

HUNGARY NATIONAL REPORT 2018

Introduction

This report is made in the framework of the National Integration Evaluation Mechanism (NIEM). NIEM is a six-years-long transnational project which aims to prepare key actors in the integration field in 15 EU Member States to better face the current challenges and improve the integration outcomes of beneficiaries of international protection. Long-term integration of newly arrived beneficiaries of international protection is without alternative and presents an immediate challenge for European societies.

NIEM will establish a mechanism for a comprehensive evaluation of the integration of beneficiaries of international protection to provide evidence on gaps in integration standards, identify promising practices and evaluate the effects of legislative and policy changes.

NIEM is developing comprehensive, reliable and sustainable data collection methods on the integration of beneficiaries of international protection. It will provide evidence that can support the establishment of integration policies maximising the potential of newly arrived beneficiaries of international protection. 168 NIEM indicators build and expand on the current EU integration standards and cover different areas and types of expertise, various stakeholders and diverse types of evidence.

The indicators offer a unique combination of input, policy (or sustainability) and outcome indicators which allows for anticipation and identification of the most pressing obstacles to integration, from the policies on the paper to the outcomes in practice and from the reception phase of asylum seekers to equal opportunities for beneficiaries of international protection.

The report is based on the NIEM indicators, it follows their structure and outlines the baseline situation in 2016 concerning general conditions of integration, legal integration, socio-cultural integration and socio-economic integration of beneficiaries of international protection. It builds on the information gathered during the research activities for the 168 indicators. Though the report focusses on the situation in 2016, in many areas it reflects on the most important developments in the following years as well.

For reasons of space, the report reflects on the most important elements in the Hungarian context – the general conditions and mainstreaming of inte-

gration policies, legal integration, including residence, citizenship and family reunification of beneficiaries of international protection and the area of socio-cultural integration (focussing on housing as the main challenge for beneficiaries of international protection and employment, the most important and successful field of integration).

1. General conditions, management of the integration system, mainstreaming

Under Hungarian law, refugees and beneficiaries of subsidiary and temporary protection are considered as beneficiaries of international protection.

Refugee status is granted to those who, in their country of origin/usual residence, are subject to persecution on the basis of race or nationality, membership in a specific social group, religious or political conviction, or whose fear of persecution is well-founded. Subsidiary protection is granted to those who do not qualify as refugees but there is a risk of serious harm if they returned to their country of origin and they are unable/unwilling, due to such risk, to seek protection of the country of origin. The Hungarian asylum legislation also provides for temporary protection, but this status has not been granted since 1998, the entry into force of the first specific asylum legislation in Hungary. Concerning humanitarian protection, it has to be noted that in Hungary, the scope of bearers of the humanitarian residence permit is much wider than tolerated status, i.e. the humanitarian status granted to those who are not entitled to international protection but cannot be returned to their country of origin due to risk of persecution and there is no other safe country where they could be returned. Under Section 29 of Act II of 2007, humanitarian residence permit may be issued to the following third-country nationals a) stateless persons, b) persons authorized to stay (this is the specific category of tolerated persons!), c) applicants for international protection, d) unaccompanied minors (who are not granted international protection), e) those third-country nationals who cooperate with the law-enforcement authorities in fighting serious crime, f) victims of trafficking in human beings, g) moreover, those third-country nationals against whom an expulsion order was issued but later withdrawn by the migration authority, if they cooperate with the migration authority, fulfil their reporting obligations, etc. Persons were granted tolerated status by the immigration authority (and not the refugee authority) in 2016.

Hungary has always been considered a transit country for asylum applicants and beneficiaries of international protection: before the introduction of the transit zones most asylum procedures were discontinued because the applicant had already left Hungary (in 2015, there were 177135 asylum applications and the refugee authority issued 152260 decisions on discontinuation; in 2016 there were 29432 asylum applications lodged and 49479 decisions on discontinuation¹). In addition, beneficiaries of international protection tend to leave Hungary towards Western European EU member states as well, in 2016, the Hungarian authorities held a record of 3373 beneficiaries of international protection who had valid ID documents, in 2017, the number was 3555 (the number should have increased much more as there were 1216 decisions granting international protection in 2017) and in 2018 the number was 3590 (and 349 positive asylum decisions). Due to the lack of integration prospects and worse living conditions, family members in Western European EU member states encourage beneficiaries of international protection to leave Hungary.

This view was often underlined by the representatives of state authorities², politicians, though politicians later even contested Hungary's transit country status: "Hungary does not want to become a country of destination, nor a country of transit" stated Péter Szijjártó, minister of foreign affairs and trade on 5 April 2019³.

After the peak of the refugee crisis in 2015 (when the Hungarian refugee authority registered 177135 asylum applications), in 2016, there were 29432 applications for asylum lodged in Hungary, the main countries of origin were Afghanistan, Syria, Pakistan, Iraq and Iran. 154 persons were granted refugee status (mostly Afghan, Somali, Iranian and Iraqi citizens), 271 persons were recognised as beneficiaries of subsidiary protection (mostly Syrian, Afghan, Somali and Iraqi citizens) and 7 persons were granted tolerated status.

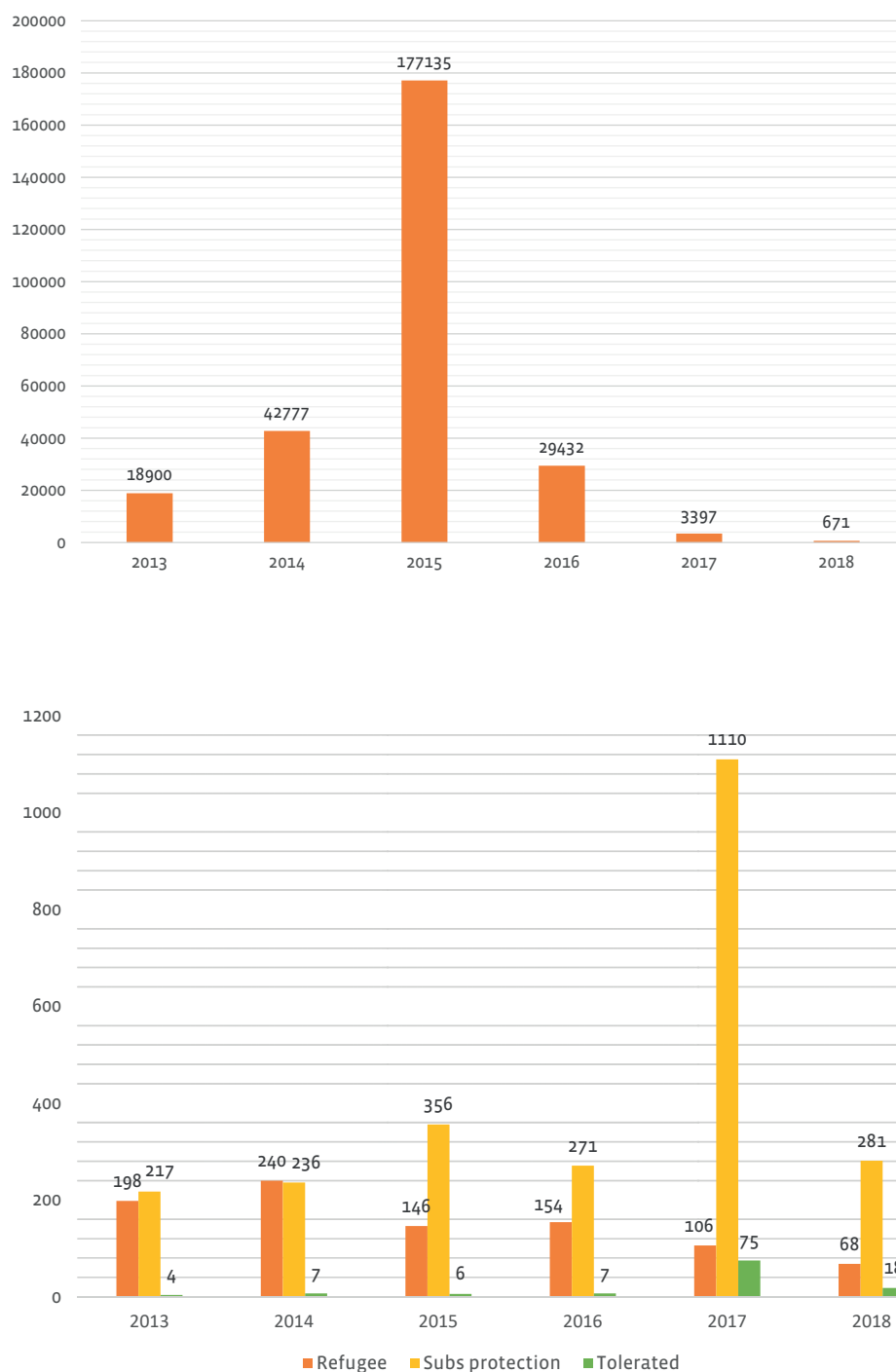
1 Source: Immigration and Asylum Office, http://bmbah.hu/images/statisztikak/160119%20KIA-DV%C3%81NY_2014_%202015_%C3%89VES%20honlapra.xls, <http://bmbah.hu/images/statisztikak/170117%20B%C3%81H%20%C3%A9ves%20statisztika%202016.xls> (in Hungarian, accessed on 18 April 2018). The discrepancy between the total number of asylum applications and the decisions on discontinuation were due to the large number of pending cases from 2015

2 „Hungary is a transit country, the asylum applicants do not intend to come here but the road to destination countries leads through us” said the general director of the Office of Immigration and Nationality in January 2015, <https://www.hirado.hu/2015/01/14/drasztikusan-nott-a-menedekjogi-ke-relmek-szama/>

3 at the campaign launching event for the European Parliament elections, „They wanted a global brainwash”, https://index.hu/belfold/2019/04/05/fidesz_ep_kampanynyito_orban_szajer_trocsanyi/globalis-agymosast_akartak_vegrehajtani/ (in Hungarian, accessed on 18 April 2019)

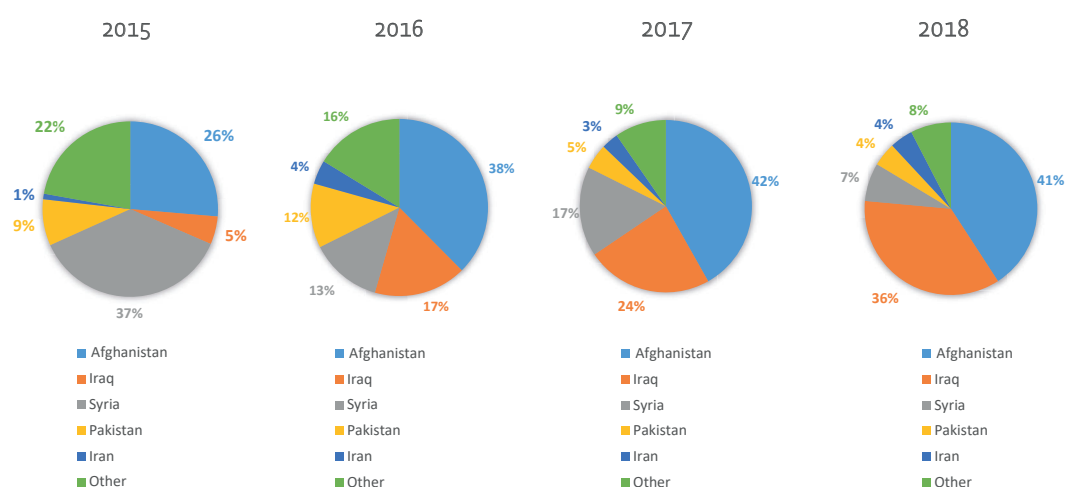
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Figure 1: Number of applicants for asylum and beneficiaries of international and humanitarian protection in Hungary⁴



⁴ Source: Immigration and Asylum Office

Figure 2: Main nationalities of applicants for asylum in Hungary



The high number of beneficiaries of international protection leaving Hungary and the continuously (and dramatically) shrinking space of asylum – the constantly toughening asylum legislation make access to the asylum procedure an exception not the rule – created an ‘*asylum system without refugees*’ in Hungary. This also has an effect on the mainstreaming of integration policies in other policies as there are no specific tools/systems in the education, social, employment, housing, etc. policies that can address the specific challenges beneficiaries of international protection face – the setting up of such systems is not viable as the number of beneficiaries of international protection is low in Hungary. Thus, a vicious circle is created: there are no specific tools facilitating the integration due to the low number of beneficiaries of international protection, but the lack of effective integration policies and services discourage beneficiaries of international protection from staying/remaining in Hungary.

Hungary has not established a specific strategy either on the integration of foreigners in general or on refugee integration in particular. In 2013, Hungary’s first Migration Strategy was adopted by the Government⁵. Chapter VI of the Migration Strategy deals with integration, including integration of beneficiaries of international protection as well. The Migration Strategy calls for the

⁵ Government Resolution No 1698/2013. (X. 4.)

⁶ Hungary National Report 2018

development of a specific Integration Strategy that has not happened yet. In the absence of a specific integration strategy for foreigners, the integration of beneficiaries of international protection in Hungary is based on the provisions of legislation granting equal rights with nationals and on an “informal social contract” between state authorities and civil society organisations.

Upon this “*informal social contract*” the state authority – the refugee authority – grants international protection to the persons concerned and the civil society organisations implement programmes facilitating the integration of beneficiaries of international protection (and other foreigners) in Hungary. NGOs, church-based organisations assist in the most important fields of integration: in housing (housing programmes providing temporary accommodation and assistance in finding accommodation), guidance (social work), facilitating labour market integration by job-seeking assistance, internship programmes and facilitating access to social assistance, health care, etc. There are no Hungarian language courses provided by state authorities, but civil society organisations also provide Hungarian lessons free of charge. In 2016, the activities of the civil society organisations had one common element: they were mostly financed from EU funds (mainly from the Asylum, Migration and Integration Fund), thus they were project-based.

Besides the “informal social contract”, between 1 January 2014 and 31 May 2016 refugees and beneficiaries of subsidiary protection had the opportunity to conclude an integration contract with the refugee authority. Upon the contract beneficiaries could receive services provided by the family assistance services and financial assistance provided by the refugee authority. The contracts were concluded for a maximum of two years. In 2016, in the framework of a legal reform that led to the de-facto dismantling of the asylum system, the Asylum Act was amended, eliminating the integration contract and integration support, thus, there are no state integration measures provided anymore. The contracts already concluded (before 1 June 2016) were in force until 31 May 2018 (in some cases, where the integration support was suspended by the refugee authority, the support may be provided even after 31 May 2018).

2016 was a remarkable year for the Hungarian refugee integration system: the “informal social contract” that existed in the absence of a formal integration strategy gained a more important role as the Government decided to terminate the integration contract. The role of CSOs – non-governmental and church organisations – and the importance of EU and other funds independ-

ent from the state budget has increased dramatically. From 2016 on, only CSOs provide integration programmes or elements that facilitate the integration of beneficiaries and these programmes were project-based, i.e. implemented mainly with the support of EU funds. The project-based nature of these programmes means that there are risks concerning their sustainability⁶ and they cannot be considered as an ‘alternative integration strategy’. The state and local authorities would be essential in developing and implementing an effective integration strategy.

Therefore, integration of beneficiaries of international protection is mainly based on the provisions of the Asylum Act, i.e. that refugees are entitled to the same rights and bound by the same obligations as Hungarian nationals and that beneficiaries of subsidiary protection are entitled to the same rights⁷ and bound by the same obligations as refugees⁸. This means that they enjoy the same rights in employment, healthcare, social assistance, education, etc. Nevertheless, accessing the rights that beneficiaries are entitled to is often problematic. There are administrative burdens, e.g. lack of information by local authorities, schools, financial institutions, employers, etc. Moreover, there are intercultural differences and prejudice on the side of the host society⁹. In addition, housing – the scarcity of social housing – is a general problem in Hungary that affects beneficiaries of international protection as well.

The dismantling of the asylum system affected the refugee reception system: the number of the open reception facilities were further decreased by the

6 This statement is unfortunately supported by later events: in January 2018 the Government decided to withdraw almost all calls for tenders in the framework of the Asylum, Migration and Integration Fund National Programme without any justifications and has not issued new calls supporting activities in the field of integration of beneficiaries of international protection ever since, this means that since July 2018 no AMIF-funded projects were implemented to support asylum applicants, beneficiaries of international protection or any activities facilitating the integration of foreigners in Hungary.

7 With a few exceptions, most notably related to the access to family unification: unlike refugees, beneficiaries of subsidiary protection are not entitled to preferential family unification in the initial phase of their stay in Hungary. See more details in the chapter on family reunification.

8 Sections 10 and Section 17 of the Act LXXX of 2007 on Asylum (Asylum Act)

9 See: Barna I. – Koltai J. - The inner structure and change of attitudes toward migrants between 2002 and 2015 in Hungary based on data from the European Social Survey (ESS), Socio.hu, 2., pp. 4-23. (in Hungarian)

Government. Following the closure of the biggest reception centre in Hungary in November 2015, the Government decided to shut down the second biggest and oldest reception centre in Bicske – it was closed in December 2016. Currently, there is only one open reception facility that accommodates beneficiaries of international protection.

In the absence of an integration strategy, ‘mainstreaming’ of integration policies is ensured in the legislation only: the Hungarian system provides for equality but not for equity. This means that education, health, social security, employment, etc. systems are inclusive on the legislative level but there is no equity as there are no structures/measures created addressing the specific needs of foreigners.

2. Legal aspects

2.1 Residency

Hungary has very specific regulations on residency that makes the comparison with the residency system and rules of other EU member states quite difficult.

Under Hungarian law, beneficiaries of international protection enjoy asylum. Asylum, in accordance of Section 2, point c) of the Act LXXX of 2007 on Asylum, is a right to stay in the territory of Hungary, and at the same time protection from refoulement, expulsion or extradition. The law does not stipulate any deadline for providing asylum, i.e. the right of residence is permanent until the withdrawal of the international protection or until e.g. the acquisition of Hungarian citizenship. (The Act on Asylum lists specifically the cessation grounds for refugee and for beneficiary of subsidiary protection statuses¹⁰.)

In the Hungarian system, beneficiaries of international protection do not receive residence permit, they receive ID cards and cards verifying their permanent address (address card) instead. The right to asylum (see the definition in the introduction) of the individual refugee or beneficiary of subsidiary protection is verified by the decision of the refugee authority.

¹⁰ See Sections 11 and 18 of the Act LXXX of 2007 on Asylum

2.2 Family reunification

Family members of beneficiaries of international protection may have the same status with their sponsor or they can be holders of residence permit for the purposes of family reunification.

Under Hungarian legislation, family members of refugees shall be granted refugee status in order to preserve family unity. Family members have to lodge an application for international protection in this case (as well).¹¹ In addition, upon application children of refugees born in Hungary shall be granted refugee status.¹² Concerning family members of beneficiaries of subsidiary protection, family members shall be granted the same status only if they applied together or if the family member lodged his/her application with the consent of the sponsor before the sponsor was recognised as beneficiary of subsidiary protection. Thus, the same status is granted for family members of refugees under more favourable conditions.

Furthermore, the preferential conditions for family reunification provided by EU legislation¹³ are transposed in the Hungarian legislation in a restrictive manner. Thus, only family members of refugees (and not of beneficiaries of subsidiary protection!) benefit from the preferential conditions, i.e. the waiver from the obligation to prove having adequate accommodation, health insurance and stable and regular resources, and these preferential conditions may only be applied to the minimum period defined in the Family Reunification Directive, i.e. within 3 months following the granting of refugee status for the sponsor. The latter provision was introduced in Hungarian legislation in 2016¹⁴ and entered into force on 1 July 2016 – before that the period when preferential conditions could be applied was 6 months.

Practical experiences show that the vast majority of family members of beneficiaries of international protection apply for international protection, nevertheless, for the data collection concerning NIEM integration indicators, only

¹¹ See Section 7, paragraph (2) of the Act LXXX of 2007 on Asylum

¹² See Section 7, paragraph (3) of the Act LXXX of 2007 on Asylum

¹³ Council Directive 2003/86/EC on the right of family reunification, especially Chapter V

¹⁴ By Government Decree 113/2016. (V. 30.) Korm. on the amendment of certain Government Decrees on migration and other related matters

the situation of those family members who do not apply for international protection but reside with a residence permit issued for family reunification purposes was taken into consideration. The reason for this choice is that this is the only group where family members have different characteristics (rights, obligations) than their sponsors, especially regarding employment, health insurance, social assistance. Their sponsors as beneficiaries of international protection – as underlined previously in this report – have the same rights as Hungarian nationals. If (and from the moment when) the family members are granted international protection, they will evidently have the same rights as their sponsors. Nevertheless, family members of beneficiaries of international protection who are not beneficiaries of international protection themselves may receive a permanent residence permit under more favourable conditions if they are dependant relatives on the ascending line, spouse or minor children of the beneficiary of international protection.

2.3 Citizenship

In Hungary, there are big differences among beneficiaries of international protection concerning their access to citizenship: refugees may apply for citizenship under more favourable conditions than beneficiaries of subsidiary protection.

The Hungarian rules on access to citizenship are sophisticated, providing preferential conditions for many groups: those who have Hungarian ancestors; family members of Hungarian nationals; children born in Hungary; stateless people; refugees, etc.¹⁵ These preferential conditions are realised mainly as a shorter waiting period (than the general rule of 8 years of continuous residence) but some categories¹⁶ of applicants are waived even from the condition of having a fair standard of living.

Refugees benefit from a shorter waiting period: they shall have a continuous residence in Hungary for at least 3 years. They shall, however meet all the other conditions specified by law: a clean criminal record in Hungary, having fair standard of living and accommodation, their naturalisation should not endanger public policy and public security and they shall pass the citizenship exam

¹⁵ See Section 4 of the Act LV of 1993 on Hungarian Citizenship

¹⁶ e.g. spouses of Hungarian nationals if they lived in marriage for more than 5 or 10 years with their Hungarian national spouses, see Section 4, paragraph (3a) of Act LV of 1993 on Hungarian Citizenship

– an exam in Hungarian on “basic constitutional studies¹⁷”, knowledge on the history and culture and administrative structure of Hungary. Exemption from taking the citizenship exam is provided if the foreigner has completed studies in Hungarian (including primary school).

Beneficiaries of subsidiary protection have to meet all general conditions. Tolerated persons do not qualify for naturalization at all: they receive humanitarian residence permits valid for one year that may be prolonged each time by another year. In order to qualify for naturalisation, tolerated persons need to change their residence permit to a long-term residence permit first (that can be acquired after 3 or 5 years¹⁸). In many cases it is not possible because tolerated persons lack valid travel documents or adequate financial resources – important conditions for acquiring long-term resident status.

Though the naturalisation procedure is regulated by pieces of legislation¹⁹, it is not transparent: the authority responsible for naturalisation is not bound by deadlines. The application may be lodged at the local government office that shall forward the application to the responsible authority²⁰, and the naturalisation authority shall refer the proposal for a decision to the minister responsible²¹ who shall submit the proposal to the President of Hungary within 3 months. In practice, many applicants – especially beneficiaries of international protection – wait one year or more for a decision. The decision – irrespective of whether it is positive or negative – does not contain any reasoning and there are no remedies against the decision either. The rejected applicant may only hope that next time his/her application will be successful.

17 See: Section 4/A of the Act LV of 1993 on Hungarian Citizenship

18 The Hungarian residence system includes a 'national permanent residence permit' that can be applied for 3 years of continuous stay in Hungary and the 'EC long-term residence permit' that can be applied for 5 years of continuous stay. Further conditions are adequate financial resources and accommodation, no threat to public policy/public security, clean criminal record in the country of origin, valid travel document. See Sections 32-39 of Act II of 2007 on the Entry and Stay of Third-Country Nationals in Hungary

19 See in particular Government Decree No. 125/1993 (IX. 22.) on the implementation of Act LV of 1993 on Hungarian Citizenship

20 In 2016, it was the Office of Immigration and Nationality.

21 In 2016, it was the Minister of Interior

3. Socio-economic integration

The *(non-)availability and quality of data* is a weakness of the approach of having Hungarian nationals as comparator. As refugees and beneficiaries of subsidiary protection are entitled the same rights and are bound by the same obligations as Hungarians, they do not receive residence permits as other foreigners staying in Hungary²². Instead, they receive ID cards that only verify their identity not the rights they are entitled to as beneficiaries of international protection (it is the decision of the refugee authority that verifies their status) thus the information and data relating to residence documents to be collected in the project are not applicable.

In addition, despite the legislative provisions obliging stakeholders to collect and provide statistical data, these cannot be used for the purposes of the project: i.e. employers are required to provide statistical data on the employment of foreigners who can work in Hungary without a work permit. The employers are required to provide the number and level of qualification of the foreigner concerned, but the category “can be employed without a work permit” not only includes beneficiaries of international protection but also EEA nationals and their family members, family members of Hungarian nationals, foreigners holding permanent residence permits, etc., thus it is not possible to collect the number of beneficiaries of international protection employed in Hungary from these statistics.

3.1 Housing

In Hungary, just like in many Eastern European EU member states, housing policies are determined by the dominance of the share of the owner-occupied sector as a consequence of the mass privatisation before EU accession. Neither the national, nor the regional/local governments have started social housing projects, the margin of manoeuvre of social housing is very limited to the small share of flats (still) owned by municipalities or the project-based housing projects implemented by local government authorities, NGOs, church organisations.

This means that newcomers, especially newcomer beneficiaries of international protection face extreme difficulties in obtaining adequate housing.

²² See point 2.1 on residency

Following their recognition, beneficiaries of international protection may spend 30 days²³ in an open reception centre, where – among other tasks, i.e. obtaining the necessary ID, health insurance, tax documents – they need to find housing opportunities.

Between 1 January 2014 and 31 May 2016, the integration contract provided financial assistance that could be used for housing as well. Moreover, civil society organisations and the municipality of Budapest implemented projects with the co-financing of EU funds (in particular the Asylum, Migration and Integration Fund), the Norway Fund or other (e.g. church) funds that provided assistance in housing: NGOs provided assistance in finding housing²⁴, financial assistance or provided housing facilities²⁵.

Unfortunately, after the termination of the integration contracts, no state activities remained in the field of housing assistance. The legislation provides for equal rights and obligations in the field of housing as well²⁶, the scarcity of social housing opportunities and the fact that many local governments require a minimum residence in their territory to be able to access these scarce

23 The period was reduced to 30 days in June 2016 by the amendment of the Act on Asylum (Section 32), before the amendment it was 60 days.

24 The projects aiming at finding housing included projects where assistance was provided to find housing on the for-profit market and projects that also targeted the host population to be more welcoming towards immigrants, e.g. the project „Velkám májgrentsz!” (Welcome migrants) implemented by Menedék Association: <https://menedek.hu/en/projects/velkam-majgrentsz> (accessed on 18 April 2019)

25 Projects were implemented by the Budapest Methodological Social Center (an organization of Municipality of Budapest): <https://www.bmszki.hu/en/eu-projects> (accessed on 18 April 2019), by the Baptist Integration Centre (the objective of their project ‘With housing for inclusion was to support the independent housing for beneficiaries of international protection who live in Hungary. One of the service elements of the project was the support of the access to independent housing by searching for accessible and sustainable subleases for the clients.) and by the Evangelical Lutheran Church – Evangelical Diaconia (their project ‘Lutherans for the refugees’ promoted social inclusion of refugee families, and also provided protected housing for them by means of a complex integration services package. In addition, for those clients who already had income, the project provided housing benefits so refugees are able to cover the costs of their rentals. The project also provided social work for beneficiaries of international protection.).

26 Though the sudden amendment (in early 2018) of Government Decree 16/2016. (II. 10.) on the Support provided to the purchase or construction of residences that regulates the state financial support to families in purchasing or constructing their homes expressly repealed the provision on refugees and beneficiaries on subsidiary protection, thus restricted their rights without any justification, impact assessment and prior consultation.

opportunities as well mean that beneficiaries of international protection who leave the reception centres, can have access to homeless shelters only if they cannot afford the rental fees of the private housing market.

3.2 Employment

In a stark contrast to housing, employment is a field where beneficiaries of international protection can find opportunities to accelerate their integration in Hungary.

In line with European Union legislation, beneficiaries of international protection enjoy equal rights with Hungarian nationals in the area of employment (access to employment, working conditions, etc.). Refugees and beneficiaries of subsidiary protection may be employed without a work permit, the only activity required from the employee is to provide statistical information (in a manner unsuitable for the identification of the beneficiary of international protection) to the labour authority on the number of beneficiaries of international protection employed.

Nevertheless, it is mainly the characteristics of the Hungarian labour market that facilitates their access to employment. From 2011 (the abolition of the last restrictions concerning free movement of citizens of the ‘new member states’ that joined the EU in 2004) the mobility of the Hungarian nationals in the EU increased dramatically that resulted in a large demand for labour force in Hungary²⁷.

Despite the opportunities offered by the labour shortage, beneficiaries of international protection face challenges due to their situation: they do not speak Hungarian and the majority of Hungarians do not speak foreign languages either. Following the introduction of the integration contract in 2014, the refugee authority terminated the free Hungarian language courses provided earlier to refugees and beneficiaries of subsidiary protection. In addition, employees did not have adequate information on the conditions of employing foreigners (including beneficiaries of international protection) or were discouraged by the intercultural difficulties that may emerge in the workplace.

27 In: „The Hungarian labour market 2018”, editors Zsuzsa Blaskó and Károly Fazekas, Institute of Economics, Centre for Economic and Regional Studies, Hungarian Academy of Sciences, 2018 <http://www.mtaki.hu/wp-content/uploads/2018/06/Contents.pdf> (accessed 18 April 2019)

Many projects implemented by NGOs aimed at reducing these challenges successfully: beneficiaries of international protection received training, social and legal counselling as well as tutoring and competence development in Hungarian, facilitating their entry to the labour market; NGOs also initiated and managed internship programmes at Hungarian companies²⁸.

3.3 Vocational training

The system of vocational training in Hungary is based on three pillars: vocational training provided in the framework of general public (secondary) education, vocational training in the framework of tertiary education and vocational training in the non-formal education (adult learning). Although Act CLXXXVII of 2011 on vocational training expressly mentions equal treatment as a fundamental principle²⁹, in practice, beneficiaries of international protection face difficulties in accessing vocational training. There are a few educational institutions (mainly in Budapest) that facilitate access of beneficiaries of international protection to the vocational training provided by them, but in general, students in vocational training face the same problems as students in general public education: there are no social orientation programmes or specific language trainings provided or even supported by the national or local governments, the vocational training providers receive no funding for such activities. The vocational training providers or public employment agencies do not receive any information about the specific needs of beneficiaries of international protection except for the awareness-raising activities or counselling in individual cases by civil society organisations.

3.4 Health

As a result of the transposition of the obligations set in European Union law, the Hungarian legislation provides that the refugee authority shall examine whether the rules on persons with special needs (including special needs due

²⁸ A good example for these programmes is the MethoHring project implemented by Menedék Association, that provided social, legal assistance, mentoring, occupational group therapy, internship programmes, and an information campaign targeting employees on the legal and practical requirements of employment of foreigners, <https://menedek.hu/en/projects/mentohring> (accessed 18 April 2019)

²⁹ Section 1, paragraph (2) of the Act provides that “the requirement of equal treatment shall be ensured in the entire process of vocational training”.

to the health situation) should apply in respect of the applicant for asylum³⁰. These rules nevertheless did not result in developing and adopting implementation rules or protocols at the refugee authority how these special needs should be identified or assessed on individual level in practice. Moreover, practical rules on monitoring and evaluation of health care support provided during the asylum procedure do not exist either. The Migration Strategy³¹ called for the development of a mechanism for the early identification of special needs and for placing the applicants with special needs (due to their health) in healthcare or social care facilities corresponding their needs, moreover, developing facilities that provide special care for those in Hungary who have special needs due to their age or health, i.e. to prepare them to provide the special care for applicants for asylum having special needs³². Despite the ambitions of the Migration Strategy, the above-mentioned activities have not been implemented yet, the identified special needs are met on a case-by-case basis, with the involvement of the refugee authority and CSOs. The latter were also active in implementing activities with the support of EU funds. In this regard, the activities of Cordelia Foundation³³ should be highlighted as this CSO is the only organisation that provides free psychiatric care for victims of torture, rape or other forms of trauma who are asylum applicants or beneficiaries of international protection.

Basic health care is provided for asylum applicants in the reception facilities, if they are placed there. If they are not in the reception facilities, it is provided by the local health care service. In both cases, its costs are covered by the refugee authority. The health care for beneficiaries of international protection is covered only within 6 months following their recognition. After 6 months, they

³⁰ Section 3, paragraph 1 of Government Decree No. 301/2007. (XI. 9.) on the implementation of Act LXXX of 2007 on Asylum

³¹ See on page 5.

³² Chapter V, objective V.6. of the Migration Strategy

³³ <https://cordelia.hu/en/>

can be entitled to health care if they are ‘in need’³⁴ or they are contributing to the social security system. The decision in the first case requires additional administration (an application has to be submitted to the government office) that is an administrative obstacle that many beneficiaries of international protection face and cannot overcome alone. If the beneficiaries of international protection work, they contribute to the social security system, thus they can obtain health insurance by the national health insurance agency. In practice, the lack of language knowledge – the beneficiaries of international protection do not speak Hungarian while the healthcare staff does not speak foreign languages – can cause problems in accessing healthcare, CSOs provide assistance and interpretation on a case-by-case basis.

3.5 Social security

In accordance with European Union legislation, the Hungarian social security legislation³⁵ provides for equal rights for beneficiaries of international protection with Hungarian nationals. Nevertheless, in practice beneficiaries of international protection face challenges as many services, e.g. unemployment benefit, sickness and disability benefits, old age pensions are entirely or mainly insurance based, that means that these services could be provided after a certain period during which the person concerned contributed to the social security system. Newcomers are not able to meet these conditions.

Between 1 January 2014 and 1 June 2016, the cooperation in the framework of the integration contracts facilitated the access of beneficiaries of international protection to the social security system since these contracts included the family assistance services of local governments where there is extensive expertise on the social assistance system and the types of assistance available. Unfortunately, after the termination of the integration contract, there were no awareness-raising activities for the social welfare services. CSOs provide

³⁴ Whether the person is ‘in need’ is established by means-testing by the government office. The conditions are laid down in Section 54 of Act III of 1993 on the Organisation of Social Security and on Social Care: the monthly income per capita in the family should be not more than 120% of the minimum of old-age pensions or, in the case of single persons, 150% of the minimum of old-age pensions (and their families should not own property). As the means-testing is conducted by the government office competent according to the permanent address of the applicant, it is essential that the person concerned has a permanent address and address card – for many beneficiaries of international protection, obtaining a permanent address is a major challenge (see: 3.1 Housing).

³⁵ Section 3, paragraph 1 of Act III of 1993 on Organisation of Social Security and on Social Care

information and assistance in individual cases for their beneficiary of international protection clients.

4. Socio-cultural integration

4.1 Education

In the field of education, legislation provides for equality of rights to all children who reside legally in Hungary, regardless of their citizenship³⁶ (except for irregular migrant children who do not have access to compulsory education). In practice though, beneficiaries of international protection (and other foreigners) face difficulties due to the lack of knowledge of Hungarian, in addition, many refugees/beneficiaries of subsidiary protection cannot read or write in Latin letters. A European report³⁷ underlines that Hungary is among the member states where the largest index differences in students' sense of school belonging can be observed (together with Lithuania, Belgium and Czechia), where those who speak the language of instruction feel significantly better than those who do not.

Since January 2013, when the state took over the maintenance of public education institutions (except for kindergartens) from the local authorities, the public education system has become centralised in Hungary³⁸. Schools lack the resources facilitating the inclusion of foreign children and there is no government programme or funding to support the schools. The work of CSOs is essential in this field as well: they provide individual mentoring, preparation activities, free Hungarian language courses that facilitate the access and entry of refugee children to the public education system.

³⁶ In 2017, even this equality in principle was terminated in the case of child asylum applicants who are placed in the transit zones (either with families or unaccompanied over 14 years) by an amendment to Act CXC of 2011 on National Public Education. Section 90, paragraph 9 provides that education in the transit zones is not considered formal public education, as the school in the transit has only a temporary operating licence and certificates issued by such institutions are not valid in Hungary.

³⁷ Integrating students from migrant backgrounds into schools in Europe: national policies and measures, European Commission/EACEA/Eurydice, 2019. Eurydice Report. Luxembourg: Publications Office of the European Union, ISBN 978-92-9492-849-8

³⁸ For more information on the Hungarian education system, check the Eurydice (Education, Audiovisual and Culture Executive Agency) website (https://eacea.ec.europa.eu/national-policies/eurydice/content/hungary_en, accessed on 7 May 2019)

4.2 Language learning and social orientation

A research report commissioned by the UNHCR Regional Representation for Central Europe was prepared by the Institute for Minority Studies of the Hungarian Academy of Sciences, Centre for Social Sciences.³⁹ The report underlines that many beneficiaries of international protection find it difficult to learn the Hungarian language, though they all agree that it is one of the most important conditions for successful integration and language is one of the obstacles of networking with Hungarians.

Despite the above, there are no publicly funded Hungarian language courses for beneficiaries of international protection and other foreigners, free language courses are provided by NGOs or church organisations only.

Between January 2014 and June 2016, social orientation courses could be provided in the framework of integration contracts. After the termination of the integration contracts by the Government, CSOs could offer social orientation that were funded by European funds (mainly by the Asylum, Migration and Integration Fund).

4.3 Building bridges

Integration is a two-way process – this basic principle is also recognised in the Migration Strategy of Hungary⁴⁰. Chapter VI of the Migration Strategy states that the two-way process, on the one hand necessitates an inclusive and open attitude from the society of the host country; on the other hand the foreigners should accept and respect the laws and customs of the host countries and should tolerate the latter even if they differ from their own customs.

Despite the fact that the migrant (including beneficiary of international protection) population is much lower in Hungary than in Western European mem-

³⁹ See: Final report Research on Integration for Beneficiaries of International Protection in Hungary, <https://www.unhcr.org/ceu/10560-research-on-integration-for-people-of-concern-in-hungary.html> (accessed on 3 May 2019)

⁴⁰ http://belugyialapok.hu/alapok/sites/default/files/MMIA_.pdf, page 69 (in Hungarian, accessed on 18 April 2019)

²⁰ Hungary National Report 2018

ber states⁴¹ – in 2016 foreign nationals made 1.59 % of the total population – the public perception of migration and migrants has been negative even before the 2015 refugee crisis. In the Eurobarometer polls between 2015 and 2017, the vast majority of Hungarians (82% in 2015, 81% in 2016 and 78% in 2017) responded that they felt negatively towards immigration from outside the EU⁴² (Standard Eurobarometers 84, 86, 87). In a poll by the Pew Research Centre in 2016, 71% of Hungarians responded that refugees will increase the likelihood of terrorism in Hungary and 82% felt that refugees are a burden to the country⁴³.

Unfortunately, besides the Migration Strategy, no other Government document mentions the importance of building bridges between foreigners (beneficiaries of international protection) and the host society. Nevertheless – mainly from EU funds – the Government supported civic initiatives and awareness-raising activities (activities in schools, campaigns, movies presenting the situation of beneficiaries of international protection, etc.). CSOs implement many activities that target the host society, though contribution of voluntary initiatives to complement integration activities has been supported only on local level or on (EU-funded) project basis.

There is no coordination between national and regional/local authorities on social cohesion issues concerning beneficiaries of international protection/host societies, the state neither requires the adoption of local/regional integration strategies, nor provides means for the implementation of these strategies. An AMIF project was awarded in 2016 to a project led by IOM (partner: Municipality of Budapest) that envisaged an Action Program on integration⁴⁴.

41 According to the Central Statistics Office, the population of Hungary was 9830485 in 2016 from which 156606 foreigners were living in Hungary – that number includes EU citizens, their family members and other third-country nationals as well

42 Standard Eurobarometer 84 (11/2015), Standard Eurobarometer 86 (11/2016), Standard Eurobarometer 87 (05/2017).

43 <https://www.pewglobal.org/2016/07/11/europeans-fear-wave-of-refugees-will-mean-more-terrorism-fewer-jobs/> (accessed on 7 May 2019)

44 Unfortunately, the Action Program has not been adopted yet (at the time of drafting this report in early 2019). In 2017-18 IOM and the Municipality also implemented a project that resulted in the development of Migrant Information Desks, where beneficiaries of international protection and other migrants residing legally in Budapest could receive information on their rights, obligations, and information concerning their daily lives (on public transport, administration, rules and customs, holidays, etc.). Moreover, information was also provided on the organisations assisting migrants in Budapest.

5. Conclusions

Though Hungary's Migration Strategy calls for it, the government has not adopted a strategy on the integration of foreigners. In the absence of any formal integration strategy, integration of beneficiaries of international protection is based on equality of rights – as a general rule, refugees and beneficiaries of subsidiary protection are entitled to the same rights and bound by the same obligations as Hungarian nationals. Equality does not mean equity – in order to ensure that beneficiaries of international protection truly enjoy the same rights, an active contribution is needed from state/government authorities.

In addition, integration is based on an 'informal social contract' between state authorities and civil society organisations, upon which the refugee authority grants international protection to the persons concerned and the civil society organisations implement programmes facilitating the integration of beneficiaries of international protection (and other foreigners) in Hungary. NGOs, church-based organisations assist in the most important fields of integration: in housing, guidance (social work), facilitating labour market integration and access to social assistance, health care, etc. There are no Hungarian language courses provided by state authorities, but civil society organisations also provide Hungarian lessons free of charge. In 2016, the activities of the civil society organisations were mostly financed from EU funds (mainly from the Asylum, Migration and Integration Fund), thus they were project-based.

In 2016 the 'informal social contract' gained a more important role as the Government decided to terminate the integration contract. Thus, the role of CSOs and the importance of EU and other funds independent from the state budget has increased dramatically.

Moreover, the non-availability of data is a weakness of the approach of having Hungarian nationals as comparator.

The high number of beneficiaries of international protection leaving Hungary and the continuously (and dramatically) shrinking space of asylum – the constantly toughening asylum legislation make access to the asylum procedure an exception not the rule – created an 'asylum system without refugees' in Hungary. This also has an effect on the mainstreaming of integration policies

in other policy areas as there are no specific tools/systems in the education, social, employment, housing, etc. policies that could address the specific challenges beneficiaries of international protection face – the setting up of such systems are not viable as the number of beneficiaries of international protection is low in Hungary. Thus, a vicious circle is created: there are no specific tools facilitating the integration due to the low number of beneficiaries of international protection, but the lack of effective integration policies and services discourage beneficiaries of international protection from staying/remaining in Hungary.

The public perception of migration and migrants in Hungary has been negative even before the 2015 refugee crisis and the Government's anti-immigration propaganda. The vast majority of Hungarians feels negatively towards immigration from outside the EU, though the anti-immigration sentiments decreased (little by little every year). Beneficiaries of international protection need to restart their lives and integrate in the Hungarian society against this background.

The lack of a structured Hungarian integration system for foreigners and in particular for beneficiaries of international protection questions the sustainability of initiatives and activities and makes the system vulnerable to actual political changes and challenges.

In summary, beneficiaries of international protection are not just encouraged but forced by the characteristics of the Hungarian integration system to become independent and self-reliant as soon as possible and to establish informal social networks among themselves. Those who are successful in these endeavours can master integration in the Hungarian society as well.