

ANNUAL REPORT 2022
ON MIGRATION AND ASYLUM POLICY (PART 2)
IN HUNGARY

Executive Summary

The Annual Policy Report 2022 provides an overview of the developments in migration and asylum policy in Hungary for the time period from 1 January 2022 to 31 December 2022. The present report was drafted by the Hungarian National Contact Point of the European Migration Network (EMN) seated within the Ministry of Interior of Hungary.

Overarching changes to the national migration and asylum system in 2022

The most important overarching changes are related to the response to the influx of persons fleeing the war in Ukraine and the implementation of the Council Decision on the activation of the Temporary Protection Directive.

Legal Migration

Since the 1st of January 2022, the purposes of residence permits have been expanded with one more purpose: White Card.

International Protection including Asylum

No significant developments to report.

Minors and other vulnerable groups

No significant developments to report.

Integration and inclusion of adult migrants

No significant developments to report.

Citizenship and Statelessness

No significant developments to report.

Borders, Visas and Schengen

The Hungarian border regime ensured that all those fleeing from Ukraine are provided entry.

There were no changes in the year of 2022 in relation to visa policy.

The harmonisation of the national legislation to the EU regulations about EES, ETIAS, VIS, SIS and Interoperability continued throughout 2022.

Irregular Migration including Migrant Smuggling

A new border protection body dealing with border patrol issues was created within the Rapid Response and Special Police Service to guarantee border security.

Trafficking in Human Beings

Development of a pioneering methodology for the identification of victims who are accompanied by the presumed perpetrator

Development, production and distribution of small information cards on possible ways of assistance.

Return and Readmission

The legislation (i.e. Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals) was amended with minor changes for clarification regarding the conceptual framework related to the terms of threat to public security, public order and national security. Considering the situation in Ukraine, the applicability of non-refoulement regarding returns to Ukraine is constantly monitored.

Main National Developments in Relation to Temporary Protection

A certificate of temporary residence is issued at the border by the police for fleeing persons without valid documents necessary for EU entry. This certificate may be extended by the National Directorate-General for Aliens Policing for a certain amount of time during which the third-country national may submit an application for a residence permit inland or leave the territory of Hungary. The certificate of temporary residence is not a resident permit; it allows its holder to stay in the territory of Hungary only for a limited amount of time. Any third-country national arriving from Ukraine may take part in the Assisted voluntary Return and Reintegration (hereinafter referred to as AVRR) programme of IOM and if needed, support from NDGAP can also be obtained (e.g.: NDGAP can purchase the tickets via FRONTEx Humanitarian returns). These possibilities have been advertised by NDGAP (on its website, posters,) and several foreign representations have been addressed offering support.

Hungary has implemented the Council Implementing Decision (EU) 2022/382 by the Government Decree No. 86/2022.

1. INTRODUCTION

The EMN Annual Policy Report 2022 of Hungary aims to highlight and summarize the most significant developments that took place in the various fields of migration and asylum in the given period of time for its national audience. The reference period of the present Report extends from 1 January to 31 December 2022.

In Hungary, the Ministry of Interior is in charge of policy-making in the field of migration and asylum, as well as it is in charge of related EU matters. It works in close cooperation with other relevant ministries such as the Ministry of Foreign Affairs and Trade, the Ministry of Justice, the Ministry of Culture and Innovation. Further, the most important executive authorities of the Ministry of Interior of Hungary are the National Directorate-General for Aliens Policing (NDGAP) and the Police. In addition to government bodies, relevant international organisations such as UNHCR, ICMPD, IOM, as well as local and national civil society organisations also contribute to the work of the Ministry of Interior.

The present Report is compiled by the Hungarian National Contact Point of the EMN (**EMN HU NCP**) seated within the Department of European Cooperation of the Ministry of Interior (**MoI**) of Hungary. The EMN HU NCP collected information from the National Directorate-General for Aliens Policing, various divisions of the Police and other governmental bodies. Statistical data were extracted from Hungarian databases and Eurostat.

2. OVERVIEW OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS

Migration and asylum policy in 2022 was heavily affected by the War in Ukraine.

The most important overarching changes are related to the response to the influx of persons fleeing the war in Ukraine and the implementation of the Council Decision on the activation of the Temporary Protection Directive.

In 2022, a total number of 45 asylum applications were registered in Hungary (compared to 40 in 2021.) The number of first time applications was also 45. From the 45 applicants, 15 were Afghan, 5 were Iranian, and 5 were Russian nationals.

The asylum authority has made first instance decisions in 35 cases; of which 30 were positive. The recognition rate was 85,71% within the period (positive decisions/all decisions).

In total, 40 people have been granted international protection, i.e. this is the number of migrants who have been recognized as refugees, persons granted subsidiary protection or persons permitted to stay temporarily.

In addition, 33 281 applications for temporary protection were made of which until the end of 2022, 29 978 were found positive.

First instance decisions made by the asylum authority in 2022	
Type of Decision	Number of the decisions made
Beneficiary of Refugee Status	10
Beneficiary of Subsidiary Protection	20
Beneficiary of Non-refoulement	0
Rejection	5

Temporary Protection in 2022	
Applications for Temporary Protection	33 281
Beneficiary of Temporary Protection	29 978

3. LEGAL MIGRATION

As for legal migration, Hungary still emphasises the national competence to decide on its extent. Legal migration is not regarded as a solution to the demographic, social and economic challenges of the country.

According to the data of the Hungarian Central Statistical Office, there were 202 525 non-Hungarian nationals residing in Hungary in 2021 (compared to 194 491 in 2021). The vast majority (131 431 persons) of them were nationals of European countries, mostly EU/EEA nationals. The number of nationals was 55 000 from Asian countries 7 454 from the Americas, 8 028 from Africa and 612 from Australia and Oceania.

Since 1st January 2022, the purposes of residence permits have been expanded with one more purpose: White Card.

White Card shall be issued to a third-country national:

- a) who is engaged, as verified, under contract for some form of employment in a country other than Hungary, and who works from Hungary using advanced digital technology, or holds a share in a company with a verified profit in a country other than Hungary, and performs his/her work or manages his/her company from Hungary using advanced digital technology;
- b) who is able to meet the general conditions for residing in Hungary, and who is not subject to the grounds for exclusion under law; and
- c) who is not engaged in any gainful activity in Hungary, and does not hold a share in a Hungarian company.

The white card is valid for one year and can be renewed for another year. The white card does not provide basis for family reunification and does not count for permanent residency.

4. UNNACOMPANIED MINORS AND OTHER VULNERABLE GROUPS

No significant developments to report.

5. INTEGRATION

No significant developments to report.

6. CITIZENSHIP AND STATELESSNESS

No significant developments to report.

7. BORDERS, SCHENGEN AND VISAS

The Hungarian government issued a decree stating that all those fleeing from Ukraine will be provided entry. A new application for handheld devices had to be also developed allowing the issuance of certificates of temporary residence at border crossing points. Those who had travel documents entitling them to enter and stay in Hungary and did not need further assistance could travel on from the border crossing points independently according to their destination.

The police also entered those whose travel documents are inadequate, expired, incomplete or did not have any. They were registered at the border crossing points by the police and were provided with the certificate, which guaranteed a legal stay in Hungary for 30 days. The police, together with the cooperating authorities, the charity organizations and the local governments also helped those who were unable or unwilling to travel on and need accommodation and care.

9. IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

A new cooperation agreement with Austria, next to the existing forms of cooperation (focused actions, joint patrols, common control of international trains crossing the internal border), was drafted in order to strengthen the fight against illegal migration and to boost public confidence.

Serbia agreed with Hungary and Austria to deploy more joint police patrols along its southern borders to stem the flow of illegal migrants to the West through the Western Balkans. In Hungary, a police contingent equipped with technical means and vehicles were set up in December to get ready for the deployment in January 2023.

On 1 August 2022, a new border protection body dealing with border patrol issues (border traffic control and border surveillance) was created within the Rapid Response and Special Police Service to guarantee border security. In the first step, a total of 2,200 border patrols will be trained and assigned to protect the borders, to be followed by expanding the force to 4,000. In 2022, more than 900 border patrols commenced the service at the Hungarian-Serbian border section. The task of them was border surveillance. Hungary continues to see a permanent increase in the number of illegal border crossers. Violent acts by migrants and human smugglers, including armed border crossings are frequent. Group crimes committed by young men have become typical and internationally dangerous persons have appeared in the region.

10. TRAFFICKING IN HUMAN BEINGS

The National Anti-Trafficking Strategy for 2020–2023 provided for the development of an identification methodology in case a victim of trafficking is accompanied by the presumed perpetrator (or an accomplice to the crime). Such a situation poses obstacles to conducting the identification interview and may occur, for instance, during administrative procedures (e.g. application for social security benefits, residence permit), banking or medical appointments.

The “Methodology for Identifying Victims of Trafficking Accompanied by the Presumed Perpetrator” was completed after extensive consultations with domestic and international stakeholders in 2022; later it was published on the governmental microsite of the fight against trafficking in human beings ([access link](#)).

11. RETURN AND READMISSION

Any third-country national arriving from Ukraine may take part in the AVRR programme of IOM and if needed, support from NDGAP can also be obtained (e.g.: NDGAP can purchase the tickets via FRONTEX Humanitarian returns). These possibilities have been advertised by NDGAP (on its website, posters,) and several foreign representations have been offered support.

12. TEMPORARY PROTECTION

In Hungary, Government Decree No. 86/2022 has implemented the Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.

In view of the war situation, the Hungarian Police has carried out relaxations for incoming passengers at the Hungarian-Ukrainian and Hungarian-Romanian borders. Accordingly, at the Hungarian-Ukrainian state border - even in the absence of entry conditions - and at the Hungarian-Romanian state border, all persons who are Ukrainian citizens or who can prove that they were legally present in Ukraine before 24 February 2022 shall be entered and who indicate at the time of entry that they are fleeing from the war. A certificate of temporary residence is issued by the Hungarian Police to all third-country nationals who travel to Hungary lack of entry conditions. The certificate is valid for 30 days and the third country national must be appeared at the National Directorate-General for Aliens Policing within the period.

Accommodation of persons fleeing Ukraine is provided by the Directorate General for Disaster Management (Hungary), not by the asylum authority, because of the high number of refugees. Several NGO's are also accommodating persons fleeing the war.

Applicants for temporary protection and beneficiaries of temporary protection may take a job without a permit. A Ukrainian national who is not entitled to temporary protection but who is granted tolerated status may work in Hungary without a permit if (s)he works in one of the occupations specified in the shortage occupation positions' list.

Beneficiaries of temporary protection are entitled to free health care until the expiry date of their protection, if they are not covered by social security. Persons with special needs are entitled to special care and hospital care not only in case of urgent need (e.g. unaccompanied minors, elderly, disabled, pregnant women).

Beneficiaries of temporary protection are entitled to monthly subsistence allowance for both adults and children. Payment is conditional on the person's fulfilment of his/her obligation to appear before the district government office every month, where they will be offered a job, if the person cannot find any employer for himself/herself.

The Hungarian law enforcement provides the opportunity that every person can travel back to Ukraine without restriction anytime. People who voluntarily return to Ukraine do not lose their beneficiary of temporary protection status, only if they renounce it.
