



IMPACT OF VISA LIBERALISATION ON COUNTRIES OF DESTINATION

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Impact of visa liberalisation on countries of destination (Hungary)

National Contribution from Hungary

In order to understand the Hungarian approach to visa policy and visa liberalisation as regards to Western Balkan and Eastern Partnership countries first of all we need to understand the Hungarian position towards ethnic Hungarian minorities living in these countries.

So as to understand the context and the main driving forces of the Hungarian approach we need to showcase the situation of two regional countries, namely: Serbia from the Western Balkan group and Ukraine, from the Eastern Partnership countries which give home to 400,000 ethnic Hungarians altogether.

One of the main dilemmas of the Hungarian EU accession in 2004 and joining the Schengen area at the end of 2007 was the fact that it may reinstate a new "iron curtain" and hinder people-to-people contacts between Hungary and ethnic Hungarians living in neighbouring countries. The case of Romania (notably Transylvania (*Erdély*) which is the homeland of almost 1.3 million [ethnic Hungarians](#)) seemed to be easier from Hungarian point of view, since Romania had a firm European perspective, its citizens were entitled to visa-free travel to the EU and finally it signed the EU Accession Treaty on 25 April 2005 and joined the European Union as from 1st January 2007.

From the Hungarian perspective the more complicated issue seemed to be the cases of Serbia and Ukraine. [According to the 2011 census](#), there are 253,899 ethnic Hungarians composing 3.5% of the population of Serbia. The majority of them live in the northern province of Vojvodina ("*Vajdaság*"), where they number 251,136 or 13% of the population of the province.

In parallel signing a [readmission agreement between the European Union and the Republic of Serbia](#) on 18 September 2007 (entered into force on 1 January 2008) the [visa facilitation agreement was also signed between the European Union and the Republic of Serbia](#) which made easier the maintenance of cross-border family relationships as well economic and frequent cultural contacts.

As an addition and implementing the EU – Serbia readmission agreement, on 19 December 2009 Hungary and the Republic of Serbia signed an Implementing Protocol on the readmission of persons residing without authorisation.

Finally after completing all criteria (including the political ones) the EU lifted visa obligation for Serbian citizens as from 19 December 2009.

The case of Ukraine seems even tougher than Serbia. Comparing the two countries, while Serbia (and in wider sense the entire Western Balkans region) after tough political negotiations regarding the co-operation with ICTY, Serbia received a green light from the EU and the European Commission and officially applied for the EU membership on 22 December 2009, the Eastern Partnership countries are not really encouraged by the European Union with any kind of fast track towards a membership.

Ukraine as the neighboring country of Hungary gives home to 156,600 ethnic Hungarians according to the [2001 Ukrainian census](#). Hungarians are the fifth largest national minority in the country. They are the seventh biggest Hungarian diaspora in the World. Hungarians are largely concentrated in the Zakarpattia Oblast ("*Kárpátalja*", particularly in Berehove Raion "*Beregszászi Járás*" and Berehove city, "*Beregszász*") where they form the largest minority at 12.1% of the population (12.7% when native language is concerned). In the area along the Ukrainian border with Hungary (Tisza Valley), Hungarians form the majority.

After Hungary joined to the Schengen area the concept of Local Border Traffic (LBT) was developed and applied first at the Hungarian-Ukrainian border as from 2008, forming a kind of exception from the Schengen legislation. Namely, Schengen states which share an external land border with a non-EU member state are authorized by virtue of the EU Regulation 1931/2006 to conclude or maintain bilateral agreements with neighboring third countries for the purpose of implementing a local border traffic regime. Such agreements define a border area which may extend to a maximum of 50

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kilometers on either side of the border, and provide for the issuance of local border traffic permits to residents of the border area. Permits may be used to cross the EU external border within the border area, are not stamped on crossing the border and must display the holder's name and photograph, as well as a statement that its holder is not authorized to move outside the border area and that any abuse shall be subject to penalties.

A historic moment and a turning point which shaped the Hungarian position as regards visa liberalisation of its neighboring countries was the introduction of the Hungarian law on simplified naturalization on 26 May 2010. That time the Hungarian National Assembly approved with an overwhelming majority the amendment of Act LV of 1993 on Hungarian citizenship and introduced a simplified naturalization procedure. According to the new law [preferential naturalization](#) may be granted without the requirement of residence in Hungary for the non-Hungarian citizen, who had Hungarian citizens in the ascendant line or claims his/her Hungarian descent and is able to give proof of his/her Hungarian language skills, provided that:

- the person has a clean criminal record, and at the time of the assessment of the application, there are no criminal proceedings in progress against the person before a Hungarian court;
- the person's naturalization does not violate the public security and the national security of Hungary.

The simplified procedure does not automatically provide a Hungarian passport; every citizen must apply for one in a special procedure after acquisition of citizenship.

With ensuring the possibility for ethnic Hungarians living in neighbouring Serbia and Ukraine to apply for Hungarian passport has settled a main discussion in the Hungarian society as regards maintenance of cross-border family, social and cultural relationships.

Besides the kin-state activism of Hungary towards ethnic Hungarians other driving forces shaping the Hungarian position towards the Western Balkan region and the Eastern Partnership countries were the following: intensifying political as well as international trade relations with the entire Western Balkans region as well as the need of labour force of the steadily growing Hungarian economy.

From the very beginning of the EU enlargement negotiations Hungary has been a flagship of supporting the EU integration of the Western Balkan countries. Hungary has emphasised the importance of keeping the European perspective for our South-Eastern neighbourhood high on the European agenda.

The objective of the European Union is unequivocal: a stable and prosperous neighbourhood, where countries and people live in peace with each other and with their regional partners. There is an efficient instrument at our disposal to achieve this aim: tangible progress in the European integration process. Hungary considers that to maintain the EU's credibility and preserve our partners' commitment sustainable and tangible results are essential.

An other point of consideration is the fight against irregular migration in which Hungary took a major part by blocking the Western Balkan migratory route in 2015. Before as well as after the lifting the visa obligations Western Balkan nationals (especially from Serbia and Albania) were the victims as well as perpetrators of illegal acts, such as: human smuggling and illegal border crossings, facilitation of illegal border crossings and illegal stay.

We may conclude by saying that besides the evident benefits of the visa liberalisation process of the Western Balkan and Eastern Partnership countries we need to pay a due attention to the security as well as the migratory risks of the process.

Section 1: The National Framework

SECTION 1.1: DESCRIPTION OF NATIONAL SITUATION

Q1.1 Please provide an analysis of the short term (within two years) and long-term (beyond two years) trends which appeared in your Member State after the commencement of visa-free regimes disaggregated by region and third countries of interest.

Please answer this question by making a link with the data presented in Tables 1.2.1, 1.2.2, 1.2.3, 1.2.4, 1.2.5 and 3.2.2.

Western Balkans - FYROM, Montenegro, Serbia, Albania, Bosnia and Herzegovina:

Several Member States of the European Union (Germany, Sweden, Belgium) have notified that within a year from launching visa liberalisation had to deal with significantly increased, doubled and tripled asylum applications. Majority of asylum applications belonged to minority groups of Roma and ethnic Albanians, who appeared less integrated within local societies, having fewer chances for improving living conditions.

Although the Commission has stepped up its efforts to improve anti-discrimination and integration policies of marginalised groups, target third countries have understood that EU member states are primarily interested in an end of the abuse of European asylum systems through their citizens. Western Balkan states even enacted some national laws, which considered special checks for minority groups with an aim to identify possible asylum applicants or irregular migrants.

Following problem revealed possible outcomes and threats stemming from visa liberalisation with third states. This was a sign that either visa liberalisation framework was having some gaps with regard to tackling irregular migration or Union prevailed own political interests over security matters while granting the visa-free regime to Western Balkan states before they would be prepared for such responsibility.

As a difference from other EU countries Hungarian statistics show us that the visa facilitation as well as Hungary's Schengen accession in 2007-2008 were among the main key factors triggering migratory flows towards Hungary (Table 1.2.5 – asylum applications). Nevertheless in accordance with recognition by Hungary the Western Balkan countries as safe third countries by a Government Decree in 2015, the arrival of asylum seekers from these countries steadily fell. After that date their nationals had a very limited chance to be recognized as legitimate asylum seekers in Hungary.

Eastern Partnership - Moldova, Georgia, Ukraine:

Since the visa waiver for Ukrainian and Georgian citizens just entered into force in 2017, it is too early to analyse the actual trends.

As regards Ukrainian, Moldavian and Georgian nationals in Hungary recently we may observe increasing number of overstayers, and in connection with that the number of illegal employment on behalf and among the diaspora of these nationals is also steadily increasing.

Q1.2. What are the main links between the countries of origin and your Member State or the applicable 'pull factors' disaggregated by region and third countries of interest?

Western Balkans - FYROM, Montenegro, Serbia, Albania, Bosnia and Herzegovina:

As regards "pull factors" we need to single out three countries of the Western Balkan region.

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Firstly, Serbia: [According to the 2011 Serbian census](#), there is a 253,899 strong ethnic Hungarians community living in Serbia, composing 3.5% of the whole population. The majority of them live in the northern province of Vojvodina ("*Vajdaság*"), where they number 251,136 or 13% of the population of the province. The cross-border relations are even more intensified after the entry into force of the Act on simplified naturalization by Hungary.

The other two people which have a sizeable diaspora community (legal as well as irregular migrants and overstayers) living in Hungary are: Albanians and the nationals of FYROM.

In both cases the size of diaspora might serve as a *pull factor* for other nationals of these countries to arrive and to start to pursue a profession in a legal or in an unlawful way.

Eastern Partnership - Moldova, Georgia, Ukraine:

From the Eastern Partnership countries we need to single out only Ukraine which gives home to 156,600 ethnic Hungarians according to the [2001 Ukrainian census](#). Hungarians are the fifth largest national minority in the country. They are the seventh biggest Hungarian diaspora in the World. Hungarians are largely concentrated in the Zakarpattia Oblast ("*Kárpátalja*", particularly in Berehove Raion "*beregszászi járás*" and Berehove city, "*Beregszász*") where they form the largest minority at 12.1% of the population (12.7% when native language is concerned). In the area along the Ukrainian border with Hungary (Tisza Valley), Hungarians form the majority.

Georgians do not form a sizeable community in Hungary, the Moldavian community is slowly increasing due to newcomers.

Q1.3. Which national institutions and/or authorities are involved in implementing the visa liberalisation process and what is their respective role in this process?

The main national institutions involved in implementing the visa liberalisation process are: Ministry of Interior, National Police and the National Immigration and Asylum Office.

The National Police is in charge for border protection and control while the Immigration and Asylum Office is supervising and monitoring the status of third country and EU nationals living in Hungary.

Q1.4. Were there changes in your national legislation in connection with the introduction of the visa-free regimes? If yes, please explain their scope and impact on nationals coming from the third countries analysed in this study?

Similarly to other EU Member States (at least 12 EU States) the Hungarian Government adopted a national list of safe third countries (Government Decree 191/2015 (VII. 21.) on the national list of safe countries of origin and safe third countries), which has recognized all EU Member States and all EU candidate countries as safe third countries. The above list was completed with Bosnia and Herzegovina and Kosovo as well.

According to the legislation all asylum claims are lodged by applicants who came through a safe third country.

Q1.5. Where there any public/policy debates related to the visa liberalisation process in you (Member) State? If yes, what were the main issues discussed and how did this impact national policy?

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As stated above the main dilemma of the Hungary was the maintenance of relations between main state and ethnic Hungarians in neighbouring countries. EU accession in 2004 and joining the Schengen area at the end of 2007 was the issue of the political discussions that it may reinstate a new "iron curtain" and hinder people-to-people contacts between Hungary and ethnic Hungarians in neighbouring countries.

Besides the kin-state activism of Hungary towards ethnic Hungarians the other driving forces shaping the Hungarian position towards the Western Balkan region and the Eastern Partnership countries are the following: the intensifying political as well as international trade relations with the entire Western Balkans region as well as the need of labour force of the steadily growing Hungarian economy.

At the height of the migrant –crisis of 2015 due to the massive flow of migrants crossing Hungary the Government considered that its immigration policy required wider social support, and therefore the Government has put together and launched a questionnaire of twelve questions from April 2015 as part of a national consultation concerning immigration, economic immigration and terrorism.

Among the questions in the national consultation on immigration and terrorism, citizens were asked whether or not illegal border-crossers should be detained for a period longer than 24 hours, despite the European Union prohibiting such a measure, and whether immigrants who are proven to be taking advantage of European regulations should be immediately expelled and whether they should be expected to work while in Hungary to defray the cost of accommodation and food,

As a result of the national consultation the vast majority of Hungarian voters supported the Government as regards introducing tougher measures combatting illegal and economic migration and terrorism.

Q1.6. Do you have any other remarks relevant to this section that were not covered above? If yes, please highlight them below.

No. Main aspects are discussed in the answers above.

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SECTION 1.2: STATISTICAL INFORMATION

Table 1.2.1: Total number of external border-crossings (persons) by nationals of visa-free countries

Indicator	Period of interest (2007-2017)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	<i>(insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)</i>											
Total number of external border-crossings (persons) by nationals of visa-free countries	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	78.656	108.932	136.531	210891	273338	250912	265587	274771	284300	329320	419657	
Montenegro	N/A	N/A	N/A	40899	54405	54674	60280	61316	62612	71888	90206	*Until 2009 data was collected together for Serbia and Montenegro
Serbia	3835463*	3112723*	2946755*	3375810	3810611	4027709	4132772	4046364	3949908	4342552	4848145	*Until 2009 data was collected together for Serbia and Montenegro
Albania	5310	8461	18250	20043	38157	16995	19557	25724	45149	53166	88565	
Bosnia and Herzegovina	179764	200478	213238	192315	265986	284380	291720	323331	339869	365207	394481	
Moldova	112012	142724	170735	237116	370676	322546	245632	310684	324236	366122	398143	
Georgia	2844	2844	5755	6244	14117	19529	19798	19959	27139	31983	49733	
Ukraine	2163824	2150360	2632317	3023757	3106367	3084626	3241289	3076232	3288894	3527637	3743414	
Total	6377873	5726522	6123581	7107075	7933657	8061371	8276635	8138381	8322107	9087875	10032344	Data source: Hungarian Central Statistical Office; Hungarian Police
Total number of external border crossings (persons)	39227208	35458676	32897474	33278636	34042418	33591347	34531912	37774508	42225872	50795514	53617631	Data source: Hungarian Central Statistical Office; Hungarian Police

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Table 1.2.2: Total number of detections of irregular border-crossings from nationals of visa-free countries

Indicator	Period of interest (2007-2017) <i>(insert all available data or at least 2 years prior and after the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>	
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017		
Total number of detections of irregular border-crossings from nationals of visa-free countries													
FYROM	39	90	139	87	200	13	26	43	27	2	9		
Montenegro	0	8	9	4	14	2	3	12	10	14	3		
Serbia	585	940	1191	584	1111	205	300	373	152	39	88		
Albania	16	63	49	84	36	22	207	440	460	102	34		
Bosnia and Herzegovina	4	5	25	12	32	10	7	14	7	3	6		
Moldova	131	239	180	254	214	37	27	22	19	6	28		
Georgia	71	139	89	33	28	27	31	24	45	6	5		
Ukraine	16	41	229	402	304	52	33	35	14	20	29		
Total	862	1522	1911	1460	1939	368	634	963	734	192	202	Data source: General Situation Report on Border Management and from Police databases	
Total number of detections of irregular border-crossings	2997	3634	5971	4724	6904	6725	23608	50065	413043	19069	2766	Till 2011 the irregular border-crossing includes the overstayers.	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

Table 1.2.3: Total number of short-stay visa applications by third country

Indicator	Period of interest (2007-2017)											Additional Information
	<i>(insert all available data or at least 2 years prior the visa waiver agreement date)</i>											
Total number of short-stay visa applications by third country	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	170	6974	7.142	456	29	2	N/A	N/A	N/A	2	4	
Montenegro	N/A	32	50	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Serbia	3.698	97.254	70.488	1.812	278	58	87	102	47	48	27	
Albania	80	2.340	2.486	1.849	14	1	1	N/A	N/A	N/A	N/A	
Bosnia and Herzegovina	116	6.789	6.683	5.398	59	9	1	N/A	N/A	N/A	N/A	
Moldova	60	8.527	7.933	16.902	18.663	17.226	17.687	3852	238	132	40	
Georgia	4	793	61	35	53	55	68	77	0	99	14	
Ukraine	4.321	87.066	80.299	103.414	124.973	137.532	151.774	118.412	117.720	117.902	59329	
Total	8.449	209.775	175.142	129.866	144.069	154.883	169.618	122.445	118.062	118.183	59414	Data source: Hungarian Consular Database
Total number of short-stay visa applications – all third countries	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Information on the total number of short-stay visa applications (all third countries) was not available.

*Impact of visa liberalisation on countries of destination*Table 1.2.4: Total number of short-stay visa application refusals by third country

Indicator	Period of interest (2007-2017) <i>(insert all available data or <u>at least</u> 2 years prior the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of short-stay visa application <u>refusals</u> by third country												
FYROM	8	71	87	0	0	0	N/A	0	N/A	0	0	
Montenegro	N/A	2	3	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Serbia	95	3.110	2.270	24	12	12	10	12	7	10	7	
Albania	0	91	138	65	0	0	0	N/A	N/A	N/A	N/A	
Bosnia and Herzegovina	0	294	479	377	0	0	0	N/A	N/A	N/A	N/A	
Moldova	0	532	452	1.300	1.362	1.002	713	85	2	2	1	
Georgia	0	77	5	0	3	15	3	5	2	2	0	
Ukraine	84	1.996	1.749	1.557	2.050	1.289	1.365	1.468	1.960	2.130	559	
Total	187	6.173	5.183	3.323	3.427	2.318	2.091	1.570	1.971	2.144	567	Data source: Hungarian Consular Database
Total number of short-stay visa application <u>refusals</u> – all third countries	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Information on the total number of short-stay visa application refusals (all third countries) was not available.

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Table 1.2.5: Total number of asylum applications received from visa-free countries

Indicator	Period of interest (2007-2017) (insert all available data or <i>at least</i> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of asylum applications received from visa-free countries												
FYROM	NI	50	50	5	5	0	10	10	20	0	0	
Montenegro	NI	10	5	0	0	5	0	5	5	10	0	
Serbia	NI	1640	535	65	25	20	90	145	90	15	0	
Albania	NI	10	20	0	0	5	40	60	255	15	0	
Bosnia and Herzegovina	NI	5	25	0	0	0	5	10	10	0	0	
Moldova	NI	20	35	15	10	5	10	5	10	0	0	
Georgia	NI	160	115	70	20	10	40	40	30	15	5	
Ukraine	NI	0	10	10	5	0	5	35	30	25	5	
Total	NI	1895	795	165	65	45	200	310	450	80	10	Data source: Eurostat
Total number of asylum applications – all third countries	NI	3.175	4.667	2.095	1.690	2.155	18.897	42.775	177.134	29.431	3.392	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Data for 2007 was not available.

*Impact of visa liberalisation on countries of destination*Table 1.2.6: Total number of positive decisions on asylum applicants from visa-free countries

Indicator	Period of interest (2007-2017) <i>(insert all available data or at least 2 years prior and after the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>	
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017		
Total number of positive decisions on asylum applicants from visa-free countries													
FYROM	NI	0	0	0	0	0	0	0	0	0	0		
Montenegro	NI	0	0	0	0	0	0	0	0	0	0		
Serbia	NI	50	5	0	0	0	0	0	0	0	0		
Albania	NI	0	0	0	0	0	0	0	0	0	0		
Bosnia and Herzegovina	NI	0	0	0	0	0	0	0	0	0	0		
Moldova	NI	0	0	0	0	0	0	0	0	0	0		
Georgia	NI	5	10	0	0	0	15	5	0	5	5		
Ukraine	NI	0	0	0	0	0	0	5	5	5	0		
Total	NI	55	15	0	0	0	15	10	5	10	5	Eurostat	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Data for 2007 was not available.

*Impact of visa liberalisation on countries of destination*Table 1.2.7: Total number of negative decisions on asylum applicants from visa-free countries

Indicator	Period of interest (2007-2017) <i>(insert all available data or at least 2 years prior and after the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>	
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017		
Total number of <u>negative</u> decisions on asylum applicants from visa-free countries													
FYROM	NI	5	15	0	0	0	0	0	0	0	0		
Montenegro	NI	0	0	0	0	0	5	0	0	0	0		
Serbia	NI	145	200	35	10	10	10	45	35	10	0		
Albania	NI	5	0	0	0	0	0	10	30	5	0		
Bosnia and Herzegovina	NI	0	10	0	0	0	0	5	5	0	0		
Moldova	NI	5	10	0	5	0	0	5	5	0	0		
Georgia	NI	45	35	30	10	5	0	10	10	5	0		
Ukraine	NI	5	0	5	5	0	0	20	10	5	5		
Total	NI	210	270	70	30	15	15	95	95	25	5	Eurostat	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Data for 2007 was not available.

*Impact of visa liberalisation on countries of destination*Table 1.2.8: Total number of positive and negative decisions on asylum applicants (top five nationalities, not limited to visa-free countries)

Indicator	Period of interest (2007-2017) <i>(insert all available data)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>	
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017		
Total number of <u>positive</u> decisions on asylum applicants (top five nationalities, not limited to visa-free countries)													
<i>Somalia</i>	NI	105	115	45	5	60	50	65	60	35	12		
<i>Afghanistan</i>	NI	60	145	125	90	175	85	85	70	100	580		
<i>Iraq</i>	NI	55	35	10	5	10	10	20	35	70	188		
<i>Serbia</i>	NI	50	5	0	0	0	0	0	0	0	0		
<i>Palestine</i>	NI	15	15	20	5	5	10	20	15	10	7		
<i>Syria</i>	NI	5	0	0	5	45	130	180	120	95	386		
Total	NI	395	390	260	155	350	360	510	425	430	1.291	Data source: Eurostat	
Total number of <u>negative</u> decisions on asylum applicants (top five nationalities, not limited to visa-free countries)													
<i>Kosovo</i>	NI	N/A	650	85	135	40	1010	3565	1220	25	2		
<i>Algeria</i>	NI	10	10	10	20	25	590	60	140	175	91		
<i>Nigeria</i>	NI	25	40	30	15	10	115	115	125	65	16		
<i>Afghanistan</i>	NI	20	175	250	300	300	195	240	365	1.485	1.220		

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Pakistan	NI	40	10	20	40	130	900	135	255	535	154	
Iraq	NI	25	20	10	20	25	5	10	70	485	510	
Syria	NI	5	10	10	20	30	45	80	110	910	573	
Total	NI	510	1.415	785	740	750	4.180	4.935	2.915	4.675	2.880	

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Data for 2007 was not available.

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Table 1.2.9: Total number of residence permits applications (all residence permits) by visa-free country

Indicator	Period of interest (2007-2017) (insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of residence permits applications (all residence permits) by visa-free country												
FYROM	NI	22	0	8	41	67	71	108	162	166	148	
Montenegro	NI	45	0	1	2	30	47	29	62	36	53	
Serbia	NI	4.706	1.407	1.226	1.075	747	697	650	777	960	2.409	
Albania	NI	74	16	32	30	39	83	81	114	128	151	
Bosnia and Herzegovina	NI	145	23	40	53	70	142	120	138	180	118	
Moldova	NI	223	81	75	45	73	64	62	62	57	185	
Georgia	NI	96	68	59	56	50	109	100	131	173	199	
Ukraine	NI	10.203	2.829	2.681	2.104	1.119	930	1.164	1.686	2.375	7.808	
Total	NI	15.514	4.424	4.122	3.406	2.195	2.143	2.314	3.132	4.075	11.071	The table contains all first residence permits <u>issued</u> , (Data source: Eurostat). Data on residence permit <u>applications</u> was not available.
Total number of residence permits applications (all residence permits)	NI	37.486	14.289	14.601	14.893	13.282	16.833	21.188	20.751	22.842	32.229	The table contains all first residence permits <u>issued</u> , (Data source: Eurostat). Data on residence permit <u>applications</u> was not available.

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

The table contains all first residence permits issued (Data source: Eurostat). Data on residence permit applications was not available.

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Table 1.2.10: Total number of identity document fraud instances by visa-free country

Indicator	Period of interest (2007-2017) (insert all available data or <i>at least</i> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	14	21	13	11	22	24	46	64	42	42	72	
Montenegro	0	2	0	2	2	27	10	75	22	18	23	
Serbia	119	81	50	116	173	295	288	388	241	306	464	
Albania	5	19	16	19	19	37	66	180	193	111	123	
Bosnia and Herzegovina	9	6	6	12	9	23	23	54	19	49	46	
Moldova	321	281	108	58	48	19	9	13	14	14	14	
Georgia	2	0	3	0	0	3	2	8	13	14	6	
Ukraine	338	223	283	528	517	548	665	426	686	639	539	
Total	808	633	479	746	790	976	1109	1208	1230	1193	1287	Data source: Hungarian National Police
Total number of identity document fraud instances	1310	1024	857	1076	1190	1252	1513	1864	1922	1479	1708	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

Section 2: Positive impact of visa liberalisation on (Member) States**SECTION 2.1: DESCRIPTION OF NATIONAL SITUATION**

Q2.1. What impact did the visa liberalisation have on your (Member) State? Please provide a short description of your national situation.

First of all we need to clearly separate the issue of visa liberalisation which means the abolishment of visa requirements for a short stay (90 days in every period of 180 days) from issuance of long-term visas which fall within the competences of Member States.

In general terms the lift of visa requirements for short stays (according to Schengen legislation for 90 days within a period of 180 days) directly affect certain sectors of economy, such as: tourism, might be education (participation at conferences and short-time university courses) and has an indirect effect on other sectors, which are more connected to long term stays, such as the establishment of business or the labor-market, which are regulated by national, EU Member State rules.

The interconnection between the visa free short stays and long stays which require a valid residence permit issued by national authorities is that nationals of third countries exempted from the administrative burden of visa obligation feel more motivated to work, set up a business, or study in a country, region to where they may enter freely.

According to statistics of Hungary on visa liberalisation is beneficial in the sector of tourism (see Table 2.2.1) which shows a steady growth as regards visitor staying in hotels and other accommodations. Data was available regarding two of the countries concerned, namely, Serbia and Ukraine. The number of nationals arriving to Hungary with touristic purposes from other countries was calculated from the visas issued for a touristic purpose because national data of the number of visitors from those countries was not collected.

Since the Hungarian economy is steadily growing therefore in certain professions a shortage of laborforce has occurred recently. An indirect positive effect of the visa liberalisation to the Hungarian economy was an increased interest from Serbian, Ukrainian, FYROM, Albanian and Georgian nationals in work opportunities in Hungary. Since June 2016 due to an amendment of the Hungarian legislation on third country nationals, the employment of a third-country national from a country neighbouring Hungary is facilitated in several ways.

If a foreign national plans to enter into employment, an application for the issue or extension of a residence permit may be submitted – in the case of preferred employer – by the prospective employer as well, provided that the client has consented in writing. In that case the competent authority may communicate with the employer as well, however, the client will be notified of all procedural steps taken.

Preferred employer shall mean:

- an employer having signed a strategic partnership agreement with the Government;
- any employer that plans to employ in Hungary a third-country national from a country neighbouring Hungary in any of the professions provided for in a communication by the Ministry of National Economy.

Q2.1.1 If applicable, please categorise your answer to **Q2.1** by third country:

Western Balkans - FYROM, Montenegro, Serbia, Albania, Bosnia and Herzegovina:

From all countries examined by study Hungary has the most vibrant contacts and relationship with Serbia. Since Hungary firmly supports the EU integration of Serbia, and considered the visa liberalisation as a step forward, lifting the visa requirements has further improved not only political relations but also people-to-people contacts.

Eastern Partnership - Moldova, Georgia, Ukraine:

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From the group of Eastern Partnership countries Hungary has the most preferential relationship with Ukraine. The indirect effect and the added value of the visa waiver with Ukraine might be showcased by the growth of employment of Ukrainian nationals in certain sectors of the Hungarian economy suffering from a shortage of labour force.

Q2.2. Did your (Member) State assess the impact of visa liberalisation as positive? If yes, please explain the reasons for your positive assessment and how this was reached (i.e. who was involved in the assessment and how they reached this conclusion). If no, explain why this is the case.

Taking into account the complexity of the issue the overall assessment is rather positive due to the improvement of political relations with both the Western Balkan region (which is a high priority for Hungary) as well as with the three Eastern Partnership countries.

Q2.2.1. Did your collaboration with relevant third countries improve within the field of migration since the introduction of visa liberalisation? If yes, please provide a short description and specific examples.

Combating illegal migration and keeping the Western-Balkan migratory route blocked is an overriding priority for Hungary and a common goal with all Western Balkan countries. From 2015 Hungary has steadily improved its relations with all Western Balkan countries in the field of migration.

As an example: Hungary is stationing a 30-strong police unit in FYROM to help out with patrolling along the Greek border until October 2018. Hungary is also providing FYROM with equipment, and the Hungarian government has already provided the country with 100 km of razor wire, computers and fingerprint scanners.

Hungary has an excellent relationship in the field of migration with the Republic of Serbia as well.

Q2.2.2. Did your (Member) State identify specific economic benefits? If yes, please list them and provide a short description for each.

Based on statistics, visa liberalisation is beneficial for Hungary in the sector of tourism (see Table 2.2.1) which shows a steady growth as regards visitors staying in hotels and other accommodation. Data was available to two of the countries concerned, namely, Serbia and Ukraine. The number of nationals arriving to Hungary with touristic purposes from countries concerned by this study was not collected by national authorities, nevertheless we have calculated it from the number of uniform C-visas issued for touristic purpose.

As a side effect of the growing Hungarian economy in certain professions a shortage of labor force has occurred. As an indirect positive effect of the visa liberalisation affecting the Hungarian economy was an increasing interest of Serbian, Ukrainian, FYROM, Albanian and Georgian nationals for work opportunities in Hungary.

Since June 2016 due to an amendment of the Hungarian legislation on third country nationals, the employment of a third-country national from a country neighbouring Hungary is facilitated in several ways.

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If a foreign national plans to enter into an employment relationship, an application for the issue or extension of a residence permit may be submitted – in the case of preferred employer – by the prospective employer as well, provided that the client has consented in writing. In that case the competent authority may communicate with the employer as well, however, the client will be notified of all procedural steps taken.

Preferred employer shall mean:

- an employer having signed a strategic partnership agreement with the Government;
- any employer that plans to employ in Hungary a third-country national from a country neighbouring Hungary in any of the professions provided for in a communication by the Ministry of National Economy.

Q2.2.3. Did your (Member) State experience a growth in tourism from third-country nationals under the visa liberalisation regime? If yes, please provide a short description and specific examples.

Please answer this question by making a link with the data presented in Table 2.2.1.

Based on statistics visa liberalisation is beneficial for Hungary in the sector of tourism (see Table 2.2.1) which shows a steady growth as regards visitors staying in hotels and other accommodation.

Data was available regarding two of the countries concerned: Serbia and Ukraine. The number of nationals arriving to Hungary with touristic purposes from other countries concerned by this research was not collected by national authorities, nevertheless we have calculated it from the number of uniform C-visas issued for touristic purpose.

Q2.2.4. Did your (Member) State experience an impact on its labour market since the introduction of visa liberalisation? If yes, please provide a short description and specific examples, including background information on the link between visa free travel and access to the labour market in the national context.

Please answer this question by making a link with the data presented in Table 2.2.3.

As a side effect of the growing Hungarian economy in certain professions a shortage of labour force has occurred. As an indirect positive effect of the visa liberalisation affecting Hungarian economy was an increasing interest of Serbian, Ukrainian, FYROM, Albanian and Georgian nationals for work opportunities in Hungary.

Since June 2016 due to an amendment of the Hungarian legislation on third country nationals, the employment of a third-country national from a country neighbouring Hungary is facilitated in several ways.

If a foreign national plans to enter into an employment relationship, an application for the issue or extension of a residence permit may be submitted – in the case of preferred employer – by the prospective employer as well, provided that the client has consented in writing. In that case the competent authority may communicate with the employer as well, however, the client will be notified of all procedural steps taken.

Preferred employer shall mean:

- an employer having signed a strategic partnership agreement with the Government;
- any employer that plans to employ in Hungary a third-country national from a country neighbouring Hungary in any of the professions provided for in a communication by the Ministry of National Economy.

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Q2.2.5. Did your (Member) State experience a growth in the number of students arriving from third countries since the introduction of visa liberalisation? If yes, please provide a short description and specific examples.

Please answer this question by making a link with the data presented in Table 2.2.4.

Since Hungary has approximately 400.000 strong diaspora of ethnic Hungarians living in neighbouring Ukraine and Serbia so the cultural as well as educational relations have always been at the heart of bilateral relations.

Due to the abovementioned Hungarian legislation on simplified naturalization most of the ethnic Hungarians living in Ukraine and Serbia acquired Hungarian citizenship. So the main target group of educational relations fell beyond this research since they are counted as Hungarian nationals in Hungarian higher education system.

Otherwise, in the framework of the [Stipendium Hungaricum Scholarship Programme](#), Hungary offers scholarships to state-financed universities and colleges for students from more than 60 countries, including the whole Western Balkan region as well as Eastern Partnership countries.

The programme is based on bilateral educational cooperation agreements signed between the Ministries responsible for education in the sending countries/territories and Hungary or between institutions. Currently 60 Sending Partners are engaged in the programme throughout 5 different continents and the geographical scope of the programme is spreading each year.

Q2.2.6. Did your (Member) State experience a growth of entrepreneurship, including of self-employed persons from third countries since the introduction of visa liberalisation? If yes, please provide a short description and specific examples, including background information on the access to self-employment from visa free regimes in the national context.

Please answer this question by making a link with the data presented in Table 2.2.5.

Two basic models can be distinguished in Hungary as regards the employment of Western-Balkan and Eastern Partnership nationals.

Firstly they are hired by Hungarian or foreign companies established in Hungary, which is very much facilitated in recent years (since 2016).

If a foreign national plans to enter into an employment relationship, an application for the issue or extension of a residence permit may be submitted – in the case of preferred employer – by the prospective employer as well, provided that the client has consented in writing. In that case the competent authority may communicate with the employer as well, however, the client will be notified of all procedural steps taken.

Preferred employer shall mean:

- an employer having signed a strategic partnership agreement with the Government;
- any employer that plans to employ in Hungary a third-country national from a country neighbouring Hungary in any of the professions provided for in a communication by the Ministry of National Economy.

The other model is rather an entrepreneurial one. In general Albanian and Serbian nationals holding already a residence permit, set up their own business in Hungary, a small or medium size enterprise (very often a bakery) and employ their own fellow citizens whether hiring them in Hungary from the diaspora, or hiring them at their homeland. In some cases this may lead to illegal employment, overstaying and illegal stay in Hungary.

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Q2.2.7. Did your (Member) State experience a growth in trade with third countries since the introduction of visa liberalisation? If yes, please provide a short description and specific examples (i.e. in which sectors / what type of goods or services).

Ukraine Hungary's important foreign trade partner, based on the volume of trade in goods, was the 15th most important partner on the European continent during the first eight months of 2016, and it is one of the most important export markets among the non-EU countries.

According to the Central Statistical Office, in the first eight months of 2016, the Hungarian-Ukrainian trade turnover reached USD 1.8 bn, an increase of 11% in comparison with the same period of last year, despite the Donbas war conflict, thanks to the financial- economic recovery of Ukraine.

Within the foreign trade turnover, Hungarian exports amounted to USD 1.04 billion, an increase of 8.5%. Our imports were USD 767 million, up 12.6% on the same period last year. Foreign trade surplus exceeded USD 276 million. (Hungarian Central Statistical Office)

Serbia was Hungary's 18th trading partner in 2017, with a share of 1.3% of total foreign trade in Hungary. Serbia accounted for 1.6% of our exports (18th place) and 1% of our imports (20th place).

Bilateral trade in goods increased by 29% to EUR 2.48 billion in 2017. Exports rose by 24% to EUR 1.6 billion, mainly due to the 65% (EUR 123 million) of electricity exports; 52% (EUR 64 million) of exports of petroleum and petroleum products and similar materials and 45% (EUR 36 million) in exports of electrical machinery, appliances and instruments.

After the growth of 41%, imports amounted to EUR 881 million, of which imports of electricity grew with 46% (EUR 85 million); the import of electrical machines, appliances and instruments with 67% (EUR 38 million); import of iron and steel with 105% (EUR 27 million); the imports of energy-generating machinery and equipment increased with 196% (EUR 20 million), the increase of rubber imports was 128% (16 million EUR).

After an 8% increase in our trade balance, our surplus amounted to EUR 719 million in 2017. (Hungarian Central Statistical Office)

Q2.2.8. What other benefit (or positive impact) was identified by your (Member) State in relation to visa liberalisation that was not already captured in the previous questions, if applicable?

All benefits and points of positive impact were mentioned in the previous section.

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SECTION 2.2 : STATISTICAL INFORMATION

TABLE 2.2.1: TOTAL NUMBER OF VISITORS STAYING IN HOTELS AND OTHER ACCOMMODATION ESTABLISHMENTS FROM THE VISA-FREE COUNTRIES

Indicator	Period of interest (2007-2017)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	<i>(insert all available data or at least 2 years prior and after the visa waiver agreement date)</i>											
Total number of visitors staying in hotels and other accommodation establishments from the visa-free countries	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	126*	4.211*	4.830*	256*	18*	1*	NI	1*	NI	0*	0*	C-visa issued with the purpose of tourism
Montenegro	N/A	17*	19*	N/A	NI	NI	NI	NI	NI	NI	NI	C-visa issued with the purpose of tourism
Serbia	3.320*	69.070*	47.358*	1.202*	56.506	62.266	65.889	66.505	65.162	75.995	70.637	KSH – Hungarian Statistical Office
Albania	43*	766*	916*	828*	7*	0*	1*	NI	NI	NI	NI	C-visa issued with the purpose of tourism
Bosnia and Herzegovina	62*	1076*	1.096*	1.324*	7*	3*	0*	NI	NI	NI	NI	C-visa issued with the purpose of tourism
Moldova	4*	2.183*	1.936*	3.873*	5.318*	6.019*	7.015*	1.159*	92*	48*	17*	C-visa issued with the purpose of tourism
Georgia	1*	47*	11*	8*	19*	21*	23*	39*	33*	61*	8*	C-visa issued with

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												the purpose of tourism
Ukraine	2.595*	38.385*	30.840*	47.186*	117.189	138.651	138.453	113.978	102.726	116.850	128.367	KSH – Hungarian Statistical Office
Total	6.151*	115.755*	87.006*	54.677*	NI	NI	NI	NI	NI	NI	NI	
Total number of visitors staying in hotels and other accommodation establishments	NI	NI	NI	NI	3.821.751	4.163.641	4.387.692	4.617.751	4.928.511	5.301.843	5.650.077	

Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

*Numbers calculated from the numbers of uniform Schengen C-type visas issued, with the purpose of tourism.

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the box below:

The Hungarian Central Statistical Office does not collect any data on tourists arriving from Western Balkan and Eastern Partnership countries (except for: Serbia and Ukraine). As regards other countries the numbers were calculated from the number of C-uniform visas issued for the purpose of tourism.

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Table 2.2.2: Total number of first-time residence permit applications received from visa-free country nationals

Indicator	Period of interest (2007-2017) <i>(insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of first-time residence applications received from the respective visa-free country												
FYROM	N/A	N/A	0	0	0	N/A	N/A	123	195	200	222	
Montenegro	N/A	N/A	0	0	0	N/A	N/A	34	68	47	60	
Serbia	N/A	N/A	853	1001	1035	N/A	N/A	726	859	1166	3227	
Albania	N/A	N/A	15	24	28	41	N/A	101	185	185	222	
Bosnia and Herzegovina	N/A	N/A	25	40	56	90	N/A	133	167	203	168	
Moldova	N/A	N/A	N/A	N/A	N/A	82	70	60	58	65	220	
Georgia	N/A	N/A	N/A	N/A	N/A	N/A	N/A	113	151	172	216	
Ukraine	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1172	1779	2853	9496	
Total	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2462	3462	4891	13831	Data source: National Register of the Hungarian Immigration and Asylum Office
Total number of first-time residence applications	N/A	N/A	N/A	N/A	N/A	N/A	N/A	24569	24533	26394	40789	

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Table 2.2.3: Total number of first residence permits issued for remunerated activities reasons to visa-free country nationals

Indicator	Period of interest (2007-2017) <i>(insert all available data or at least 2 years prior and after the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of permits issued for remunerated activities reasons to visa-free country nationals												
FYROM	NI	0	0	0	0	14	20	26	57	91	69	
Montenegro	NI	0	0	0	0	12	25	10	36	21	24	
Serbia	NI	2.149	418	410	334	362	329	339	473	643	2.056	
Albania	NI	21	0	2	9	10	32	43	68	76	90	
Bosnia and Herzegovina	NI	116	7	12	19	39	92	68	92	116	60	
Moldova	NI	139	51	33	9	18	9	13	21	19	126	
Georgia	NI	14	11	5	5	2	13	8	12	10	15	
Ukraine	NI	7.106	2.034	1.306	988	499	306	489	849	1.711	7.196	
Total	NI	9.545	2.521	1.768	1.364	956	826	996	1.608	2.687	9.636	Data source: Eurostat
Total number of permits issued for remunerated activities reasons	NI	17.759	5.326	4.229	3.785	3.687	3.561	3.733	4.209	5.851	13.210	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Data was not available for 2007.

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Table 2.2.4: Total number of first residence permits issued for education reasons to visa-free country nationals

Indicator	Period of interest (2007-2017) <i>(insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of permits issued for education reasons to visa-free country nationals												
FYROM	NI	0	0	0	0	15	21	25	31	24	28	
Montenegro	NI	0	0	0	0	13	8	4	5	4	8	
Serbia	NI	1.163	355	433	406	220	186	125	119	148	175	
Albania	NI	21	8	15	9	9	20	16	14	19	35	
Bosnia and Herzegovina	NI	12	12	10	12	13	15	19	11	20	23	
Moldova	NI	56	17	25	18	22	15	30	12	18	31	
Georgia	NI	62	32	29	24	26	30	40	77	108	134	
Ukraine	NI	880	202	332	263	212	161	93	123	149	210	
Total	NI	2.194	626	844	732	530	456	352	392	490	644	Data source: Eurostat
Total number of permits issued for education reasons	NI	7.760	4.234	3.995	4.067	4.411	5.515	5.168	5.876	7.874	10.852	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Data was not available for 2007.

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Table 2.2.5: Total number of first residence permits issued to entrepreneurs (including self-employed persons) from visa-free countries

Indicator	Period of interest (2007-2017) <i>(insert all available data or at least 2 years prior and after the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of first residence permits issued for entrepreneurs (including self-employed persons) from visa-free countries												
FYROM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Montenegro	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Serbia	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Albania	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Bosnia and Herzegovina	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Moldova	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Georgia	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Ukraine	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Total	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Total number of first residence permits issued for entrepreneurs (including self-employed persons)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

No data was available from national authorities

Section 3: Challenges of visa liberalisation on (Member) States**SECTION 3.1 : DESCRIPTION OF NATIONAL SITUATION**

Q3.1. Did your (Member) State face certain challenges (if any) since the introduction of visa liberalisation? Please provide a short description of your national situation.

Please answer this question by making a link with the data presented in Section 3.2, while specific challenges can be detailed in sub-questions **Q3.1.2** to **Q3.1.7**.

Several Member States of the European Union (Germany, Sweden, Belgium) have notified that within a year from launching visa liberalisation had to deal with significantly increased, doubled and tripled asylum applications. Majority of asylum applications belonged to minority groups of Roma and ethnic Albanians, who appeared less integrated to local societies, having fewer chances for improving living conditions.

Although the Commission has stepped up its efforts to improve anti-discrimination and integration policies of marginalised groups, target third countries have understood that EU member states are primarily interested in an end of the abuse of European asylum systems through their citizens.

Western Balkan states even enacted some national laws, which considered special checks for minority groups with an aim to identify possible asylum applicants or irregular migrants.

The arising problems revealed possible outcomes and threats stemming from visa liberalisation with third states. This was a sign that either visa liberalisation framework was having some gaps with regard to tackling irregular migration or the European Union's political interests prevailed over security matters while granting the visa-free regime to Western Balkan states before they would be prepared for such responsibility.

As a difference from other EU countries the Hungarian statistics show that the visa facilitation as well as Hungary's Schengen accession in 2007-2008 were the key factors triggering migratory flows towards Hungary (Table 1.2.5 – asylum applications). Nevertheless in accordance with the concept that the Western Balkan and Eastern Partnership countries being safe third countries a very low percentage of asylum seekers were considered as refugees.

The Hungarian Government adopted a national list of safe third countries (Government Decree 191/2015 (VII. 21.) on the national list of safe countries of origin and safe third countries), which has recognized all EU Member States and all EU candidate countries as safe third countries. The above list was completed with Bosnia and Herzegovina and Kosovo as well.

According to the legislation all asylum claims are lodged by applicants who came through a safe third country.

Other challenge to public security might be the issue of overstayers and persons being illegally present in Hungary. A sizeable diaspora has the sufficient network and economic power to help the overstayers and newcomers to stay and to work illegally in Hungary. In that sense Albanians, Serbs, Ukrainians, Macedonians and Moldavians form an increasing community in Hungary, which might help newcomers in legal as well as illegal ways.

We shall note the increasing number of Moldavian overstayers and nationals being illegally present are a recent phenomenon which occurred right after the visa liberalisation in 2014. Other possible explanation might be their forced leave from other Western European countries where they were previously established. Similar trends are perceived regarding Ukrainian nationals. (See table: 3.2.9 and 3.2.10)

Q3.1.1 If applicable, please categorise your answer to **Q3.1** by third country:

Western Balkans - FYROM, Montenegro, Serbia, Albania, Bosnia and Herzegovina:

As a difference from other EU countries the Hungarian statistics show that the visa facilitation as well as Hungary's Schengen accession in 2007-2008 were key factors triggering migratory flows

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towards Hungary (Table 1.2.5 – asylum applications). Nevertheless in accordance with the concept that the Western Balkan and Eastern Partnership countries being safe countries a very low percentage of asylum seekers were considered as refugees.

The number of FYROM nationals illegally present (mostly overstayers) might also be a matter of concern.

Eastern Partnership - Moldova, Georgia, Ukraine:

Other challenge to public security might be the issue of overstayers and persons being illegally present in Hungary. A sizeable diaspora has the sufficient network and economic power to help the overstayers and newcomers to stay and work illegally Hungary. In that sense Albanians, Serbs, Ukrainians, Macedonians and Moldavians form an increasing community in Hungary, which might help newcomers in legal as well as illegal ways.

We shall note the increase of the number of Moldavian overstayers and nationals being illegally present is a recent phenomenon which occurred right after the visa liberalisation in 2014 (From 425 in 2014 to 2040 in 2015) Other possible explanation might be their forced leave from other Western European countries where they were previously established. Similar trends are captured regarding Ukrainian nationals (From 1695 in 2015 to 3955 in 2017) (See table: 3.2.9 and 3.2.10).

Q3.1.2 Did your (Member) State encounter a rise in illegal employment since the introduction of visa liberalisation? If yes, please provide a short description and specific examples.

Please answer this question by making a link with the data presented in Table 3.2.5.

Typically Albanian and Serbian nationals holding already a residence permit, set up their own business in Hungary, a small or medium size enterprises (very often a bakery or a restaurant) and employ their own fellow citizens whether hiring them in Hungary from the diaspora, or hiring them from their respective native countries.

In general they do not have any necessary qualifications for the jobs they are recruited for and required by the Hungarian legislation.

Q3.1.3 Did your (Member) State encounter a rise in smuggled and/or trafficked persons from the visa-free countries since the introduction of visa liberalisation? If yes, please provide a short description and specific examples.

Please answer this question by making a link with the data presented in Tables 3.2.6 and 3.2.7.

Since the number of overstayers and persons illegally present is relatively high among Moldavian nationals. also a great number of Moldavian nationals had to leave recently Western European countries (such as: Italy, France, Spain, Portugal) so they fall under an entry ban to the Schengen zone they make efforts to travel illegally (via human traffickers) to the Schengen area.

Q3.1.4 Did your (Member) State encounter a rise in the number of identified facilitators of unauthorised entry, transit and residence since the introduction of visa liberalisation? If yes, please provide a short description and specific examples.

Please answer this question by making a link with the data presented in Table 3.2.8.

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From the national groups concerned in this study this type of criminal behaviour and offence is committed by Serbian nationals most often.

Q3.1.5 Did your (Member) State encounter a rise in the number of nationals found to be illegally present from the visa-free countries since the introduction of visa liberalisation? If yes, please provide a short description and specific examples.

Please answer this question by making a link with the data presented in Table 3.2.9.

A massive increase of the number of Moldavian nationals being illegally present is a recent phenomenon which occurred right after the visa liberalisation in 2014.

A possible explanation might be their forced leave from Western European countries where they were established previously.

Similar trends are perceived regarding Ukrainian and Serbian nationals. (See table: 3.2.9 and 3.2.10). The number of Serbian nationals being illegally present almost doubled from 2016 to 2017.

Q3.1.6 Did your (Member) State encounter a rise in the number of overstayers since the introduction of visa liberalisation? If yes, please provide a short description and specific examples.

Please answer this question by making a link with the data presented in Table 3.2.10.

A massive increase of the number of Moldavian overstayers is a recent phenomenon which occurred right after the visa liberalisation in 2014.

A possible explanation might be their forced leave from Western European countries where they were previously established.

Similar trends are captured regarding Ukrainian and Serbian nationals. (See table: 3.2.9 and 3.2.10). The number of Serbian nationals being illegally present almost doubled from 2016 to 2017.

Q3.1.7 Did your (Member) State encounter any signs of possible misuse of the visa liberalisation? If yes, please provide a short description and specific examples.

Persons arriving for short stay visits (for a maximum of 90 days) start working without a work permit and staying illegally in Hungary (increasing number of overstayers).

Q3.2. Did your (Member) State as a country of destination face any administrative burden since the introduction of the visa-free regime? If yes, please provide a short description and specific examples.

Since the Hungarian – Serbian, as well as the Hungarian- Ukrainian borders are external Schengen borders the border control is already lengthy. Increasing number of residence permit applications, and an increasing demand for work permits is perceived.

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Q3.2.1. If applicable, please list the institutions that faced administrative burdens.

Hungarian National Police and Hungarian Immigration and Asylum Office.

Q3.3. Did your (Member) State as a country of destination face any security risks since the introduction of the visa-free regime? If yes, please provide a short description and specific examples.

Combatting illegal migration and keeping the Western-Balkan migratory route blocked is an overriding priority for Hungary and a common goal with all Western Balkan countries.

From 2015 Hungary has steadily improved its relations with all Western Balkan countries in the field of migration. Illegal migration also raises the risk of terrorism.

At the height of the migrant –crisis of 2015 due to the massive flow of migrants crossing Hungary the Government considered that its immigration policy required wider social support, and therefore the Government has put together and launched a questionnaire of twelve questions from April 2015 as part of a national consultation concerning immigration, economic immigration and terrorism.

Among the questions in the national consultation on immigration and terrorism, citizens were be asked whether or not illegal border-crossers should be detained for a period longer than 24 hours, despite the European Union prohibiting such a measure, and whether immigrants who are proven to be taking advantage of European regulations should be immediately expelled and whether they should be expected to work while in Hungary to defray the cost of accommodation and food,

As a result of the national consultation the vast majority of Hungarian voters supported the Government as regards introducing tougher measures combatting illegal and economic migration and terrorism.

Q3.3.1. Did the visa liberalisation regime increase the security risks in your (Member) State? If yes, please provide a short description explaining why and provide examples.

Combatting illegal migration and keeping the Western-Balkan migratory route blocked is an overriding priority for Hungary and a common goal with all Western Balkan countries. From 2015 Hungary has steadily improved its relations with all Western Balkan countries in the field of migration. Illegal migration also increases the risk of terrorism.

Q3.3.2. If applicable, what types of offences were committed by third-country nationals in your (Member) State after the commencement of the visa-free regime? Where there any significant differences compared to the time before the visa-free regime started?

Offences committed by third country nationals are: offences against public order and public trust, such as document forgery (in connection with using falsified or forged documents to identify themselves or for their qualifications for acquiring a residence permit), human trafficking; unlawful drug trafficking, conspiracy to commit excise violation, and illicit trafficking (Source: [Hungarian Prosecution Service](#))

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Q3.3.3. If applicable, what was the rate of offences (final court rulings) committed by third-country nationals in your (Member) State after the commencement of the visa-free regime? Where there any significant differences compared to the time before the visa-free regime started?

Number of offences committed by Ukrainian citizens in 2010: 453 2011: 645, in 2012: 510, mainly document forgery, human smuggling
Serbian nationals in 2010: 279, in 2011: 456, in 2012: 524.

Number of offences against public trust, in general document forgery is steadily increasing (in connection with using falsified or forged documents to identify themselves or acquiring a work permit with falsified qualifications).

Q3.4. What is the role and impact of irregular migration facilitators that provide their services to third-country nationals with an entry ban? Please provide a short description with specific examples about your (Member) State situation and make a clear distinction between people who assist migrants and people who are profiting from facilitation.

Please answer this question by making a link with the data presented in Table 3.2.6, 3.2.7 and 3.2.8.

The recent amendment of the Hungarian Penal Code (Act C of 2012) makes organising illegal immigration punishable, since it also poses a major risk to national security. It will therefore be classed as a criminal offence.

The Penal Code will state that arranging asylum status for an illegal immigrant or enabling someone who is in Hungary illegally to acquire residence rights will constitute facilitating unlawful immigration.

Unless a more serious offence has also been committed, facilitating unlawful immigration will be punishable by a custodial sentence of 5–90 days.

Committing such offences on a regular basis, providing financial support for illegal immigration or assisting illegal immigration in exchange for money will constitute felonies, and as such will be punishable by prison sentences of up to one year.

The following in particular will be classified as activities organising illegal immigration: for the purposes of illegal immigration, organising border monitoring along Hungary's external border or at a border marker; publishing, distributing or commissioning information material for such activities; or establishing or operating a network for such activities.

The legislation will also provide courts with the opportunity to exclude people organising illegal immigration from an 8-kilometre-wide zone inside Hungary, running immediately along its border. In the case of foreign nationals, courts may also rule on expulsion from the country.

The following offences may be punishable by expulsion from the country: people smuggling; illegally crossing the border barrier; damaging the border barrier; preventing construction work on the border barrier; facilitating unlawful residence; and facilitating illegal immigration.

The legislative package also stipulates that Hungary will not accept the asylum requests of people who are not subject to persecution and who are not in grave danger.

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Q3.4.1 How did the activities of irregular migration facilitators impact your (Member) State? Please provide a short description with specific examples about your (Member) State situation.

Since fighting and stemming illegal migration is an overriding priority for Hungary all criminal behaviours connected to illegal migration and facilitating illegal migration are punishable by criminal law.

Q3.4.2. If applicable, please list and explain any challenges and risks identified by your country related to the activities of irregular migration facilitators, while making a clear distinction between people who assist migrants and people who are profiting from facilitation.

The recent amendment of the Hungarian Penal Code (Act C of 2012) makes organising illegal immigration punishable, since it also poses a major risk to national security. It will therefore be classed as a criminal offence.

The Penal Code will state that arranging asylum status for an illegal immigrant or enabling someone who is in Hungary illegally to acquire residence rights will constitute facilitating unlawful immigration.

Unless a more serious offence has also been committed, facilitating unlawful immigration will be punishable by a custodial sentence of 5–90 days.

Committing such offences on a regular basis, providing financial support for illegal immigration or assisting illegal immigration in exchange for money will constitute felonies, and as such will be punishable by prison sentences of up to one year.

The following in particular will be classified as activities organising illegal immigration: for the purposes of illegal immigration, organising border monitoring along Hungary's external border or at a border marker; publishing, distributing or commissioning information material for such activities; or establishing or operating a network for such activities.

The legislation will also provide courts with the opportunity to exclude people organising illegal immigration from an 8-kilometre-wide zone inside Hungary, running immediately along its border. In the case of foreign nationals, courts may also rule on expulsion from the country.

The following offences may be punishable by expulsion from the country: people smuggling; illegally crossing the border barrier; damaging the border barrier; preventing construction work on the border barrier; facilitating unlawful residence; and facilitating illegal immigration.

The legislative package also stipulates that Hungary will not accept the asylum requests of people who are not subject to persecution and who are not in grave danger.

Q3.5. What other challenge (or negative impact) was identified by your (Member) State in relation to visa liberalisation that was not already captured in the previous questions, if applicable?

All challenges and risks were mentioned under section 3.

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SECTION 3.2 : STATISTICAL INFORMATION

TABLE 3.2.1: TOTAL NUMBER OF NATIONALS FROM THE VISA-FREE COUNTRIES REFUSED ENTRY AT THE EXTERNAL BORDERS

Indicator	Period of interest (2007-2017)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	<i>(insert all available data or at least 2 years prior and after the visa waiver agreement date)</i>											
Total number of nationals from the visa-free countries refused entry at the external borders	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	NI	110	215	515	555	495	770	915	755	785	880	
Montenegro	NI	5	30	115	115	95	170	195	145	140	175	
Serbia	NI	1.515	1.730	2.920	3.580	3.325	5.445	6.530	4.805	4710	5.275	
Albania	NI	10	35	50	210	180	840	1.400	1.795	1.855	1.955	
Bosnia and Herzegovina	NI	95	100	140	210	225	240	360	585	570	405	
Moldova	NI	270	290	285	790	280	160	460	605	835	1.180	
Georgia	NI	0	5	5	5	10	10	10	25	30	145	
Ukraine	NI	2.355	3.710	4.780	4.560	2.985	2.190	2.040	1.825	0	2.980	
Total	NI	4.360	6.115	8.810	10.025	7.595	9.825	11.910	10.540	8.925	12.995	Data source: Eurostat
Total number third-country nationals refused entry at the external borders	NI	5.530	7.700	10.475	11.790	9.240	11.055	13.325	11.505	9.905	14.010	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

No information was available for 2007.

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Table 3.2.2: Total number of return decisions issued to nationals from the visa-free countries

Indicator	Period of interest (2007-2017) (insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of return decisions issued to nationals from the visa-free countries												
FYROM	NI	115	155	80	85	55	65	65	55	40	65	
Montenegro	NI	15	20	15	10	25	15	35	20	35	10	
Serbia	NI	1.210	1.315	800	850	700	645	635	425	390	465	
Albania	NI	50	65	115	25	35	205	385	365	225	110	
Bosnia and Herzegovina	NI	25	25	45	20	45	30	35	45	50	60	
Moldova	NI	320	270	160	155	110	80	120	60	60	65	
Georgia	NI	120	55	60	40	25	30	30	35	50	35	
Ukraine	NI	625	635	730	405	310	355	285	425	750	600	
Total	NI	2.480	2.540	2.005	1.590	1.305	1.425	1.590	1.430	1.600	1.410	Data source: Eurostat
Total number of return decisions issued to third-country nationals	NI	4.205	4.850	5.515	6.935	7.450	5.940	5.885	11.750	10.765	8.730	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

No data was available for 2007.

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Table 3.2.3: Total number of voluntary returns (all types) by nationals of visa-free countries

Indicator	Period of interest (2007-2017) <i>(insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>	
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017		
Total number of voluntary returns (all types) by nationals of visa-free countries													
FYROM	NI	NI	NI	NI	0	0	0	0	0	5	15		
Montenegro	NI	NI	NI	NI	0	0	0	0	0	0	0		
Serbia	NI	NI	NI	NI	0	0	0	0	5	5	30		
Albania	NI	NI	NI	NI	0	0	0	0	5	10	20		
Bosnia and Herzegovina	NI	NI	NI	NI	0	0	0	0	0	0	5		
Moldova	NI	NI	NI	NI	0	0	0	0	20	5	5		
Georgia	NI	NI	NI	NI	0	0	0	0	0	10	5		
Ukraine	NI	N/I	NI	NI	0	0	0	0	20	25	40		
Total	NI	NI	NI	NI	0	0	0	0	50	60	120	Data source: Eurostat	
Total number of voluntary returns (all types) – all third-country nationals	NI	NI	NI	NI	0	0	0	0	210	170	430		

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

No information was available until 2011.

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Table 3.2.4: Total number of forced returns by visa-free country

Indicator	Period of interest (2007-2017) <i>(insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	NI	NI	NI	NI	0	0	0	35	20	10	25	
Montenegro	NI	NI	NI	NI	0	0	0	10	10	5	5	
Serbia	NI	NI	NI	NI	0	0	0	360	210	80	225	
Albania	NI	NI	NI	NI	0	0	0	305	185	25	35	
Bosnia and Herzegovina	NI	NI	NI	NI	0	0	0	10	5	5	10	
Moldova	NI	NI	NI	NI	0	0	0	25	15	20	25	
Georgia	NI	NI	NI	NI	0	0	0	10	10	5	15	
Ukraine	NI	NI	NI	NI	0	0	0	195	250	370	360	
Total	NI	NI	NI	NI	0	0	0	950	705	520	700	Data source: Eurostat
Total number of forced returns - all third-country nationals	NI	NI	NI	NI	0	0	0	3.745	5.765	610	2.020	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

No data was available until 2011.

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Table 3.2.5: Total number of nationals from the visa - free countries found in illegal employment¹

Indicator	Period of interest (2007-2017)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)	
	(insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)												
Total number of nationals from the visa-free countries found in illegal employment	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017		
FYROM	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	Please name the top 5 labour sectors where TCNs were illegally employed (see footnote list for pre-defined sectors). ² No data available
Montenegro	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	No data available
Serbia	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	No data available
Albania	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	No data available
Bosnia and Herzegovina	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	No data available
Moldova	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	No data available
Georgia	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	No data available
Ukraine	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	No data available.
Total	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	

¹ Information to be provided by inserting national data as gathered by competent authorities. Also see Eurostat: Third-country nationals found to be illegally present - annual data (rounded) [migr_eipre]

² Agriculture, forestry and fishing; Mining and quarrying; Manufacturing; Electricity, gas, steam and air conditioning supply; Water supply; sewerage, waste management and remediation activities; Construction; Wholesale and retail trade; repair of motor vehicles and motorcycles; Transportation and storage; Accommodation and food service activities; Information and communication; Financial and insurance activities; Real estate activities; Professional, scientific and technical activities; Administrative and support service activities; Public administration and defence; compulsory social security; Education; Human health and social work activities; Arts, entertainment and recreation; Other service activities; Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use; Activities of extraterritorial organisations and bodies.

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Total number third-country nationals found in illegal employment	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	
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**Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

No information was available from national authorities. Illegal employment constitutes an administrative offence in Hungary.

*Impact of visa liberalisation on countries of destination*Table 3.2.6: Total number of smuggled persons from the visa-free countries (final court rulings)

Indicator	Period of interest (2007-2017)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	<i>(insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)</i>											
Total number of <u>smuggled</u> persons from the visa-free countries (final court rulings)	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	NI	NI	1	1	0	0	0	0	0	0	0	
OMontenegro	NI	NI	0	0	0	0	0	0	0	0	0	
Serbia	NI	NI	17	8	18	7	15	6	2	0	0	
Albania	NI	NI	4	2	2	6	10	7	0	0	0	
Bosnia and Herzegovina	NI	NI	1	2	0	1	1	0	0	0	0	
Moldova	NI	NI	9	6	4	18	5	0	0	0	0	
Georgia	NI	NI	0	2	0	0	0	0	0	0	0	
Ukraine	NI	NI	2	3	9	3	3	0	0	1	0	
Total	NI	NI	34	24	33	35	34	13	2	1	0	National Register of the Hungarian Police
Total number of <u>smuggled</u> persons from third countries (final court rulings)	NI	NI	87	86	373	482	565	227	12	5	6	

***Visa waiver agreement** dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Data was not collected until 2009.

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Table 3.2.7: Total number of trafficked persons from the visa-free countries (final court rulings)

Indicator	Period of interest (2007-2017)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	(insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											
Total number of <u>trafficked</u> persons from the visa-free countries (final court rulings)	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	NI	NI	0	0	0	0	0	0	0	0	0	
Montenegro	NI	NI	0	0	0	0	0	0	0	0	0	
Serbia	NI	NI	0	0	0	0	0	0	0	0	0	
Albania	NI	NI	0	0	0	0	0	0	0	0	0	
Bosnia and Herzegovina	NI	NI	0	0	0	0	0	0	0	0	0	
Moldova	NI	NI	0	0	0	0	0	0	0	0	0	
Georgia	NI	NI	0	0	0	0	0	0	0	0	0	
Ukraine	NI	NI	0	0	0	0	0	0	0	0	0	
Total	NI	NI	0	0	0	0	0	0	0	0	0	National register of the Hungarian Police
Total number of <u>trafficked</u> persons from third countries (final court rulings)	NI	NI	9	7	18	22	5	12	7	0	9	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Data was not collected until 2009.

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Table 3.2.8: Total number of identified facilitators of unauthorised entry, transit and residence from the visa-free countries (final court rulings)

Indicator	Period of interest (2007-2017)											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>
	<i>(insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)</i>											
Total number of identified facilitators of unauthorised entry, transit and residence from the visa-free countries (final court rulings)	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	NI	NI	1	2	1	0	2	1	5	2	1	
Montenegro	NI	NI	1	0	0	0	0	1	8	0	0	
Serbia	NI	NI	36	21	63	100	119	188	256	96	35	
Albania	NI	NI	1	1	0	1	2	4	6	6	0	
Bosnia and Herzegovina	NI	NI	0	0	2	3	2	5	1	1	1	
Moldova	NI	NI	5	2	0	4	0	1	0	0	0	
Georgia	NI	NI	0	1	0	0	0	0	1	0	0	
Ukraine	NI	NI	13	13	7	2	5	7	9	13	3	
Total	NI	NI	57	40	73	110	130	207	286	118	40	Data source: General Prosecution Office. The table contains the number of prosecutions and NOT the final court rulings. NO court data was available.
Total number of identified facilitators of unauthorised entry, transit and residence (final court rulings)	NI	NI	282	230	291	234	341	563	933	660	380	
Hungary	NI	NI	119	102	141	62	105	199	342	333	205	<i>Please add the number of identified facilitators of unauthorised entry, transit and residence from EU MS (top 5 EU nationalities).</i>

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Romania	NI	NI	28	22	21	28	19	30	68	65	31	<i>Please see above.</i>
Germany	NI	NI	4	4	5	7	5	9	12	4	5	<i>Please see above.</i>
Bulgaria	NI	NI	2	2	4	4	0	3	14	11	19	<i>Please see above.</i>
Croatia	NI	NI	4	2	3	1	5	5	12	5	0	<i>Please see above.</i>

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Data was not collected until 2009.

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Table 3.2.9: Total number of nationals found to be illegally present from the visa-free countries

Indicator	Period of interest (2007-2017) <i>(insert all available data or at least 2 years prior and after the visa waiver agreement date)</i>											Additional Information <i>(e.g. data source(s), explanation of trends and numbers for this indicator)</i>
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
Total number of nationals found to be illegally present from the visa-free countries												
FYROM	N/I	140	200	160	275	535	395	505	370	365	1430	Eurostat
Montenegro	N/I	10	10	20	25	45	40	105	75	85	175	
Serbia	N/I	1.395	1.720	1.045	1.585	2.425	2.275	3.350	2.580	2.455	4.570	
Albania	N/I	85	65	135	55	65	285	575	670	440	780	
Bosnia and Herzegovina	N/I	50	70	60	95	110	175	250	290	280	330	
Moldova	N/I	495	360	370	385	310	305	425	2040	3015	2735	
Georgia	N/I	150	100	55	55	50	80	60	55	40	25	
Ukraine	N/I	955	1290	1940	1965	1680	1905	1695	2820	3620	3955	
Total	N/I	3.280	3.815	3.785	4.440	5.220	5.460	6.965	8.900	10.300	14.000	Data source: Eurostat
Total number of third-country nationals found to be illegally present	N/I	5.305	6.835	6.970	9.655	12.175	28.755	56.170	424.055	41.560	25.730	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Data was not available for 2007.

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Table 3.2.10: Total number of overstayers from the visa-free countries

Indicator	Period of interest (2007-2017) (insert all available data or <u>at least</u> 2 years prior and after the visa waiver agreement date)											Additional Information (e.g. data source(s), explanation of trends and numbers for this indicator)
	2007	2008	*2009	*2010	2011	2012	2013	*2014	2015	2016	*2017	
FYROM	N/A	N/A	N/A	N/A	N/A	461	329	422	314	323	1 383	
Montenegro	N/A	N/A	N/A	N/A	N/A	29	28	65	55	58	168	
Serbia	N/A	N/A	N/A	N/A	N/A	1813	1702	2 691	2 280	2 176	4 338	
Albania	N/A	N/A	N/A	N/A	N/A	22	59	101	139	198	634	
Bosnia and Herzegovina	N/A	N/A	N/A	N/A	N/A	60	124	192	238	209	267	
Moldova	N/A	N/A	N/A	N/A	N/A	103	117	99	99	162	1 732	
Georgia	N/A	N/A	N/A	N/A	N/A	18	46	26	11	19	7	
Ukraine	N/A	N/A	N/A	N/A	N/A	241	212	158	466	589	2 285	
Total	N/A	N/A	N/A	N/A	N/A	2747	2617	3754	3602	3734	10814	Data source: Register of the Hungarian National Police
Total number of third-country nationals overstayers	N/A	N/A	N/A	N/A	N/A	3207	3190	4545	4709	4871	11299	

*Visa waiver agreement dates: FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).

If you do not have data as requested in the above table (e.g. for year 2007), please explain why this is the case below:

Data was not available until 2012.

*Impact of visa liberalisation on countries of destination***Section 4: Measures put in place to deal with possible misuse of visa-free regimes by (Member) States****SECTION 4.1 : DESCRIPTION OF NATIONAL SITUATION**

Q4.1. Did your (Member) State implement certain measures (if any) to deal with the challenges that appeared after the commencement of the visa-free regime? Please provide a short description of your national situation.

Specific measures can be detailed in sub-questions **Q4.1.2** to **Q4.1.7**.

Yes, Hungary has introduced two-way measures so as to deal with the challenges of the visa-free regime (the risk of increasing legal and illegal migration).

By easing the administrative burdens Hungary has facilitated the hiring and employment of third country nationals from neighbouring countries (which is practically beneficial for the employment of Ukrainian and Serbian nationals).

If a foreign national plans to enter into an employment relationship, an application for the issue or extension of a residence permit may be submitted – in the case of preferred employer – by the prospective employer as well, provided that the client has consented in writing. In that case the competent authority may communicate with the employer as well, however, the client will be notified of all procedural steps taken.

Preferred employer shall mean:

- an employer having signed a strategic partnership agreement with the Government;
- any employer that plans to employ in Hungary a third-country national from a country neighbouring Hungary in any of the professions provided for in a communication by the Ministry of National Economy.

On the other hand, fighting and stemming illegal migration (including the complete blocking of the Western-Balkan migratory route) is an overriding priority for Hungary.

The Hungarian government adopted a national list of safe third countries (Government Decree 191/2015 (VII. 21.) on the national list of safe countries of origin and safe third countries), which has recognized all EU Member States and all EU candidate countries as safe third countries. The above list was completed with Bosnia and Herzegovina and Kosovo as well.

According to the legislation all asylum claims are lodged by applicants who came through a safe third country.

As additional measures Hungary has recently introduced the tightening of the Criminal Code on facilitating illegal migration.

The recent amendment of the Hungarian Penal Code (Act C of 2012) makes organising illegal immigration punishable, since it also poses a major risk to national security. It will therefore be classed as a criminal offence.

The Penal Code will state that arranging asylum status for an illegal immigrant or enabling someone who is in Hungary illegally to acquire residence rights will constitute facilitating unlawful immigration.

Unless a more serious offence has also been committed, facilitating unlawful immigration will be punishable by a custodial sentence of 5–90 days.

Committing such offences on a regular basis, providing financial support for illegal immigration or assisting illegal immigration in exchange for money will constitute felonies, and as such will be punishable by prison sentences of up to one year.

The following in particular will be classified as activities organising illegal immigration: for the purposes of illegal immigration, organising border monitoring along Hungary's

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external border or at a border marker; publishing, distributing or commissioning information material for such activities; or establishing or operating a network for such activities.

The legislation will also provide courts with the opportunity to exclude people organising illegal immigration from an 8-kilometre-wide zone inside Hungary, running immediately along its border. In the case of foreign nationals, courts may also rule on expulsion from the country.

The following offences may be punishable by expulsion from the country: people smuggling; illegally crossing the border barrier; damaging the border barrier; preventing construction work on the border barrier; facilitating unlawful residence; and facilitating illegal immigration.

The legislative package also stipulates that Hungary will not accept the asylum requests of people who are not subject to persecution and who are not in grave danger.

Q4.1.1 If applicable, please categorise your answer to **Q4.1** by third country:

Western Balkans - FYROM, Montenegro, Serbia, Albania, Bosnia and Herzegovina:

Yes, see answer to Q 4.1.

Eastern Partnership - Moldova, Georgia, Ukraine:

Yes, see answer to Q 4.1.

Q4.1.2. If applicable, did your (Member) State implement measures to increase the efforts to promote voluntary return? If yes, for which nationalities and explain their impact.

The provision of information on voluntary return is regulated by a set of agreements and memoranda of understanding between the Hungarian Government and a pivotal actor in the field of voluntary return, IOM Budapest. The agreements and memoranda of understanding are important as they established a comprehensive programme for the promotion of voluntary return in Hungary and defined the responsibilities of both the Hungarian authorities and the IOM Mission in Hungary with regard to voluntary return and corresponding activities, such as the provision of information on voluntary return.

The memorandum of understanding stipulates that the Hungarian authorities are to inform potential voluntary return beneficiaries of their legal status and the available possibilities and inform IOM of the persons who may benefit from the programme. Further, IOM Budapest is tasked to provide potential beneficiaries with information on the options available within voluntary return programmes and provide counselling. The partnership agreement signed between the IAO (Immigration and Asylum Office) and IOM Budapest within the Assisted Voluntary Return and Reintegration (AVRR) programme also assigns Immigration and Asylum Office with the task of promoting the option of voluntary return. The actors involved in the return processes and the dissemination of information on voluntary return in Hungary include the national authorities such as the Immigration and Asylum Office (IAO) and the Hungarian Police, as well as international organisations, such as IOM and NGOs, such as Menedék - Hungarian Association for Migrants.

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The national authorities highlight the existence of the voluntary return option to irregular migrants during the immigration proceedings and provide further signposting to the migrants when necessary.

Q4.1.3. If applicable, did your (Member) State implement measures to expand the legal possibilities of stay? If yes, for which nationalities and explain their impact.

As a side effect of the growing Hungarian economy in certain professions a shortage of labor force has occurred. As an indirect positive effect of the visa liberalisation affecting the Hungarian economy was an increasing interest of Serbian, Ukrainian, FYROM, Albanian and Georgian nationals for work opportunities in Hungary.

Since June 2016 due to an amendment of the Hungarian legislation on third country nationals, the employment of a third-country national from a country neighbouring Hungary is facilitated in several ways.

By easing the administrative burdens Hungary has facilitated the hiring and employment of third country nationals from neighbouring countries (which is practically beneficial for the employment of Ukrainian and Serbian nationals).

If a foreign national plans to enter into an employment relationship, an application for the issue or extension of a residence permit may be submitted – in the case of preferred employer – by the prospective employer as well, provided that the client has consented in writing. In that case the competent authority may communicate with the employer as well, however, the client will be notified of all procedural steps taken.

Preferred employer shall mean:

- an employer having signed a strategic partnership agreement with the Government;
- any employer that plans to employ in Hungary a third-country national from a country neighbouring

Hungary in any of the professions provided for in a communication by the Ministry of National Economy.

Q4.1.4. If applicable, did your (Member) State implement measures to fight illegal employment? If yes, please explain their impact and add specific examples.

Yes, the National Labor Authority is entitled to examine the necessary and appropriate qualifications.

Administrative Sanctions Under Section 6(1) of the Labour Inspection Act the labour inspection authority may apply the following measures to sanction irregularities found during an inspection:

a) prohibition of continued employment, if work or employment cannot be maintained due to the gravity of the infringement as defined in the first and second points of Section 3(1) a) and Sections 3(1) b), e), f), i), k) and s) and the offense cannot be remedied within a short time; if continued employment was prohibited because the employer infringed the rules applicable to the forms of legal declarations required for establishing an employment relationship or the provisions on declaring the legal relationship, for the period of the prohibition, the labour inspection authority obligates the employer to pay to the employee remuneration in accordance with Section 146(1) of the Labour Code,

b) obligate the employer to end the irregularity within a certain deadline,

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c) obligate the employer to make a payment to the central budget for the violation of the rules on employing TCNs in Hungary as provided in Section 7/A, d) impose a labour fine as provided in Sections 6/A and 7,

e) acting based on Section 1(5), the authority determines the existence of the legal relationship for purposes of employment as of the starting date of work and obligates the employer to comply with the rules applicable to legal relationships for purposes of employment,

f) prohibit the employer from continuing its activity, if it does not have the licenses or registration required in the law applicable to employment,

g) if a violation of age limits is found as defined in Section 3(1) a), it notifies the child protection authorities for endangerment of the child,

h) in order to prevent further offences, if Clause b) cannot be applied, it determines the employer's offence, or

i) obligates the responsible main contractor (as defined in Section 1(8)) or the intermediate subcontractor to pay unpaid wages in place of the employer,

j) obligates the employer to provide data required for fulfilling the request described in Section 3(1a).

Pursuant to Section 8 (2) of the Labour Inspection Act if a TCN is employed without a valid residence permit or a permit allowing engagement in a gainful occupation and the inspection finds a likelihood that a) in light of the gravity of the legal violation, the temporary or permanent closure of the facilities used during the unlawful act, or the temporary or permanent revocation of the licence issued for the performance of the business activity may be justified, or b) employment or staying in Hungary of the TCN endangers public order, public safety, national security or poses a public health or infectious disease hazard, the labour inspectorate contacts the competent authority to take the required measures.

Section 62 (1) of Act CXLIII of 2015 on Public Procurement provides that economic operators are excluded from participating in the procedure as a tenderer, candidate, subcontractor or an organization participating in the certification of suitability where a third country national, whose employment is subject to an authorisation in Hungary, committed an infringement of the law established by the employment authority, on the basis of Article 7/A of the Act LXXV of 1996 on Labour Inspection, and was ordered to pay a given amount into the central budget or was ordered by the immigration authority to pay a fine for the protection of public policy pursuant to the Act on the Admission and Residence of Third Country Nationals.

Exploitative working conditions as one form of the crime of trafficking in human beings: on the basis of Section 192(2) of Act C of 2012 on the Criminal Code (the "Criminal Code"), any person who for the purpose of exploitation sells, purchases, exchanges, supplies, receives, recruits, transports, harbours or shelters another person, including transfer of control over such person, is punishable by imprisonment between one to five years.

Under Section 193(1) of the Criminal Code (Forced Labour), any person who forces another person by taking advantage of his vulnerable situation, or by force or by threat of force, to perform work against his will, is guilty of a felony punishable by imprisonment between one to five years. Section 209 of the Criminal Code provides the following on child labour: any person who: a) violates the statutory provisions on the employment of persons under the age of eighteen years; or b) employs a third country national under the age of eighteen years without authorization to engage in a gainful occupation; is guilty of a felony punishable by imprisonment not exceeding three years.

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Section 356 (1) of the Criminal Code (Unlawful Employment of Third Country Nationals) provides that any person who employs:

- a) a third country national on a regular basis or frequently without authorization to undertake gainful employment; or
- b) a substantial number of third country nationals at one and the same time without authorization to engage in a gainful occupation; is guilty of a misdemeanour punishable by imprisonment not exceeding two years.

(2) The penalty shall be imprisonment not exceeding three years for a felony:

- a) if the offender employs a third country national without authorization to undertake gainful employment under particularly exploitative working conditions;
- c) if the third country national employed without authorization to undertake gainful employment is the victim of trafficking in human beings.

(3) For the purposes of this Section:

- a) 'particularly exploitative working conditions' shall mean particularly exploitative working conditions as defined by the Act on the Admission and Residence of Third Country Nationals;
- b) 'substantial number' shall mean at least five persons In such cases though it is obviously the police and not the labour inspection authority that takes action

Q4.1.5. If applicable, did your (Member) State implement measures to fight the smuggling and/or trafficking of persons from the visa-free countries? If yes, please explain their impact and add specific examples.

Yes, fighting and stemming illegal migration (including the complete blocking of the Western-Balkan migratory route) is an overriding priority for Hungary.

The Hungarian government adopted a national list of safe third countries (Government Decree 191/2015 (VII. 21.) on the national list of safe countries of origin and safe third countries), which has recognized all EU Member States and all EU candidate countries as safe third countries. The above list was completed with Bosnia and Herzegovina and Kosovo as well.

According to the legislation all asylum claims are lodged by applicants who came through a safe third country.

Due to the legislation above nationals of Western-Balkan countries have practically very limited chance to get a positive answer to their asylum application.

Furthermore from June 2018 the Government has tightened also the regulation of the Penal Code. The following offences may be punishable by expulsion from the country: people smuggling; illegally crossing the border barrier; damaging the border barrier; preventing construction work on the border barrier; facilitating unlawful residence; and facilitating illegal immigration.

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Q4.1.6. If applicable, did your (Member) State implement measures to fight the activities of facilitators of unauthorised entry, transit and residence? If yes, please explain their impact and add specific examples.

The recent amendment of the Hungarian Penal Code (Act C of 2012) makes organising illegal immigration punishable, since it also poses a major risk to national security. It will therefore be classed as a criminal offence.

The Penal Code will state that arranging asylum status for an illegal immigrant or enabling someone who is in Hungary illegally to acquire residence rights will constitute facilitating unlawful immigration.

Unless a more serious offence has also been committed, facilitating unlawful immigration will be punishable by a custodial sentence of 5–90 days.

Committing such offences on a regular basis, providing financial support for illegal immigration or assisting illegal immigration in exchange for money will constitute felonies, and as such will be punishable by prison sentences of up to one year.

The following in particular will be classified as activities organising illegal immigration: for the purposes of illegal immigration, organising border monitoring along Hungary's external border or at a border marker; publishing, distributing or commissioning information material for such activities; or establishing or operating a network for such activities.

The legislation will also provide courts with the opportunity to exclude people organising illegal immigration from an 8-kilometre-wide zone inside Hungary, running immediately along its border. In the case of foreign nationals, courts may also rule on expulsion from the country.

The following offences may be punishable by expulsion from the country: people smuggling; illegally crossing the border barrier; damaging the border barrier; preventing construction work on the border barrier; facilitating unlawful residence; and facilitating illegal immigration.

The legislative package also stipulates that Hungary will not accept the asylum requests of people who are not subject to persecution and who are not in grave danger.

Q4.1.7. If applicable, did your (Member) State implement measures to reduce the incidence of nationals found to be illegally present in your country? If yes, please explain their impact and add specific examples. Please also see **Q4.4** (on overstayers) before answering to avoid overlap.

Yes. Hungary considers that tightening the criminal sanctions on facilitating unlawful migration and stay, these measures can effectively reduce the number over nationals found to be illegally present as well as the number of overstayers in Hungary.

Q4.1.8. If applicable, what was the effectiveness of the measures listed above and which of them were most successful in reaching their intended goals? Please provide any good practices / lessons learned you have identified.

The measures introduced are relatively recent, so to evaluate their effects we need a few more years.

In general the joint application of criminal measures and administrative measures is very effective.

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Q4.2. Did your (Member) State implement measures to deal with administrative burdens since the introduction of the visa-free regime? If yes, please list and explain these measures, their impact / effectiveness and add any good practices / lessons learned you have identified.

Due to the visa liberalisation of Western Balkan and Eastern Partnership countries no overburden was raised.

The Hungarian-Serbian as well as the Hungarian – Ukrainian borders are external borders of the European Union, so the protection of these border areas need all required measures by the Schengen acquis. Nevertheless the overburden due to protection of these areas is not connected to the visa free regime of the WB and EaP countries.

Q4.3. Did your (Member) State implement measures to deal with the possible misuse of visa liberalisation? If yes, please list and explain these measures, their impact / effectiveness and add any good practices / lessons learned you have identified.

Yes, fighting and stemming illegal migration (including the complete blocking of the Western-Balkan migratory route) is an overriding priority for Hungary.

The Hungarian government adopted a national list of safe third countries (Government Decree 191/2015 (VII. 21.) on the national list of safe countries of origin and safe third countries), which has recognized all EU Member States and all EU candidate countries as safe third countries. The above list was completed with Bosnia and Herzegovina and Kosovo as well.

According to the legislation all asylum claims are lodged by applicants who came through a safe third country.

Due to the legislation above nationals of Western-Balkan countries have practically very limited chance to get a positive answer to their asylum application.

Q4.4. How did your (Member) State deal with cases when third-country nationals entered the country legally, but did not legalize their stay after 90 days (overstayers)? Please provide a short description of such instances while highlighting any measures implemented by your country to deal with this. If applicable, what was the impact / effectiveness of these measures and are there any good practices / lessons learned you have identified?

If a third-country national enters Hungary legally but does not legalize his/her stay after 90 days or working without a work permit is expelled and falls under a travel and entry ban to the Schengen area.

Q4.4.1 In the case of overstayers from the visa-free countries, does your (Member) State apply a different return procedure compared to the usual procedure? If yes, please provide a short description of such instances while highlighting any good practices / lessons learned you have identified.

For the easier application on December 19 2009 Hungary has signed a protocol with the Republic of Serbia on the implementation of the EU – Serbia Readmission Agreement.

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Q4.4.2 Does your (Member) State apply any special procedures in cases where overstayers have lost their identification documents or in instances where there are problems with their identification? If yes, please provide a short description of such instances while highlighting any good practices / lessons learned you have identified.

In case the identity of an overstayer can not be established for sure, Hungarian authorities contact directly the Embassy or Consulate according to the person's assumed nationality for conducting the interviews of evidence regarding his/her nationality.

According Article 8 (The procedure for interviews of evidence regarding nationality) of the to the Implementation Protocol signed between Hungary and Serbia on December 19 2009 (promulgated by Government Decree 53/2010 (III.11.):

In accordance with Articles 8(3), 9(6) of the Readmission Agreement, the Contracting Parties agree on the following procedure for interviews of evidence regarding nationality:

a) If the competent authority of the requesting Contracting Party is unable to present any of the documents listed in Annexes 1, 2 and 5 to the Agreement, upon its request the diplomatic mission or consular representation of the State of the requested Contracting Party shall interview the person to be readmitted in order to establish whether he/she possesses the nationality of the State of the requested Contracting Party.

b) The request for the interview of evidence regarding nationality could be given by telephone, fax or electronically to the competent diplomatic mission or consular representation of the State of the requested Contracting Party and it shall be carried out without delay but at least 3 (three) working days following the receipt of the readmission application.

c) The request for the interview of evidence shall also contain all the personal data of the person to be readmitted. The competent diplomatic mission or consular representation of the State of the requested Contracting Party may conduct the interview in order to establish whether he/she possesses the nationality of the State of the requested Contracting Party. If the competent diplomatic mission or consular representation of the State of the requested Contracting Party takes an audience, the representative of the competent authority of the requesting Contracting Party, if necessary, may participate in the interview of evidence regarding nationality.

d) The competent diplomatic mission or consular representation of the State of the requested Contracting Party shall inform in written form the competent authority of the requesting Contracting Party on the result of the interview without delay but at least three (3) working days following the interview.

The designated competent authority for such cases is: the Embassy of the Republic of Serbia.

Q4.4.3 If applicable, what was the effectiveness of these procedures (see **Q4.4.1** and **Q4.4.2**) and were they successful in reaching their intended goals? Please provide any good practices / lessons learned you have identified.

Yes, it facilitates readmission.

Q4.5. How did your cooperation with the visa-free countries evolve over time in terms of assistance and information exchange, before and after the visa-free regime commencement? Please provide a short description and specific examples of your national situation disaggregated by region and third countries of interest.

Western Balkans - FYROM, Montenegro, Serbia, Albania, Bosnia and Herzegovina:

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Combatting illegal migration and keeping the Western-Balkan migratory route blocked is an overriding priority for Hungary and a common goal with all Western Balkan countries. From 2015 Hungary has steadily improved its relations with all Western Balkan countries in the field of migration. Illegal migration also raises the risk of terrorism. Enhanced co-operation was established on both fields (illegal migration and fighting terrorism).

Hungary has steadily improved its relations with all Western Balkan countries in the field of migration.

Hungary is stationing a 30-strong police unit in FYROM to help out with patrolling along the Greek border until October 2018. Hungary is also providing Macedonia with equipment, and the Hungarian government has already provided the country with 100 km of razor wire, computers and fingerprint scanners.

Hungary has an excellent relationship in the field of migration with the Republic of Serbia as well.

Eastern Partnership - Moldova, Georgia, Ukraine:

Hungary has improved relations with all three countries as regards information exchange.

Q4.5.1. If applicable, how effective was the cooperation with third countries to reach your desired goals? Where there any particular differences in your interactions with different third countries and did you identify any good practices / lessons learned?

No major difficulties reported by Hungarian authorities.

Q4.6. If applicable, how did your (Member) State respond to the influx of asylum seekers from the visa-free countries? Please provide a short description of the measures taken and any good practices / lessons learned you have identified.

Similarly to several (at least 12 EU countries, including: Germany, France, Belgium, Austria, Denmark) the Hungarian government also adopted a national list of safe third countries (Government Decree 191/2015 (VII. 21.) on the national list of safe countries of origin and safe third countries), which has recognized all EU Member States and all EU candidate countries as safe third countries. The above list was completed with Bosnia and Herzegovina and Kosovo as well. According to the legislation all asylum claims are lodged by applicants who came through a safe third country.

Due to the legislation above nationals of Western-Balkan countries have practically very limited chance to get a positive answer to their asylum application.

Q4.6.1 If applicable, were the measures of your (Member) State effective to manage the influx of asylum seekers from the visa-free countries? Please provide a short description of your national situation highlighting any good practices / lessons learned you have identified.

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Yes, due to the adopted legislation the asylum applications from Western Balkan countries fell back to a very low level. See tables 1.2.5., 1.2.6. and 1.2.7.

Q4.6.2 If applicable, how did your (Member) State cooperate with other (Member) States found in a similar situation (i.e. influx of asylum seekers from the visa-free countries)? Please provide a short description of your national situation and any good practices / lessons learned you have identified.

Similarly to several (at least 12 EU countries, including: Germany, France, Belgium, Austria, Denmark) the Hungarian government also adopted a national list of safe third countries (Government Decree 191/2015 (VII. 21.) on the national list of safe countries of origin and safe third countries), which has recognized all EU Member States and all EU candidate countries as safe third countries. The above list was completed with Bosnia and Herzegovina and Kosovo as well. According to the legislation all asylum claims are lodged by applicants who came through a safe third country.

Q4.6.3 Did you receive assistance from the EU to deal with the influx of asylum seekers from the visa-free countries? If yes, how effective was the assistance in supporting your (Member) State? Please provide a short description of your national situation and any good practices / lessons learned you have identified.

No information.

Q4.7. What other measure (or good practice / lesson learned) was adopted by your (Member) State in relation to visa liberalisation that was not already captured in the previous questions, if applicable? At the same time, are there any planned measures that will be adopted in the nearby future?

Yes, Hungary is planning to further step up against illegal employment of third country nationals (e.g: in cases of employment without any required and appropriate qualifications).

Section 5: Conclusions

Q5.1. With regard to the aims of this Study, what conclusions would you draw from the findings reached in elaborating your National Contribution?

We may draw the conclusion that the visa liberalisation is a very important political message on behalf of the European Union towards these countries in connection with their EU integration.

If the EU would like to further improve its relations with these countries, the maintenance of visa liberalisation is very important tool for that.

On the other hand the visa suspension mechanism established by Regulation 1289/2013 amending Regulation 539/2001 (with the aims of ensuring that visa-free travel with non-EU countries is not abused) is also of utmost importance in order to keep the benefits of the visa liberalisation regime and eliminating its system errors.

Q5.2. What do you consider to be the relevance of your findings to (national and/or EU level) policymakers?

We consider this research might be exceptionally helpful for policy-, and decision-makers since it covers all major fields and aspects (security, economy, tourism, employment of foreign nationals visa, and asylum policy) affected by the impacts of visa liberalisation.

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