

Decree of the Minister of the Interior No. 24/2001 (XI.21.)

on the organizational structure of refugee affairs and the responsibilities of refugee reception centers

Acting upon the authorization received in Subsection (2) of Section 60 of Act CXXXIX of 1997 on Asylum (hereinafter referred to as the “Asylum Act”) – in respect of the responsibilities of refugee reception centers, in agreement with the Minister of Health and the Minister of Social and Family Affairs – I hereby order as follows:

Section 1

The Office for Immigration and Nationality of the Ministry of the Interior (hereinafter referred to as “the Office”), as part of its responsibilities related to refugees,

- a) performs the tasks defined in applicable law for the central body in charge of refugee affairs,
- b) manages the activities of regional directorates operating as the regional units of the Office as authorities of first instance in charge of refugee issues,
- c) manages refugee reception centers,
- d) controls the activities of units under its management.

Section 2

(1) The head of the Office is entitled to remuneration equal to that of a deputy state secretary, and holds the title of director general.

(2) The assignment of director general may be given to a civil servant in possession of a university degree in law and a postgraduate examination in law or public administration.

(3) The director general is responsible for the professional management of the operation and professional activities of the Office, the regional directorates and the reception centers. In his/her management and supervisory role, s/he

- a) sees to it that the organizational and operational rules/statute and other internal regulations/statutes of the Office are elaborated and complied with,
- b) approves the organizational and operational rules/statutes of regional directorates and refugee reception centers,
- c) exercises employer rights over the civil servants and employees of the Office and its officers assigned to civil servants’ duties, as well as the directors and deputy directors of regional directorates, the directors of reception centers and the finance division heads of reception centers,
- d) manages and coordinates the activities of areas responsible for aliens policing, asylum and nationality issues,
- e) supervises the aliens policing and refugee-related activities of organisations/units that are not under the organizational control of the Office but report to the Minister of the Interior – including the practical implementation of readmission agreements -,
- f) is entitled to take/issue measures as part of his/her professional management and supervisory rights.

Section 3

(1) In respect of refugees, temporarily protected persons, and persons applying for recognition as refugees or temporarily protected persons, the reception center

- a) provides accommodation and care/maintenance as set forth in the government decree,
- b) arranges medical screening and basic healthcare for those placed at the center,
- c) organizes activities for free time to be spent efficiently,
- d) provides a room for community use, and in particular for the exercise of religion,
- e) performs the tasks assigned to the reception center by the refugee integration program,
- f) fulfils its obligation to provide information as set forth in the Asylum Act as well as its obligation to provide data in respect of those in care/maintenance as prescribed by the Office,
- g) facilitates voluntary repatriation as well as departure to a third country, and
- h) keeps local records of those in care/maintenance during the time spent in care/maintenance.

(2) The reception center cooperates with municipalities (including district municipalities in the capital), non-governmental organizations and churches that participate or assume a role in refugee care/maintenance, as well as with police/law enforcement authorities and national security services – in order to ensure that they are able to perform their duties defined in applicable law.

Section 4

(1) The reception center is managed by a director. Those employed at the reception center are state employees.

(2) The director exercises employer rights over the state employees at the reception center – with the exception of the head of the finance division.

Section 5

(1) The reception center operates continuously, twenty-four hours a day.

(2) Foreigners may only be placed within the community at the reception center following isolation for the purposes of medical screening and only if the foreigners do not suffer from any disease that poses a danger to public health as specifically defined in law and are not carriers of any such disease.

(3) The clothes and luggage of foreigners must be inspected upon admission to the center.

(4) Upon admission foreigners must be provided with a separate bed and bedclothes, as well as a container for the storage of personal belongings.

(5) Foreigners in placement must be provided with continuous hot water supply and the possibility to use a toilet.

Section 6

Foreigners in placement may deposit their valuables and/or cash; they may use their cash at their sole discretion.

Section 7

(1) Foreigners in placement may submit complaints and/or claims/requests regarding the accommodation or care/maintenance provided. The complaints and claims/requests are judged by the director of the reception center.

(2) Foreigners in placement may appeal against the decision of the director of the reception center to the director general of the Office, who makes a decision within fifteen days following the submission of the complaint or claim/request.

Section 8

(1) The rules of staying at the reception center are set forth in the internal regulations contained in the annex to this decree.

(2) Foreigners in placement must be informed of their rights and obligations by presenting the house rules in a language that they understand. The house rules must be displayed at a prominent place, in at least five languages.

Section 9

Visitors may only enter the rooms or parts of rooms used by those in placement with the consent of those in placement.

Section 10

The reception center shall operate

- a) a medical service,
- b) a social and information team,
- c) a finance division and a maintenance unit
- d) a food supply service, and
- e) a gatekeeper service.

Section 11

This decree will enter into force on 1 January 2002.

Annex to Decree of the Minister of the Interior no. 24/2001 (XI.21.)

House rules of the reception center

1. Persons placed or staying at the reception center must comply with the applicable rules of conduct, displaying behaviour that does not violate the rights or disturb the peace of those in placement.
2. Neither persons placed at the reception center nor visitors may hold or carry any object that poses a danger to the life, safety or health of themselves or any other person. No alcoholic beverages may be carried to or consumed within the premises of the reception center.
3. Smoking is only allowed at the designated areas within the premises of the reception center. All other activities that carry the risk of fire are prohibited.
4. Persons in placement may leave the reception center between 8.00-22.00. Any leave in excess of 24 hours must be approved by the refugee authority with territorial jurisdiction over the reception center. Claims for such approval must be submitted three working days prior to the day of such leave at the reception center, which immediately forwards the claim.
5. Persons in placement may only use the rooms, furniture and equipment of the reception center according to their purpose. They must keep the rooms clean and preserve the furniture. Persons in placement must continuously keep their living quarters clean and in order, and participate in cleaning the immediate surroundings of the building they live in.
6. Applicants must remain in quarantine while the required medical examinations are completed, and may only leave such quarantine with a special permission.
7. Persons in placement may receive visitors in the rooms designated for this purpose, at the times and in the manner prescribed in the daily timetable, and make correspondence and telephone calls at their own expense.
8. Persons in placement may consult the doctor on duty with health problems. Surgery hours are included in the daily timetable.
9. Persons in placement are free to exercise their religion either individually or in groups. The exercise of religion may not violate the operating order of the living quarters.
10. Persons in placement are free to move around in the designated areas of the reception center and use the tools and equipment available for cultural or sport activities.
11. Persons in placement must, at the time of leaving the reception center, account for all inventory items received.
12. All persons have liability and may be held liable for damages in respect of any damage done to the reception center.
13. Visitors who violate the house rules must leave the reception center.