

For the AIDA Country Report: Hungary – Update on the year 2023, responses were received from the following authorities:

1. [Department of Citizenship and Civil Registration](#)
2. [Department for European Home Affairs Cooperation, Ministry of Interior](#)



Brussels, 11 June 2024

To whom it might concern,

I am writing you on behalf of the European Council on Refugees and Exiles (ECRE), an alliance of 122 organisations across 40 European countries, which works on displacement in Europe and in Europe's external policies.

Among other activities, ECRE carries out research and training on EU asylum law, including management of the Asylum Information Database (AIDA), which contains information on asylum procedures, reception conditions, detention and the content of international protection in 23 European countries. The AIDA database is used by EU policy-makers, courts, researchers, practitioners and the media across Europe. It is partially funded by the EU under the Asylum Integration and Migration Fund (AMIF).

ECRE is currently updating the country reports in the AIDA database to include factual information for the year 2023.

In this context, we would like to offer you the right of reply on the material in the reports for the AIDA project concerning Hungary before its publication.

If you have any comments on the facts and/or legislative information presented in the report please feel free to contact ECRE within the next two weeks, after which ECRE will proceed with the publication of the report.

Any comments will be treated in confidence, and only shared with the authors of the reports (unless you indicate otherwise, see below). We have provided the attached template to structure your comments in case that is useful; you may also provide comments in any other format. However, comments should be provided in English. Any comments you may have will be duly taken into account.

Should it be of interest to you, we would be pleased to publish comments in a separate Annex to the country report on the AIDA website. Please inform us if you are interested in taking up this option.

We kindly request that you submit your comments within two weeks from the date of this letter. Please note that ECRE will only be able to consider comments provided within this deadline, to avoid delays in publication.

You will find the AIDA Project Right of Reply Template below, and the draft country report on Hungary attached to this letter.

We look forward to your reply and remain at your disposal should you have any questions or need further information.

Yours sincerely,
Catherine Woollard
Director, ECRE

Member State comments to the 2023 AIDA country report on Hungary – Department of Citizenship and Civil Registration

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. It covers 23 countries, including 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 4 non-EU countries (Serbia, Switzerland, Türkiye, and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice. Each report documents asylum procedures, reception conditions, detention and content of international protection in the country it covers.

Based on the final draft for the AIDA country report on Hungary, we would like to offer you the opportunity to provide your comments on the facts and legislative information presented in the report.

ECRE will only be able to consider comments provided in English within two weeks from the date of receipt, to avoid delays in publication.

Upon request from the Member State, the comments will be published in a separate annex to the country report on the AIDA website.

We look forward to receiving your feedback.

Comments

The template reflects the chapters of the report.

Please ensure that your responses remain within the scope of each section. The comments should be provided in English. Where possible, information provided should be sourced.

You can add or delete rows in each section. There is no fixed length for the contribution.

1. Statistics

Extract from the country report	Page and section	Comments

2. Asylum Procedure

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3. Reception Conditions

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3. Detention of Asylum Seekers

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4. Content of International Protection

Extract from the country report	Page and section	Comments
Pursuant to the Act on Civil Registration Procedure, ¹ within one day from the birth of a child,	p.120 2. 2.1.	Parents are obliged to register the birth of their child on the first working day following the birth. If the birth took place in an institution, the birth is registered by the health care provider. In case the birth took place outside an institution, the birth is registered by the parent or by the responsible person referred to in the Government Decree on births outside an institution.
Menedék Association reported	p.121	If the father and mother are not married, and the

¹ Act I of 2010 on Civil Registration Procedure.

another issue with regard to birth registration in 2023: birth registration is difficult when the father and mother are not married and the father is not in Hungary or is already deceased at the time of birth.	2. 2.1.	father does not reside in Hungary or is deceased at the time of the birth, and the mother wishes the child to bear the father's surname, the father may make a declaration of recognition abroad for the purpose of registering the birth.
This causes problems if the mother wants the child to bear the father's surname.	p. 121 2. 2.1.	If the father's status is subsequently acquired, the parents may also declare the name of the child, who may bear the father's name
As it is set out in the Act on Civil Registration Procedure, non-Hungarian citizens have to prove that no obstacle to the marriage exists pursuant to their personal law. ²	p.121 2. 2.2.	It just needs to be declared upon registering the intention of marriage.
Therefore, in such cases, the Act on Civil Registration Procedure enables the applicants to ask for an exemption from the Registry Office ³ and provides <i>ex lege</i> exemption in cases where the country of origin is knowingly unable to issue the required certificate. ⁴	p.121 2. 2.2.	If the document cannot be obtained from the list of countries published on the civil registry's website, a statement in a public or private agreement with probative value or a record of the civil status proceedings may be accepted.
Under the law, the state must provide an interpreter upon submitting the request to get married and during the ceremony in case the parties do not speak Hungarian.	p.121. 2. 2.2.	The registrar will provide an interpreter when the marriage is announced. The spouses may also have an interpreter provided at their request. At the time of the marriage ceremony, the interpreter is provided by the spouses.
(e) The applicant provides proof that they have passed the exam in basic constitutional studies in Hungarian, or provides proof for their exemption from such exam.	p.124 4.	A non-Hungarian citizen applying for Hungarian citizenship must pass an exam in basic constitutional studies in Hungarian, or provide proof for their exemption from such exam and prove their knowledge of Hungarian.
In 2021, the HHC was aware of the practice in place at government offices, according to which the officer requires the applicant to write down the whole curriculum vitae again or a summary of it, or to fill in the application form in front of them, thereby controlling the Hungarian language skills of the applicant. Even minors were requested to re-write their CV on the spot. In addition, case officers use a technical language with the applicant during the procedure which makes	p.124 4.	When submitting applications for naturalisation at government windows, if the doubt arises regarding the applicant's Hungarian language skills, the receiving authority may indeed ask applicants of legal age to rewrite their CVs on the spot, as it may happen that the CV "brought" by the clients were not written by them but was prepared with the help of someone else. For applicants who are minors, a CV is not required. Handwritten CVs are only requested for applicants of legal age. Also, upon submitting the application, the receiving authority does not communicate with the client using technical terms, but at the level of communication necessary for everyday life and administration.

² Section 23(1) Act I of 2010 on Civil Registration Procedure.

³ Section 23(1) Act on Civil Registration Procedure.

⁴ Section 23(2) Act on Civil Registration Procedure.

communication even more difficult.		
Nonetheless as per the experience of HHC, in 2020 the government offices did not accept the certificate of one specific school that is considered to provide a lower quality educational programme by the authorities.	p.124-125 4.	In regards to the subject matter and knowledge that is to be acquired for the exam, in the case of exemption, we can only accept certificates of primary or secondary education (8th grade of primary school or matriculation examination) or diplomas obtained in a higher education. These certificates and diplomas must be obtained in a Hungarian educational institution where the primary language of instruction is Hungarian. Certificates from other types of educational institutions or the completion of Hungarian language courses do not exempt the applicants from taking the exam in basic constitutional studies.
Menedék Association reported that since the 2021 amendment of Act I of 2010 on Civil Registration Procedure, no exemption regarding the submission of original birth and marriage certificates may be requested in naturalisation procedures.	p.125 4.	In our experience most people with a refugee or subsidiary protection status have birth certificates, but these are usually not presented upon application as the information contained in the certificate does not match the information declared during the asylum procedure.
The government case-officers refer to paragraphs 118-125 of the UNHCR Handbook on Procedures and Determining Refugee Status under the 1951 Convention and 1967 Protocol relating to the Status of Refugees ⁵ when articulating such requests, according to which the acquisition of such documents from the national authorities cannot be regarded as re-availment of protection and cannot therefore be regarded as a reason to withdraw international protection.	p.125 4.	Moreover, according to the UNHCR Handbook, points 118-125, the submission of a request for a birth certificate to the competent authority of the country of origin cannot in itself be considered as a renewal of protection (in view of the availability of the certificates requested in the procedure, applicants with refugee/subsidiary protection status, e.g. Afghan applicants may also contact the Afghan Embassy in Vienna.
Menedék Association reported a concrete case where a client from Palestine was specifically asked by the case-officer of the naturalisation procedure to travel to Tel-Aviv, Israel, to have the diplomatic legalisation of his documents via the Hungarian embassy there. ⁶	p.125 4.	If the Embassy is not able to provide the applicant with the requested extract, it is necessary to request a certificate with a Hungarian translation from the Embassy in Vienna. These can also be obtained through legal representation or other associations/organisations assisting refugees.
There is an <i>ex lege</i> eventual	p.125	The Constitution Protection Office and the

⁵ UNHCR Handbook on Procedures and Determining Refugee Status under the 1951 Convention and 1967 Protocol relating to the Status of Refugees, reissued in 2019, available at: <https://bit.ly/46UbLNQ>.

⁶ Information received from Menedék Association by the HHC on 28 February 2023.

practice of the Government Office of Budapest, according to which the authority summons the applicant for a so-called 'data checking'. In fact, it is a proper interview held with the applicant about the very detail of their professional and private life, including questions regarding their family life, past, hobbies and everyday life in Hungary, worldview, income, housing, political opinion, religion and future plans etc. There are only hand-written notes taken by the questioning officer, but there is no copy of it served to the applicant. Since the procedure is not transparent, the interview's role as to the result of the decision is not clear. ⁷	4.	Government Office of Budapest may also invite the applicant for "data checking", the main purpose of which is to check the applicant's Hungarian language skills. This usually takes place for the reason that some applicants have a certificate of basic constitutional studies, but following the request for deficiencies, during the preparatory work for the decision, it is revealed that the client does not even have elementary knowledge of the Hungarian language, so it becomes necessary to interview the applicant. If further questions arise during the procedure when the legal requirements are checked, the applicant may also be summoned to clarify certain facts and a report will be drawn up on the basis of the statements made during the interview. A copy of this report will be given to the client. These interviews are conducted by two naturalisation officers (one interviewer and one reporter). The interviews held by the Constitution Protection Office are not attended by naturalisation officers, therefore no information is available on the content of the notes taken during the interviews or on the provision of copies to the client.
During the procedure the applicant might have a legal representative. According to the HHC though, the lawyer is not informed about any procedural steps. The Government Office of Budapest communicates exclusively with the applicant.	p.125-126 4.	Pursuant to Article 15 (1) of Act LV of 1993 on Hungarian Citizenship, an application for citizenship may not be submitted by a proxy. If a power of attorney from a legal representative is attached to the naturalisation application, the naturalisation administrator will send the letter of deficiency to the legal representative if any kind of completion is required during the examination of the application. The only exception is the notice on the negative decision. Given that the initiation of the procedure itself is directly linked to the applicant, the same procedure is required for the closure of the procedure. Pursuant to Article 17/A (2) of the Act, the body responsible for citizenship matters shall attempt to deliver this notification twice via post to all known foreign and domestic addresses. However, if the notification is still unsuccessful, the legal representative will also be notified of the decision. In the case of a positive decision, the competent authority of the place where the oath was taken will inform the applicant.
A paper on the wall warns clients that the government office is not able to accept applications of persons accompanied by an assistant or an interpreter.	126., 4.	In the "classical" naturalisation procedure, an interpreter or accompanying person may be present when the application is submitted and may assist the applicant in filling in the application form, but this fact is usually recorded by the receiving authority on the form itself.
As the law states, decisions in connection with petitions for the acquisition of Hungarian	p.126 4.	In regards to decision-making, the law provides a Minister responsible for citizenship. The Minister responsible for Citizenship is the Minister in charge

⁷ Practice-informed observation of the HHC, 2021.

citizenship by way of naturalisation or repatriation shall be adopted by the President of the Republic based on the recommendation of the Minister of Interior. ⁸		of the Prime Minister's Office. Pursuant to Article 6 (1) of the Act, the President of the Republic shall decide on applications for the acquisition of Hungarian citizenship by naturalisation or re-naturalisation on the basis of a proposal by the Minister. The Minister shall submit the proposal provided for in Article 6 (1) to the President of the Republic within three months, which period may be extended by an additional three months in specific cases. The time limits shall not include the period from the date of the request for a deficiency to the date of its execution (which may vary from one individual to another), the period of suspension of the procedure, the wait period for the opinion stated in Section 19 (3) d), or the period when a request for information or documents concerning citizenship is made to another authority or public body.
Since the decision on granting citizenship is not administrative, it cannot be appealed, nor can judicial review be mounted against the decision. Therefore, the procedure for naturalisation lacks the provision of information and the most basic procedural safeguards of transparency, accountability and fairness. ⁹	p.126 4.	The client or his/her legal representative can request information about the ongoing naturalisation case at any time. In addition, access to the case is possible under Article 18 of the Act. Furthermore, if the documents submitted in support of the application do not fully meet the requirements of the Act, the authority responsible for citizenship matters will always inform the applicant or his/her legal representative in writing.
Menedék Association points out that reasons of rejection of citizenship applications were still not transparent in 2023.	p.126 4.	Citizenship requests may be forwarded to the President of the Republic for a decision only after the response of the partner bodies carrying out the background checks has been received. For naturalisation cases submitted before 1 July 2023, the outcome of these background checks could take several months or even years. In accordance with public law tradition, the President of the Republic has discretionary powers to decide on applications for Hungarian citizenship. The President of the Republic is not obliged to state the reasons for his decision on this issue, he is not bound by any time limit for making his decision, and his decision becomes final immediately. There is no legal remedy against his decision, and no right of appeal or judicial review, given the particularities of the decision and procedure described above. The European Convention on Nationality also allows discretion in the granting of citizenship. Decisions on citizenship matters are determined by the internal law of the state concerned. An application for citizenship may be submitted an unlimited number of times, regardless of the fact that it has been rejected, without any time limit.
Refugee children and children	p.126	According to Act LV of 1993 on Hungarian

⁸ Section 6(1) Citizenship Act.

⁹ HHC, *The Black Box of Nationality: The naturalisation of refugees and stateless persons in Hungary*, 2016, available at: <https://bit.ly/3LXWrpX>.

having been granted subsidiary protection who were born in Hungary and did not obtain their parents' citizenship by birth might obtain Hungarian citizenship by declaration taken five years after their birth under the Citizenship Act provided that their parents had a Hungarian domicile at the time of their birth. ¹⁰	4.	Citizenship, a child born in Hungary may acquire Hungarian citizenship by declaration if, among other things, the child did not acquire the Hungarian citizenship of his or her parents at birth, on the basis of the foreign law governing the citizenship of the parents, and the parents resided in Hungary on the day of the child's birth.
The pattern seems to show that the government office would consider eligible only the children of recognised stateless parents, even though the Citizenship Act does not mention such criteria. This raises serious problems, since contacting the authorities of the country of origin in order to prove that the child did not obtain citizenship might even result in the loss of refugee status. ¹¹ According to data provided by the Government Office of Budapest, no child was granted citizenship by declaration. ¹²	p.127 4.	<p>This is an incorrect statement because under Section 5/A (1) b) of Act LV of 1993 on Hungarian Citizenship, the Government Office examines the foreign citizenship of the parents and how the child may or may not acquire it. Statelessness is only examined if the parents are themselves stateless.</p> <p>Refugee parents are not encouraged to contact the authorities in their country of origin. If possible, the Government Office will itself contact the Embassies of the countries concerned or the relevant department of the Ministry of Justice for information on the rules governing the acquisition of nationality in the country of origin.</p> <p>The issue of statelessness was indeed a problem in this procedure, as it was not regulated by law. This was resolved by the amendment made to Act LV of 1993 on Hungarian Citizenship, which entered into force on 1 July 2023, according to which, if the child himself becomes stateless - regardless of the status of the parents or their citizenship - he can acquire Hungarian citizenship by declaration.</p>
In 2023, 80 beneficiaries of international protection applied for Hungarian citizenship (41 refugees and 39 beneficiaries of subsidiary protection). In the same year, 22 refugees (3Afghan, 1 Algerian, 5 Iranian, 1 Croatian, 1 Kosovo, 1 Russian, 2 Palestine/stateless persons. 2 Cameroonian, 2 Somali, 2 persons of unknown nationality) and 5 beneficiaries of subsidiary protection (4 Afghan, 1 Iraqi) obtained citizenship. Out of the 27 people, 6 former refugees (2 Cameroonian nationals and 2 of	p.127 4.	4 of unknown nationality, (2 of unknown nationality) were minors

¹⁰ Section 5/A (1) (b) Citizenship Act.

¹¹ Section 11(2) Asylum Act.

¹² Information provided by the Government Office of Budapest, 1 February 2024.

unknown nationality) were minors.		
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5. Additional remarks

Member State comments to the 2023 AIDA country report on Hungary – Department for European Home Affairs Cooperation, Ministry of Interior

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The Ministry of the Interior of Hungary wishes to reject in its entirety the draft country report on Hungary prepared by the European Council on Refugees and Exiles (hereinafter: ECRE) in cooperation with the Hungarian Helsinki Committee, which is part of the Asylum Information Database (AIDA) managed by the ECRE.

In general, the report is highly subjective, biased and permeated by a malicious attitude towards the law enforcement authorities. In our view, without a significant revision of the text, even if the sections that are in extreme need of comments are corrected, it is not suitable for any actor or interested party to get a credible picture of the asylum situation and the practice of the authorities in Hungary.

Nevertheless, to underline the above statement, we have made a few comments in the text, by way of example.

1. Statistics

Extract from the country report	Page and section	Comments
Since then, statistics have been published annually in Hungarian by the National Directorate General for Aliens Policing (NDGAP).	Page 8	The indicated text notion is not true. NDGAP regularly provides statistical data to EUROSTAT, which make the data public. The HHC, compiling the report, requests statistical data in detail quarterly, whose which requests have all been fulfilled by NDGAP. (The report also refers to this fact, cf. e.g., page 15.)
Main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection	Page 12	The list includes pieces of legislation, which are irrelevant and out of effect.
Limited access to reception facilities: In 2023, the HHC was still banned from accessing reception facilities	Page 16	No such a ban is in place. There is no justification for granting access to and entry into open facilities except for the purpose of charitable activities or the distribution of donations. Legal advice can be provided outside of the institution, as foreign nationals are free to leave (from) it.
the NDGAP did not provide statistics on how many asylum seekers (applying for asylum in Hungary) were detained in asylum detention in 2023	Page 16	This is not true. Provision of statistical data was completed by NDGAP actually.
In 2023, NGOs were still banned from accessing detention facilities	Page 16	No such a ban is in place.
In 2023, four more judgements finding the breach of Article 5, 3 and 13 with regard to detention in the transit zone were issued.	Page 16	The referred judgments concern transit zones and not places of detention, and the cases concerned are appr. 5 years old, i.e. referring to them with regards to describing the current situation is misleading. The referred institutions have been empty for more than 4 years, i.e. this reference is irrelevant and misleading
Seven more judgements were issued in asylum detention cases, finding the breach of Article 5(1).	Page 16	As per the indication of the footnote, the referred cases include even cases which are 9 years old. This reference is irrelevant and misleading.
The efficacy of registering the TP applications, however, is still hindered by the lack of translators.	Page 17	Due to the nature of temporary protection status, there is no in-merit examination, i.e. even if the number of language mediators posed a hindrance, the role of them is irrelevant in procedures for temporary protection status.
<u>Overview of the main changes since the previous report update</u> <u>Temporary protection</u> Key temporary protection statistics: As of 31 December 2023, the number of temporary protection beneficiaries is still low (33,882) by regional international comparison. Compared to the national 2022	Page 17 <u>Temporary protection</u>	At the regional level, the number of beneficiaries of temporary protection in 2023 was lowest in Slovenia (8 765 persons), not in Hungary, according to Eurostat data. It should be further noted that Hungary has also received a significant number of Ukrainian-Hungarian dual nationals who, due to their Hungarian citizenship, are not able to claim temporary protection and are therefore not included in the statistics. Nevertheless, they are also entitled to services provided to Ukrainian nationals, who apply for protection.

<p>situation, this number means a slight – 17% - increase. Over the course of 2023, only 7776 persons registered for temporary protection, less than one-fifth of the previous year's applications. These numbers are the lowest in the Central/Eastern -European region</p>		
<p><u>Overview of the main changes since the previous report update</u> <u>Temporary protection</u> Material reception conditions dependent upon the TP procedure: To access the whole range of reception conditions, registration for temporary protection is not sufficient, the procedure for settling temporary protection status has to have been completed and it takes up to 2-3 months. During the procedure, applicants are not eligible to receive subsistence allowance, which is the only type of financial assistance under temporary protection. On a positive note, compared to 2022, there were no substantive delays in conducting the procedure in 2023. The efficacy of registering the TP applications, however, is still hindered by the lack of translators.</p>	<p>Page 17 <u>Temporary protection</u></p>	<p>A person applying for recognition as beneficiary of temporary protection in Hungary is also entitled to accommodation and care, as well as health care during the procedure.</p>
<p><u>Overview of the main changes since the previous report update</u> <u>Temporary protection</u> Absence of teaching Hungarian as a foreign language: There are no institutions designated where Hungarian as a foreign language would be taught. Teaching Hungarian is also absent from most educational institutions. This seem to be the main reasons for which many Ukrainian families still choose the Ukrainian online education</p>	<p>Page 18 <u>Temporary protection</u></p>	<p>Ukrainian children fleeing to Hungary have free access to Hungarian public education. The Hungarian public education system provides 5 lessons a week in individual preparation (Hungarian language learning, remedial catch-up education in different subjects) for children beneficiaries of temporary protection in order to facilitate remedial catch-up education and socialisation (inclusion), the costs of which are financed by the Government. This contributes to the acquisition of Hungarian language skills.</p>

over the Hungarian in-person schooling. The language barrier has also been identified as the primary reason hindering Ukrainian children's integration.		
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2. Asylum Procedure

Extract from the country report	Page and section	Comments
The Asylum and Immigration Office ceased to exist on 1 July 2019 as the NDGAP was established taking over the responsibility for asylum and aliens policing matters.	Page 21	Legally, it did not cease to exist, no new institution was established, and there was no transfer of tasks.
While the Directorate kept the institutional structure of its legal predecessor, since it is a law enforcement body, the employees who decided to stay at the Directorate had to enter to the police personnel and therefore, lost their government employee status.	Page 21	There was no legal succession. None of the staff members were obliged to stay or to become a commission officer, if they decided to stay.
To the knowledge of HHC though there is a specialised unit for cases of unaccompanied minors.	Page 22	The organisational and operational rules of NDGAP incorporate the organisational structure; there is no such organisational unit.
The amendment to the Asylum Act that entered into force on 1 January 2018 provides that the head of the former IAO, and now NDGAP,	Page 39	See comments above concerning the legal status of NDGAP
Moreover, case officers are reluctant to phrase the questions or any information in a nonlegalistic way so as to enable the client to understand what the case officer is talking about	Page 42	This is not true, because NDGAP always asks the question using simple, everyday terms, we ask the same questions using various terms to help understanding, we describe what we mean, what the question is about.
Within 8 days, it is sometimes impossible to meet a lawyer and the person might miss the deadline for the appeal.	Page 46	This position is absolutely subjective. When notifying a client of a decision, the authority always informs the client of the possibility to appeal, as evidenced by the fact that in most cases the client verbally indicates (not using legal terms) that (s)he does not accept the decision, and this statement is considered as an "action" by the authority and is acted upon accordingly.
"What does the notion of 'family' mean to you?" etc.	Page 69	In all cases, all questions asked at the hearing are aimed at a full clarification of the facts, while respecting the rights of the individual

A personal hearing is specifically excluded by law; therefore, there is no oral procedure."	Page 55 , 1.4. section	In the case of Dublin proceedings initiated from an alien-policing procedure, the procedural rules are set out in the Act on General Rules on the Entry and Residence of Third-Country Nationals (hereinafter referred to as Act XC. of 2023), Article 119 (2) to (4) of which does not preclude the holding of a personal hearing in appeal proceedings against a Dublin decision.
However, the Director-General of the former IAO issued an internal instruction, stating that if a person requests for suspensive effect, the transfer should not be carried out until the court decides on the request for suspensive effect. However, it seems worrying that despite the clear violation of the Dublin III Regulation, the controversial provision was not amended in the scope of the several recent amendments of the Asylum Act."	Page 55 1.4. section	These legal provisions only exclude the automatic suspensive effect. This is not contrary to the Dublin III Regulation. The suspensive effect of the appeal may be requested with the request for appeal. This possibility and information is provided for in all transfer decisions and is based on the directly applicable Dublin III Regulation. It is therefore enough for the national legislation to exclude the automatic suspensive effect (and only the automatic suspensive effect). (In practice, in all cases that go to court, the authority waits for the court's decision before enforcing.)
. "Do asylum seekers have access to free legal assistance at first instance in practice? <input type="checkbox"/> Yes <input type="checkbox"/> With difficulty <input checked="" type="checkbox"/> No" "Asylum seekers have the same conditions and obstacles to accessing legal assistance in the Dublin procedure as in the regular procedure (see section on Regular Procedure: Legal Assistance)."	Page 56; 1.5.1. Page 56; 1.5.	The information cited does not show that free legal assistance is not available.
only 3 days to lodge an appeal"	Page 56 1.5.	In the case of Dublin proceedings initiated from an alien-policing procedure, the procedural rules are set out in the Act on General Rules on the Entry and Residence of Third-Country Nationals (Act XC. of 2023), Article 119 (2) of which provides 3 working days to lodge an appeal.
absence of a right to a hearing before the court" "since there is no right to a hearing."	Page 56 ; 1.5.	In the case of Dublin proceedings initiated from an alien-policing procedure, the procedural rules are set out in the Act on General Rules on the Entry and Residence of Third-Country Nationals (Act XC. of 2023), Article 119 (2) to (4) of which does not preclude the holding of a personal hearing in appeal proceedings against a Dublin decision.
only performing an ex tunc examination and do not take into account any new evidence presented during the judicial review procedure"	Page 56; 1.5.	No reference is indicated to substantiate the information.
Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries? <input checked="" type="checkbox"/> Yes	Page 56 1.6.	In line with the Commission recommendation, Greece is contacted for non-vulnerable foreigners with Greek EURODAC hits after March 2017. Nonetheless, no transfers have been implemented.
"The following situations are	Page 57.1.7.	All Dublin returnees are interviewed by the aliens

applicable to Dublin returnees"		policing authority upon arrival. If he or she declares that he or she wishes to have his or her application examined by Hungary, the asylum authority immediately registers him or her as an asylum seeker
Suspension of returns for beneficiaries of protection in another Member State The HHC has no information on any such procedures.	Page 62	In case the TCN is a recognized refugee or subsidiary protection is granted for the TCN by another Member State, a return decision to any third country will not be issued by the Hungarian authorities. These cases are not Dublin cases anymore as Dublin procedure shall only be applicable before the final decision on the international protection application is taken by the competent authority. In such cases Readmission Agreement between Hungary and the other Member State shall apply.

3. Reception Conditions

Extract from the country report	Page and section	Comments
"Schooling is only compulsory until the age of 16. ¹³ Consequently, asylum-seeking children above the age of 16 may not be offered the possibility to attend school, until they receive a protection status."	Page 93 Section 2	<p>According to Act CXC of 2011 on National Public Education Section 92. § (1) a), (3)–(4), children of non-Hungarian citizenship in refugee, protected, sheltered and admitted status are entitled to receive education in Hungary. Their compulsory schooling begins in the Hungarian public education system by the <u>date of submission of their request for recognition</u>.</p> <p>Asylum-seeking children above the age of 16 may be offered the possibility to attend school:</p> <p>According to Act CXC of 2011 on National Public Education Section 92 (4), kindergarten education, dormitory care, pedagogical specialist services and, if migrant children, pupils reach the mandatory school age under Hungarian law, school education may be used under the same conditions as Hungarian citizens until compulsory schooling exists and <u>until the completion of studies commenced before reaching the age of eighteen</u>.</p>
Their residence in the reception centres was temporary, lasting for a short period between the end of August and the end 2021.	Page 83	At the end of 2021, they were transferred to be under the care of the Hungarian Charity Service of the Order of Malta.
where they were entitled only to reduced material conditions	Page 84	Change proposal: where they were entitled to material conditions.
An asylum seeker is deemed destitute if,	Page 84	The legislation links the benefits and assistance/care provided during reception to social needs, under which the amount of monthly income per person may not exceed the amount of the social projection base. The reference to the old-age pension minimum is incorrect.

¹³ Section 45(3) Act CXC of 2011 on public education.

the determining authority may decide to order that the applicant pays for the full or partial costs of material conditions and health care	Page 85	If an applicant for recognition has made use of the reception conditions without being entitled to them, the authority has the possibility to claim back the benefits that were received by a person not entitled to them.
Regarding the provision of food and other material support though, subsequent applicants in the transit zones could only count on the aid of civil organisations and churches having access to the transit zones (see more at Subsequent applications)	Page 85	Only in cases of persons subject to aliens policing procedures were not provided with reception conditions that can be provided to persons applying for recognition.
Forms and levels of material reception conditions	Page 85	The asylum authority provides the meals, as well as the canteen and toiletries, in kind.
The state of crisis rules furthermore suspend the applicability of Section 15(2)(c) which enabled asylum seekers to apply for travel allowance.	Page 85	Not an objective statement. The report does not indicate in the text that access to both health care and education for children was guaranteed in transit zones. For accommodation in transit zones, the use of a travel discount as a form of aid was irrelevant by its nature. Nonetheless, all the care and support required to be provided under the Reception Directive was available to clients.
The Afghan evacuees were moved to private accommodation before the end of October 2021	Page 85	The Afghan evacuees were moved to private accommodation before the end of 2021
Are single women and men accommodated separately? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Page 91	Accommodating single women and men separately is provided for.
residents get 3 meals per day	Page 91	minor children, pregnant women and nursing mothers receive five meals a day
The activities	Page 92	In the reception facility in Vámosszabadi, even social programmes are available upon request. (E.g. for families it is also possible to use the child activity play room).
who have Hungarian social security number (TAJ).	Page 96	The asylum authority provides the necessary information, both in the information material on its website and to those who contact it through its client service. Information is also provided to healthcare institutions that contact the asylum authority by telephone or in writing.
from the confinement and dire conditions the transit zones entailed.	Page 97	Reception conditions were of an appropriate standard, in terms of accommodation, care, social and other services.
as well as LGBTQI+ asylum seekers are accommodated in the same facilities as others, with no specific attention,	Page 98	This is a false statement. In the reception facility, segregated accommodation and increased attention from the host institution staff are guaranteed.
Similarly, residents with drug or other type of addiction have no access to mainstream health care services		With regards to people accommodated in reception facilities, both people with severe mental disabilities and substance users receive appropriate medical care.

3. Detention of Asylum Seekers

Extract from the country report	Page and section	Comments
there are still no benches or trees to assure the shade or protection from the sunlight and rain.	Page 109	The yard is lawned. Accommodated people typically play football. A basketball hoop can be provided upon request. There is also a ping-pong table. There is also a covered pagoda with table and benches where people can relax in the open air. There is also an additional separate bench
In view of, inter alia, the physical conditions of the containers	Page 109	Physical conditions of the containers were excellent.
the lack of professional psychological assistance and the duration of the stay in the transit zone,	Page 109	psychosocial, psychological assistance provision was also arranged in transit zones
During consultation hours, interpretation is not provided in Nyírbátor.	Page 110	Interpreting is carried out by social workers of the Guarded Asylum Reception Centre.
Due to the fact that HHC is no longer allowed to monitor the situation in detention centres no updated information can be provided on the incidents that might have occurred there.	Page 110	These conclusions are not based on valid information. In the Guarded Asylum Reception Centre, daily GP care is provided, with social workers providing interpretation where necessary. If the primary care doctor considers that the detainee's health status justifies it, the detainee will be referred to the appropriate specialist care by him/her. In the event of self-harm, the emergency services will be called by the health service of the Guarded Asylum Reception Centre, and transport to a specialist hospital will be arranged immediately. Access to appropriate specialist care for people with special needs is also guaranteed

4. Content of International Protection

Extract from the country report	Page and section	Comments
As of 1 January 2024, the TCN Act is no longer in force. The new law applicable to the entry and stay of third country nationals is the GRTCN Act, although certain provisions of the TCN Act remained applicable until 29 February 2024.	Page 124	In case the report of the HHC has been written for year 2023, it is not clear why the new law Act on the entry and stay of TCNs, i.e. Act XC of 2023 is mentioned.
No such calls have been reissued since, except one regarding Afghan evacuees (see below).	Page 141	For implementation of integration programmes within the framework of AMIF, new calls were reissued, to which many tender applications have been received. With regards to these, the Managing Authority within the Ministry of Interior can provide information in detail. HHC is also a member of the Monitoring Committee the report should include the respective up-to-date information.

The organisation helped them move out from the reception facilities at the end of October and provided them with comprehensive assistance including housing in the metropolitan.	Page 143	The organisation helped them move out from the reception facilities at the end of the year and provided them with comprehensive assistance including housing in the metropolitan.
The policy brief highlights that the legislative background of the labour market is unfavourable for beneficiaries of international protection.	Page 147	The legal framework allows beneficiaries of temporary protection to work without a work permit and beneficiaries of international protection to benefit from active employment policy measures. Therefore, this statement of the report is incomprehensible, as it does not specify which legal framework is considered insufficient by the referred NGO.
The definition of 'applicant with special reception needs' as referred to in Article 2(k) of the recast Reception Conditions Directive is not correctly transposed into the Hungarian legal system as in the definition of 'person in need of special treatment' victims of human trafficking, persons with serious illnesses, and persons with mental disorders are not mentioned	Page 160	Act LXXX of 2007 on Asylum uses the term "in particular", i.e. additional categories referred to in the report shall be included.
monitoring is ensured for victims of torture or other forms of violence in asylum or immigration detention.	Page 161	This is not true. Access to relevant appropriate specialist care for persons with special needs, such as victims of torture, etc. is provided
it is automatic.	Page 162	This statement is not correct. Access both to care by a GP and to relevant specialist care is provided.
in breach of the Directive.	Page 162	"Protect" Questionnaire is completed.
No systematic, specialised and state-funded medical care and monitoring is ensured for victims of torture or other forms of violence in asylum or immigration detention.	Page 162	This statement is not correct. Access both to care by a GP and to relevant specialist care is provided.
No appropriate monitoring of reception or detention centres is ensured.	Page 162	The Prosecutors' Office conducts checks 2 times a month, and holds hearing for detainees on the circumstances of their detention

5. Additional remarks

Education

Ukrainian citizens arriving from the territory of Ukraine, as well as third-country nationals legally staying in Ukraine, are recognized by the Government of Hungary as entitled to temporary protection in order to enter Hungary. Compulsory education starts from the submission of an application for recognition as an asylum seeker, which application is judged by the National Directorate General of

Immigration within the framework of the asylum procedure. A non-Hungarian citizen residing in Hungary, if the conditions indicated above are fulfilled, attends kindergarten education, dormitory care, pedagogical services, and - if he reaches the age of compulsory schooling according to Hungarian law - school education during the existence of compulsory schooling, and also before the age of eighteen you can use it under the same conditions as Hungarian citizens until the studies you have started are completed. They can exercise this right starting from the submission of the application.

From March 2022, the Government will provide financial support for individual preparation for students participating in the fulfillment of compulsory education. The purpose of the preparation is primarily to support the learning of the Hungarian language in the case of children who do not speak Hungarian, and in the case of Hungarian-speaking children to catch up, to facilitate the smoothest possible involvement in the work of the school year appropriate to their age and existing knowledge level. In addition to learning the Hungarian language, the development can also focus on reviewing and mastering the knowledge material of any given subject or subjects. Individual development should be organized in addition to normal curriculum hours, practically every afternoon, in a time frame of 5 hours per person per week. The time frame of 5 hours/week is used within a week according to the time schedule of the given institution, the person providing the preparation and the child or children involved in the preparation. Within 5 hours, preparation for several subjects (e.g. language teaching and history or other subjects) can also be organized.

The Klebelsberg Center conducts a survey on a monthly basis about the individual developments held in the given month. In the year 2023, this means 14,651 hours, which is an average of 1,465 improvements per month over the 10 teaching months.

In April 2024, extracurricular education of Ukrainian/Ukrainian refugee high school students in Ukrainian began. In the framework of this program, the education of high school students and 7th and 8th grade elementary school students in Ukrainian in face-to-face and online groups was realized, on a voluntary basis. Attendance groups started in 3 public educational institutions (Hajdú-Bihar County Primary School, High School, Vocational High School, Technical College and College; Kecskemét László Németh Primary School and High School; Gyömrői Sándor Weöres Primary School and Elementary Art School) with a total of 7 groups, the total number of groups is 8 students (a student can be in several groups). The online education was organized by the Demecseri Education Center Gimnázium, Primary School, Elementary School of Art with 31 groups, the total number of groups is 88 students (one student can be in several groups).

Housing

Within the framework of the labor market program "Housing support for asylum-seekers", the state employment agency provides support to the employer for the costs of accommodation for the employee, who belongs to the target group of the program.

Target group: asylum-seeking employees, as well as employees with Hungarian citizenship who have a permanent residence in Ukraine and who arrived from Ukraine on or after February 24, 2022. The subsidy can be established at the request of the employer of the economic company and is paid monthly in arrears.