police;

b) at the request of the guarded asylum reception centre, the Police shall arrange the transport of the person seeking recognition for the purpose of medical treatment other than emergency care, through the National Ambulance Service if justified.

(3) In the case of treatment in an in-patient clinic, the Police shall arrange for the person seeking recognition to be guarded if the refugee authority requests so.

(4) The guarded asylum reception centre shall ensure that a qualified medical assistant is continuously available at the centre.

(5) During the implementation of detention, the interpreter attending the consultation with the doctor shall be provided by the guarded asylum reception centre, at the request of the doctor.

**Section 27** (1) The person seeking recognition shall be released when the period of detention has expired or on the day specified in the final decision terminating the detention.

(2) At the time of the termination of detention, the following shall be established:

a) the costs of medical treatment falling outside of the scope of Section 26 of Government Decree 301/2007 (XI. 9.) on the implementation of Act LXXX of 2007 on Asylum; and

b) the amount of any damage deliberately caused by the person seeking recognition to the operator of the guarded asylum reception centre.

(3) With regard to the payment of any damage deliberately caused by the person seeking recognition to the operator of the guarded asylum reception centre, or any injury caused to the person seeking recognition within the scope of responsibility of the operator of the guarded asylum reception centre during the implementation of detention, the procedure shall be conducted according to the provisions in Sections 28 and 29.

- (4) The provisions of Sections 28 and 29 shall apply also if the damage or injury occurred during the transport of the person seeking recognition.
- (5) At the time of releasing the person seeking recognition,
- a) accounts shall be settled with the person seeking recognition in respect of any costs to be borne by him/her and any amounts paid to him/her in advance, and
  - b) any property of the person seeking recognition that was deposited shall be released.

**Section 28** (1) With regard to any claims for damage:

- a) the person seeking recognition shall report his/her claim to the director of the guarded asylum reception centre within three working days of the occurrence of the damage, and
- b) the employee of the guarded asylum reception centre or the Police service who noticed the damage shall report the claim to the director of the guarded asylum reception centre with no delay.

(2) Damage claims made orally shall be recorded in writing.

(3) The director of the guarded asylum detention centre shall inform the person seeking recognition about the claim for the payment of the damage deliberately caused by the person seeking recognition, in writing, within three working days of the occurrence of the damage.

If several persons seeking recognition caused the damage, their responsibility shall be adjudged in a single procedure.

(4) The procedure relating to the payment of any damage deliberately caused by the person seeking recognition and of any damage caused during the transport of the person seeking recognition shall be conducted by the average adjuster appointed by the Director General of the Office of Immigration and Nationality.

(5) The director of the guarded asylum reception centre shall forward the damage report of the person seeking recognition or his/her own claim against the person seeking recognition to the appointed average adjuster without delay. The procedure shall start on the day when the damage claim is received by the average adjuster.

(6) The person seeking recognition shall be heard during the procedure; if the person seeking recognition refuses to make a statement, this shall be recorded on the relevant documents. During the procedure for damage, the most important procedural acts – including, without limitation, the reporting of the damage claim, the request for the payment of compensation and the procedural acts performed during the presentation of evidence and the decisions – shall be put down in writing and the documentary evidence shall be attached to the documents of the case.

(7) A person seeking recognition may be represented in the procedure for damages by his/her legal representative. A power of attorney can only be given to a legal counsel or another person authorised to perform legal representation who is entitled to maintain contact with the person seeking recognition without monitoring, in accordance with Section 10(1).

(8) The legal representative

- a) may be present at the hearings of the person seeking recognition as well as the witnesses and s/he shall be informed of the date of such hearings eight working days before the day of the procedural act, in writing;

- b) shall be entitled to inspect the documents relating to the case; and

- c) may request witnesses to be heard and further evidence to be obtained.

(9) During the damage procedure, the person seeking recognition shall be entitled to use his/her mother tongue or any other language s/he understands and in which s/he is able to make him/herself understood. If necessary, an interpreter shall be appointed by the director of the guarded asylum reception centre.

**Section 29** (1) The damage procedure shall be completed within thirty days of its commencement. In complex cases the average adjuster may extend the procedure by another thirty days, unless the person seeking recognition is released within thirty days of the commencement of the procedure.

(2) The average adjuster shall make a decision on the damage. This decision shall contain the following:

- a) the place of the incident, the name of the average adjuster and the case number;
- a) the personal identification data of the person seeking recognition;
- c) the amount of the damage and, if the damage shall be borne by the person seeking recognition, a provision on the exemption from payment or on payment by instalments;
- d) the thirty-day settlement deadline;
- e) a notice on the available legal remedies; and
- f) the place and date of the decision-making and the signature and stamp of the average adjuster.

(3) The decision shall be delivered orally in the presence of the person seeking recognition and it shall also be communicated to the person seeking recognition and his/her legal representative in writing within three working days. The decision is non-appealable. Within thirty days of the receipt of the written decision, the person seeking recognition or his/her legal representative may commence an action at the court with jurisdiction over the place of detention. If the person seeking recognition does not take over the decision, it shall be regarded as delivered on the day of its proclamation. If the receipt of the written decision is refused, this fact shall be indicated on the document concerned.

(4) If the person seeking recognition or his/her legal representative provides a written statement to the operator of the guarded asylum reception centre that the person seeking recognition does not wish to exercise his/her right to commence an action and that s/he acknowledges the decision, the settlement deadline shall be counted from the day after the receipt of this statement. If the person seeking recognition or his/her legal representative makes no such statement but commences no action, the starting day of the settlement deadline shall be the day following the expiry of the deadline for commencing an action.

(5) If the liability for damage of the person seeking recognition is established, s/he may be exempted from the payment of compensation in whole or in part if

- a) s/he caused the damage other than by committing a criminal offence or in order to obtain a pecuniary advantage, or the damage was caused as a result of his/her committing a criminal offence but the person seeking recognition was acting lawfully in order to protect his/her rights; or
- b) s/he has no deposited money, income or assets.

(6) If compensation cannot be collected from the person seeking recognition, the debt shall be cancelled as an irrecoverable debt. The damage shall be borne by the operator of the guarded asylum reception centre in whole or in part if the irrecoverable compensation is cancelled or the person seeking recognition has been exempted from the payment of the same in whole or in part.

(7) Any compensation finally awarded to the person seeking recognition shall be paid into the deposit account of the person seeking recognition within the settlement deadline. If the person seeking recognition is released before the settlement deadline, any finally awarded compensation shall be paid to the person seeking recognition at the time of his/her release or, according to his/her wishes, to another person appointed by him/her.

(8) If the person seeking recognition is released before the decision is made on the damage, the damage procedure shall be terminated. In such a case, the person seeking recognition and

the operator of the guarded asylum reception centre may enforce the damage claims directly in court.

### **3. Rules of asylum bail**

**Section 30** The refugee authority determines the amount of the asylum bail (hereinafter: the bail), taking into consideration the personal and financial circumstances of the person seeking recognition. The amount of the bail shall not be less than EUR 500 and shall not exceed EUR 5,000.

**Section 31** (1) The bail shall be deposited with the refugee authority in cash, when the decision on ordering bail is communicated.

(2) The bail deposited in cash may be deposited in EUR or in Hungarian Forint (HUF) or U.S. dollars (USD), calculated based on the official exchange rates published by the National Bank of Hungary. The custodian appointed by the head of the refugee authority shall manage the bail on a separate deposit account. The refugee authority shall pay no interest on the deposited bail and it shall not charge any custody fees or handling costs.

(3) If the asylum detention of the person seeking recognition has been ordered before bail is deposited but later the refugee authority finds that the availability of the person seeking recognition can be ensured through depositing bail and it orders for it, asylum detention shall be terminated with no delay upon depositing bail.

**Section 32** If the bail is deposited in cash, an acknowledgement of receipt shall be issued in triplicate, which shall contain the following information:

- a) the legal title of the payment (asylum bail);
- b) the amount of the bail, expressed in numbers and words;
- c) the currency of the bail;
- d) the registration number of the bail;
- e) the date of payment;
- f) the number of the decision authorising the deposit of bail;
- g) the personal identification data of the natural person depositing the bail; and
- h) if the depositor is not the same person as the person in favour of whom the bail has been deposited, the name, address and accommodation of the latter or the address of his/her residence and the number of his/her personal identification document.

**Section 33** (1) The refugee authority certifies the payment of the bail in cash simultaneously with receiving the money, by handing over a copy of the acknowledgement of receipt to the person seeking recognition. The refugee authority shall sign and stamp the acknowledgement of receipt with its official seal at the time of handing over the same.

(2) The date of the payment of the bail shall be the date of issue of the acknowledgement of receipt specified in Subsection (1).

**Section 34** (1) The refugee authority shall release the deposited bail immediately after the final conclusion of the asylum procedure.

(2) The deposited bail may be repaid via the post, by personal delivery by the refugee authority or by bank transfer.

(3) Unless provided otherwise, the refugee authority shall pay the bail to the person seeking recognition. If the person seeking recognition requests in his/her declaration in a private document of full probative value that the bail should be transferred to another person, the bail

shall be transferred to the person designated in the declaration, provided that the person seeking recognition has sent the refugee authority his/her declaration, including the name and bank account number of such a person before the release of the bail.

**Section 35** (1) The refugee authority shall transfer the bail to the person entitled to receive the same without making any special decision, on the basis of the final decision ordering the release of the bail, in the currency in which the person seeking recognition has provided the bail.

(2) If the release of the bail is realised through bank transfer, the transferred amount shall be reduced by the costs of transfer.

**Section 36** The refugee authority shall establish in its decision if the bail deposited by a person seeking recognition falls upon the Hungarian State. The decision declaring such devolution may be contested together with the decision closing the asylum procedure. If the refugee authority recognises the person seeking recognition as a refugee, the provisions of Section 53 of the Act shall be applicable to the decision on devolution as appropriate.

#### **4. Closing provisions**

**Section 37** This Decree shall enter into force on 1 July 2013.

##### *1. Annex 1 to Decree 29/2013 (VI. 28) of the Minister of Interior*

#### **Items that persons seeking recognition are allowed to have with them in asylum detention**

1. Toiletries: personal hygiene products (soap, comb, mirror, talcum powder, lotion, shampoo etc.), dental care products, anti-perspirants (except for aerosol cans and pump deodorant sprays), nail care products, clothing and shoe care products, sewing kit, towel, handkerchief, detergents and fabric conditioners (at the time of washing, otherwise stored outside the sleeping area, separately for each person), shaving foam, so-called half-blade razors, electric razor (during shaving, otherwise stored outside the sleeping area), cotton, tampons, sanitary pads, toilet paper, hair care equipment (blow-dryer, curling iron, rollers and hair clips, hair-net, shower cap), other authorised toiletries.

2. Clothing: the person seeking recognition's own underwear and outerwear, footwear and slippers.

3. Food and tableware that can be stored at room temperature (non-perishable as regards its enjoyment, nutritional value and organoleptic characteristics): food products that can be sent in a package, teabags, coffee granules (in a paper bag), sweeteners (tablets, sugar, liquid), soft drinks in non-returnable plastic bottles, pickles, preserved fruit (in plastic containers), smoked, low-fat dairy products and so-called semi-permanent dairy products that can be stored without refrigeration, seasonings, coffee-spoon, cup (plastic), food box and bag, electric kettle (with protection against overheating).

4. Tobacco products: cigarettes, cigars, cigarillos, smoking tobacco, cigarette-holder, pipe, matches, lighter.

5. Stationery: products necessary for self-education, pocket calendar, calendar card, photos, letters, documents, books, daily papers and periodicals.

6. Other items for personal use: light, small devotional objects necessary for the practice of religion, battery-operated pocket radio, earphones, portable television, wrist-watch, glasses, contact lenses, spare batteries, phone cards, playing cards, chess and other games ,the storage or operation of which does not disturb the safety of detention.

7. Drugs, medical aids: the drugs and medical aids, vitamins and nutrients authorised in writing by the health service and the doctor.