

Minister of Justice and Law Enforcement Decree 52/2007 (XII. 11.)²

on the organisational structure of refugee affairs

Pursuant to the authorisation granted by Section 93 (3) of Act LXXX of 2007 on Asylum and acting in the authority conferred on me by Section 1 g) of Government Decree 164/2006 (VII.28) on the responsibilities and authority of the Minister of Justice and Law Enforcement (MJLE), I hereby order the following:

Section 1 (1) The tasks of the refugee authority specified by the law shall be carried out by the Office of Immigration and Nationality (hereafter: OIN).

(2) In the framework of its refugee activities, the OIN shall

a) carry out tasks of an official authority and administrative nature relevant to refugee affairs;

b) manage the central refugee registry;

c) carry out the tasks of the national agency specified by Council Regulation 2725/2000/EC aiming at the establishment of "Eurodac" for the comparison of the fingerprints in respect of persons seeking recognition as refugee or beneficiary of subsidiary or temporary protection (hereinafter: person seeking recognition) as well as refugees and beneficiaries of subsidiary and temporary protection, for the efficient implementation of the Dublin Convention;

d) be responsible for carrying out the tasks specified by Council Regulation 343/2003/EC establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;

e) operate and supervise the reception centres and the guarded asylum reception centres (hereinafter: detention centre);

f) conduct and harmonise the tasks of the reception and support of persons seeking recognition, and refugees and the beneficiaries of subsidiary or temporary protection, as well as the administrative tasks of the social integration of refugees and the beneficiaries of subsidiary or temporary protection;

g) ensure the personnel and material conditions of the implementation of the asylum procedure;

h) provide benefits and support for the persons seeking recognition, for refugees and the beneficiaries of subsidiary or temporary protection pursuant to the provisions of Act LXXX of 2007 (hereafter: Act), and the provisions of Government Decree 301/2007. (XI. 9.) on the implementation of Act LXXX of 2007;

i) cooperate with the local governments of the localities involved in providing benefits for the persons seeking recognition, for refugees and the beneficiaries of subsidiary or temporary protection, and with the local governments (district in the capital), as well as with the guardianship authorities and churches and, for the implementation of their tasks specified by law, with the law enforcement organisations and the national security services;

¹ Translation: Afford Fordító- és Tolmácsiroda Kft., proofreading: UNHCR Hungary Unit

² The Decree was adopted and promulgated by the Minister of Justice and Law Enforcement on 11 December 2007, with entry into force on 1 January 2008. The Decree was subject to multiple amendments, the latest being the Minister of Interior Decree 69 of 2013 (date of promulgation: 11 December 2013). The current text reflects this state of affairs as at 9 May 2014.

- j) cooperate with the state agencies and non-governmental organisations involved in refugee affairs, as well as with Hungarian and international refugee and migration organisations;
 - k) access the data contained in the system created by European Council Resolution 512/2004/EC of 8 June 2004, based on Articles 21 and 22 of Regulation 767/2008/EC of the European Parliament and of the Council of 9 July 2008 (hereinafter: VIS Regulation) concerning the Visa Information system (VIS); .
 - l) perform support functions as national contact point for the European Asylum Support Office.
- (3) It shall provide regular training for staff members of OIN carrying out authority, benefit provision and integration tasks so that they can obtain the necessary knowledge required for their job and improve the professional standard of their activities.
- (4) In the framework of the training described in Subsection (3), OIN shall ensure that those staff members who carry out authority, benefit provision and integration tasks receive the special knowledge corresponding to the special needs of the persons seeking recognition, refugees, and beneficiaries of subsidiary or temporary protection.

Section 2 (1) The reception centre shall be managed by the Director appointed by the Director-General of OIN.

(2) The staff of the reception centre shall have civil servant status.

(3) The reception centre shall work around the clock.

(4) The following services shall be provided by the reception centre:

- a) health and welfare services,
- b) food supply service,
- c) information service,
- d) caretaker service and
- e) guard service.

(5) Visitor shall enter and stay in the territory of the reception centre with the permission of the director of the reception centre.

Section 3 (1) In particular, the following shall be provided for persons accommodated in the reception centre:

- a) bed, mattress, bed linen;
- b) a bag containing the essential means of personal hygiene or equivalent contribution thereof;
- c) storage facility with a lock for storing personal belongings;
- d) continuous warm water supply and access of toilet;
- e) access to means of public information and telecommunication;
- f) use of culture and sport facilities in the reception centre, and participation in leisure and entertainment programs; an adequate room to practice religion and
- g) three meals per day – in case of minors younger than 14 years of age: five meals per day – or equivalent contribution thereof. The health condition, age and the religious norms respected by the person accommodated in the reception centre shall be considered when providing meals. Pregnant mothers, mother with small children and children younger than 14 years of age shall be provided with dairy products, fruits or the equivalents thereof in case the latter is justified by health reasons.

(1a) If meals are provided in-kind, the nutritional value shall be minimum 10,900 joule per day.

(2) Use of the means of public information and telecommunication, culture and leisure facilities shall be ensured at least ten hours a day.

Section 4 (1) The clothing and luggage of the person requesting recognition shall be inspected before the person is placed in the reception centre.

(2) The person placed at the reception centre may place his valuables and cash in a safe, and may freely dispose about his valuables and cash.

(3) The rules of staying at the reception centre are described in the *annex* of this decree.

(4) The person placed at the reception centre shall be informed about his/her rights and obligations, as well as about the house rules, in his/her mother tongue or any other language understood by them, at the time of placement at the reception centre. The house rules shall be displayed in a place where it can be seen well by everyone, in at least five languages including English and French.

Section 4/A (1) The head of the detention centre shall be appointed by the Director General of OIN.

(2) Staff employed by the detention centre shall have government official and/or civil servant status.

(3) The detention centre shall work around the clock.

(4) In the detention centre

a) health service

b) social service

c) food catering

d) armed guarding service

shall operate.

Section 5 In case of the mass influx of displaced persons, the tasks of the national contact point pursuant to Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, and pursuant to Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection as well as Council Directive 95/2011/EC of the European Parliament and of the Council of 13 December 2011, shall be implemented by the Permanent Representation of the Republic of Hungary operating under the auspices of the European Union.

Section 6 (1)³

(2) In respect of the duties specified by Section 83 (3) of the Act, the data processing organ shall be the Criminal Consulting and Research Institute.

Section 7 (1) This decree shall enter into force on 1 January 2008.

Section 8 (1) The present Decree, together with Act LXXX of 2007 on Asylum, and Government Decree 301/2007. (XI. 9.) on the implementation of Act LXXX of 2007 on asylum, serves alignment with the following community acts:

³ Provision discontinued

a) Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, Article 27;

b) Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, Articles 4(1), 8 (2) c), 13 (3) a), 17 (4);

c) European Council and Parliament Directive 2011/95/EC of 13 December 2011 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons, who otherwise need international protection and the content of the protection granted, Articles 36-37.

(2) The present Decree, together with Act LXXX of 2007 on asylum, and Government Decree 301/2007 (XI. 9.) on the implementation of Act LXXX of 2007 on asylum, determines provisions necessary for the implementation of the following community acts:

a) Council Regulation 2725/2000/EC of 11 December 2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the efficient application of the Dublin Convention;

b)⁴

c) Regulation 767/2008/EC of the European Parliament and of the Council of 9 July 2008 (hereinafter: VIS Regulation) concerning the Visa Information System (VIS) and the sharing of data by Member States of visas entitling for short term residence (VIS Regulation);

d) Regulation 439/2010/EC of the European Parliament and of the Council of 19 May 2010 on the establishment of the European Asylum support Office, Article 19.

Annex to MJLE decree no. 52/2007. (XII. 11.)

House rules of the reception centre

1. Persons placed at the reception centre and visitors shall equally comply with the rules of conduct specified in the house rules.
2. Persons placed at the reception centre and visitors shall comply with the instructions of the staff of the reception centre. Visitors who breach the house rules shall be requested to leave the area of the reception centre.
3. Persons placed in the reception centre and visitors shall behave in such way as not to infringe the rights or disturb the peace of the other inhabitants of the reception centre.
4. Persons placed at the reception centre may lodge complaint at the Director of the reception centre.
5. Persons placed at the reception centre and visitors may not carry such objects (arms, hitting, cutting, stabbing tools, gas sprays, etc.) with which they may jeopardise their own life, physical integrity or health, or the life, physical integrity or health of others.

⁴ Provision discontinued

6. It is prohibited to bring in or to drink alcoholic drinks on the entire territory of the reception centre. Alcoholic drinks will be confiscated by the reception centre staff.

7. The fire safety rules shall be observed on the entire territory of the reception centre, smoking is only allowed in the designated places.

8. If the persons placed at the reception centre or visitors detect fire or any act jeopardising the community, the physical integrity or the life of others, or any acts of abuse of the rooms, equipment or furniture of the reception centre, they shall immediately report such acts to the security service.

9. Persons placed at the reception centre can see visitors in the designated room. Visitors may enter the room or living quarters used exclusively by the person placed at the reception centre with the permission of the inhabitant.

10. Persons placed at the reception centre may freely practice their religion individually or in groups.

11. Persons placed at the reception centre may freely use the common spaces of the reception centre, as well as all culture, leisure and sport facilities available there. Persons placed at the reception centre shall use the common spaces, equipment and furniture of the reception centre properly and keep them in good condition. Special rules are designated for the use of the common spaces.

12. Persons placed at the reception centre shall keep the rooms of the reception centre tidy, and shall themselves clean, or help the staff clean the common spaces and their own room or living quarters.

13. Persons placed at the reception centre shall use the rooms or living quarters designated for them, and may only exchange them with the permission of the Director of the reception centre.

14. Persons placed at the reception centre may enter the room or living quarters of other persons placed at the reception centre with the permission of the inhabitant.

15. Persons placed at the reception centre may place their valuables and cash in the designated safe deposit. The reception centre shall accept no liability for any valuables or cash left around in the rooms or living quarters.

16. Persons seeking recognition placed at the reception centre shall announce in advance to the officer of the refugee agency their intention to leave the centre.

17. Refugees, beneficiaries of subsidiary or temporary protection placed at the reception centre shall announce their intention to leave the centre for good to the officer of the refugee authority and to the Director of the reception centre. Foreigners leaving the reception centre for good shall return to the reception centre all inventory objects provided for them.

18. Persons placed at the reception centre and visitors shall be held liable for any damages caused to the reception centre.

