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# The Application of the Temporary Protection Directive: Challenges and Good Practices in 2023

## Common Template for an EMN Study

**Subject: EMN study "The Application of the Temporary Protection Directive: Challenges and Good Practices in 2023"**

# The Application of the Temporary Protection Directive: Challenges and Good Practices in 2023

## NATIONAL CONTRIBUTION FROM HUNGARY

### SECTION 2. LEGAL STATUS

*Legal Pathways and Transition from Temporary Protection to Other Types and Forms of Residence or Protection*

1. Is it possible for beneficiaries of temporary protection residing in your Member State to apply for other types of residence permits/visas/authorization of stay (e.g. a residence permit for work, family, study or other purposes)? If yes, please specify if this is in addition or as an alternative to temporary protection?

**Yes, it is possible for a person enjoying temporary protection to apply for a residence permit – by substantiating the relevant conditions – for one of the purposes of residence defined in the legislation (e.g. work, study, family reunification.). This is a new residence permit.**

2. If yes to Q1, are there any special procedures, lowered requirements, dedicated programmes or similar practices in place to assist in obtaining those residence permits/visas/authorization of stay?

**There are no special provisions or lowered requirements for beneficiaries of temporary protection in relation to applications for residence permits under question 1.**

3. If yes to Q1, in the event of granting of such residence permits/visas/authorization, what happens with temporary protection and/or the access to rights/facilities/benefits provided under temporary protection?

**According to the Hungarian legislations in force, it is possible to reside in Hungary with one legal title at the same time. This basic principle is enshrined both in Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (Article 1, paragraph 7) and in the Act LXXX of 2007 on Asylum (Article 1, paragraph 3).**

**If, for example, a person with a residence permit for work or study purposes applies for temporary protection, his residence permit will be withdrawn (if it is approved). Similarly, a person granted asylum can only obtain a residence permit for work, study, etc. if he renounces temporary protection.**

**If the third-country national who has the right of residence obtains a residence permit under another title in addition to the existing title, the aliens policing authority shall cancel the residence permit issued under the previous title.**

4. What is the procedure followed by your Member State when a person to whom temporary protection is applied submits an application for international protection? (a) if they already have been registered as a beneficiary of temporary protection and (b) if they have not (yet) been registered as a beneficiary temporary protection.

**General rules apply, in line with the Hungarian legislation on asylum**

5. Has your Member State encountered any challenges\* with persons claiming to be fleeing the war in Ukraine who do not fall under the scope of temporary protection established by the Council Implementing Decision?

*\*For each challenge please: a) describe for whom it is a challenge; b) indicate why it is mentioned as a challenge, and c) indicate the source / evidence for the challenge.*

**Third-country nationals who had a residence permit in Ukraine, e.g. for the purpose of study, posed such a challenge.**

6. If yes to Q5, please explain how such challenges were addressed and/or what are the legal remedies available for such persons.

**For such persons, Hungary has provided the possibility to apply for a residence permit for other purposes, such as studies or other purposes.**

*Traveling to other Member States and outside the EU*

7. What, if any, is the mechanism in your Member State to track the movement of the beneficiaries of temporary protection who are travelling to (i) other Member States and (ii) outside the EU?

**There is no such mechanism. The Hungarian authorities do not monitor the travel of beneficiaries of temporary protection after their application.**

8. What happens to temporary protection and the related benefits provided when the person travels outside your Member State to (i) another Member State\* and (ii) outside the EU, including to Ukraine?

**In the case of persons granted temporary protection by the Hungarian asylum authority, the fact of travelling does not affect the status of temporary protection. However, beneficiaries of temporary protection (recognised by the Hungarian asylum authority) can claim the benefits that beneficiaries of temporary protection are entitled to in Hungary.**

**Pursuant to Articles 2(c) and 6(2) of Council Directive 2001/55/EC, until the applicant for recognition as beneficiary of temporary protection and the beneficiaries of temporary protection are able to return safely and permanently to their country of origin, their entry to and return from Ukraine is not sanctioned by the Hungarian asylum authority.**

9. Do national authorities in your Member State have knowledge of any challenges\* encountered by beneficiaries of temporary protection in re-entering the EU or your Member State specifically when coming back from Ukraine or other Member States? If so, why is it considered a challenge and according to which national authority? How has this been addressed by your Member/Observer State?

*\*For each challenge please: a) describe for whom it is a challenge; b) indicate why it is mentioned as a challenge, and c) indicate the source / evidence for the challenge.*

**The Hungarian asylum authority does not have knowledge of any challenges.**

### *Temporary Protection Registration Platform (TPP)*

10. How and to what extent has your country made use of the TPP during the research period?

**On a case-by-case basis, to determine whether the applicant for temporary protection has been recognised in another Member State.**

11. Has your country encountered any (i) challenges and (ii) good practices in the use of the TPP? Please elaborate and specify why it is considered a challenge and according to whom this is a challenge/good practice.

**No**

12. Does your country upload in the Platform the identity of the adult persons accompanying "separated" children arriving from Ukraine, and respectively, of guardians appointed in Ukraine before departure?

**There is no search function for this type of data in the Platform.**

### *Assistance to people wishing to go home (back) to Ukraine*

13. Does your Member State provide support for the beneficiaries of temporary protection who wish to go home (back) to Ukraine? If so, please elaborate.

**No direct support.**

**At the same time, beneficiaries of temporary protection are entitled to free travel at trains of the national railway company. By train, beneficiaries are able to travel to the border crossing of Záhony at no cost.**

14. Has your Member State observed any trends in terms of outflows of beneficiaries of temporary protection? If so, please elaborate.

**No significant changes were yet observed.**

### *Registration*

15. Have there been any major legal, policy or practical changes regarding registration of beneficiaries of temporary protection during the research period\*? If there were any, please elaborate.

**No.**

16. What procedure was used to extend the validity of documentation based on temporary protection after the first year? Please elaborate on the process.

**Pursuant to Section 1 of Government Decree No 58/2023 (28 February) amending Government Decree No 86/2022 (7 March) on emergency rules relating to persons recognised as eligible for temporary protection, and on the different application of the rules of Act CVI of 2011 on public employment and the amendment of other acts related to public employment and other acts, the validity date of the document (residence permit) certifying the identity and right of residence of foreign nationals who fled the Russian-Ukrainian war and are recognised as beneficiaries of temporary protection shall automatically change to 4 March, 2024.**

**Pursuant to the above legal provision, the validity of the residence permit document issued for beneficiaries of temporary protection is 4 March, 2024 by force of the law regardless of the date being indicated as '4 March 2023' on the document.**

**Concerning these documents no further actions are required from clients with the status of beneficiary of temporary protection or from the asylum authority.**

17. What challenges\*\* did your Member State encounter in the registration process and how were these addressed/planned to be addressed during the research period? Were there any good practices?

**A challenge is posed by people who arrive without documents because they cannot prove their Ukrainian citizenship.**

### **SECTION 3. ACCESS TO RIGHTS PROVIDED BY THE TEMPORARY PROTECTION DIRECTIVE**

#### *Accommodation*

18. Have there been any major legal, policy or practical changes regarding access to accommodation for beneficiaries of temporary protection during the research period\*? If there were any, please elaborate. Are there any changes foreseen in the way access to suitable accommodation or the means to obtaining housing is arranged?

**There were no significant changes in the accommodation of beneficiaries of temporary protection during the research period.**

**Based on our experience, the majority of beneficiaries of temporary protection stay in private accommodation (friends, acquaintances, relatives), and accommodation providers providing accommodation under agreements with local municipalities and ministries or protection committees were entitled to government subsidies for each Ukrainian admitted and accommodated for a longer or shorter period of time during the research period, based on Government Decree 104/2022 (12.III.). As of 15 September 2023, the Government (unlike previously) will provide financial support from budgetary sources for the accommodation and care of recognised beneficiaries of temporary protection to the employers seekers, rather than to accommodation providers. In addition, in the case of certain vulnerable groups (minors under 18 years of age, their parents living in the same household, persons over 65 years of age, pregnant women and disabled persons), local authorities and accommodation providers who have concluded an agreement with the Ministry or the Protection Committees will continue to be entitled to receive support under the above-mentioned legal provision.**

**Persons excluded from the scope of support by the government decree (not employed, not protected) are accommodated by the National Directorate-General for Aliens Policing and the Hungarian Charity Service of the Order of Malta. Thus, for those who are unable to find accommodation and support themselves, the state can provide accommodation and basic services.**

19. What were the key challenges\*\* in your Member State in providing access to suitable accommodation or the means to obtaining housing to beneficiaries during the research period? How were these challenges addressed/planned to be addressed and are there any good practices?
20. Have these challenges changed since the initial arrival of beneficiaries of temporary protection in 2022?

**No significant challenges identified, as reception capacities were not fully used during the time period.**

### *Labour Market*

*\*Please note that an EMN Inform is being developed on the labour market integration of beneficiaries of temporary protection which will explore this topic in further detail and complement the information collected*

21. Have there been any major legal, policy or practical changes regarding access to the labour market for beneficiaries of temporary protection during the research period\* (e.g. concerning the conditions and procedures for (self-)employment such as labour market tests, work permits, access to regulated professions, etc.)? If there were any, please elaborate.

**There has been no change during the period of the survey in the fact that the employment of applicants for recognition as beneficiary of temporary protection and the beneficiaries of temporary protection is permit-free and their employment is supported by the government through active employment policy instruments.**

22. What were the key challenges\*\* that your Member State encountered in (i) providing access to (self-)employment during the research period (e.g. in connection with the issuance of work permits, access to regulated professions and/or other conditions) and (ii) providing measures facilitating employment and labour market activation, such as vocational training, language courses, training or integration assistance for adult beneficiaries of temporary protection?
23. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges? *\*The research period is from 1<sup>st</sup> January 2023 to 1<sup>st</sup> July 2023.*

**No significant challenge reported by the authorities**

## Healthcare

24. Have there been any major legal, policy or practical changes regarding access to healthcare (including mental health support) for beneficiaries of temporary protection during the research period\*? If there were any, please elaborate.

**No changes in access to health care during the research period.**

**The applicants for recognition as beneficiary of temporary protection and the beneficiaries of temporary protection are entitled to the following free health care services, if not covered by social security: primary care, emergency specialist care and hospital care, prenatal care, obstetric care, public health care (medicine), oncology and other chronic care, emergency dental care and dental prosthodontics. Persons requiring special treatment (e.g. unaccompanied minors, elderly, disabled, pregnant women) are entitled to specialist and hospital care not only in case of urgent need. Mental health care can also be provided under the health care scheme.**

25. What were the key challenges\*\* in your Member State in providing access to medical care to beneficiaries of temporary protection during the research period?

**Based on consultations with the relevant managers of the National Health Insurance Fund Management Office, we are aware that many asylum seekers from the border region who are residing or living in Ukraine are coming to Hungary to seek health care.**

26. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

**Access to health is adequately provided.**

## Education

27. Have there been any major legal, policy or practical changes regarding access to education for beneficiaries of temporary protection during the research period\*? If there were any, please elaborate.

**Access to education has not changed substantially over the research period. From the outbreak of the war onwards, the law has ensured access to public education for children in shelters. Accordingly:**

**As of the date of application for recognition beneficiaries of temporary protection, applicant children are entitled to participate in kindergarten, school education and education under the same conditions as Hungarian citizens, and are also subject to compulsory schooling from that date. Applicants and beneficiaries**

**of temporary protection are also entitled to free institutional and holiday childcare under Act XXXI of 1997 on the Protection of Children and Guardianship Administration (hereinafter: Gyvt.) for 6 months from the date of submission of the application, and to institutional childcare thereafter in case of social need under the rules of the Gyvt.**

28. What are the key challenges\*\* and barriers in your Member State during the research period in providing access to primary and secondary education to persons under 18 years old (including measures facilitating the possibility to follow the online Ukrainian curricula)?
29. What steps have been taken to address these challenges, and are there any good practices in responding to the challenges?

**The challenge of lack of knowledge of the Hungarian language is the most significant. To address this challenge, the Hungarian Government introduced a free language and socialization class within the public school system.**

**In addition, two public schools specially for Ukrainian children opened in Budapest and Nyíregyháza.**

#### *Social Assistance/welfare*

- 30.
31. Have there been any major legal, policy or practical changes regarding access to social assistance for beneficiaries of temporary protection during the research period\*? If there were any, please elaborate.
- There are no significant changes during the research period.**
32. What are the key challenges\*\* and barriers in your Member State in providing access to social assistance/welfare for beneficiaries of temporary protection during the research period?
33. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

## **SECTION 4. VULNERABLE GROUPS**

### *Support for vulnerable groups*

34. What are the key challenges\*\* in your Member State in (i) identifying vulnerable persons under the TPD and (ii) providing them the necessary assistance and support during the research period\*?
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35. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?



### Support for UAMs, separated children, and children accompanied by UA guardians

36. What are the key challenges\*\* in your Member State in providing assistance to UAMs, separated children, and children accompanied by a guardian appointed in Ukraine? (e.g. recognition of guardianship, appointment of accompanying adult as a temporary guardian, accommodation and care conditions for individual children accompanied by guardians; monitoring the situation, etc)

**There were no significant number of unaccompanied minor applicants in Hungary and we did not encounter any challenges with children arriving with guardians appointed in Ukraine.**

37. Does your Member State host groups of children evacuated from Ukrainian institutions? If so, how many children were hosted during the research period? Please describe the type of accommodation and care that are offered to this category of children.

**No institutional evacuations took place from Ukraine with regard to Hungary.**

### Prevention of trafficking in human beings

38. What particular steps were taken in your Member State to protect people fleeing Ukraine and, especially, UAMS, from trafficking in human beings during the research period\*?

***In connection with the refugee crisis in Ukraine, a consultation meeting was held on March 29, 2023 with the participation of the Border Traffic and Documentation Department of the Border Police Department of the National Police HQ, the Criminal Department of the National Police HQ General Directorate of Crime and UNICEF, during which, among other things, the possibility of cooperation was discussed, in particular in the field of child protection and the protection of vulnerable groups of children fleeing from Ukraine, and in relation to the identification of victims of human trafficking.***

***The creation of the coordinator network related to the fight against human trafficking has begun, and as a first step, the initial coordinator meeting was held on April 27, 2023 in Szabolcs-Szatmár-Bereg County. The purpose of the program is making contact and joint communication with NGOs and support services operating in each county. Representatives of the justice, guardianship and labour department of the Government Office, the Victim Support Centre, the Nyíregyháza municipality, the hospital staff, the Civil Guard, local NGOs and churches were also invited to the meeting.***

***In the framework of the National Document Literacy Training, on May 16, 2023, the independent law enforcement consultant of the International Migration Policy Development Centre, the Family-Friendly Hungary Centre Non-profit Public Benefit Ltd., the head of***

**the National Crisis Management and Information Telephone Service, as well as Frontex's expert in the fight against human trafficking, held a speech. At the event, the head of the Anti-trafficking of human beings Department of the International Crime Department of the National Investigation Agency also gave a presentation on the domestic and international criminal situation of human trafficking, the indicators of human trafficking and the impact of the Russian-Ukrainian war on the international phenomenon of human trafficking.**

**On July 30, 2023, representatives of the Ministry of the Interior, the Ministry of Justice, the Ministry of Culture and Innovation, the Prime Minister's Office, the National Crime Prevention Council, the National Hospital Directorate General and the National Police Headquarters signed a cooperation agreement, with the intention of coordinating their activities in the National Victim Assistance Coordination Mechanism (hereinafter referred to as "NÁKOM"), which is established under the Ministry of Justice, under the Government Decree 182/2022 (24 May) on the tasks and powers of the members of the Government, in order to ensure a broader enforcement of the rights of victims of crime and property offences (hereinafter referred to as "victims") and a more efficient implementation of victim assistance. NÁKOM's goal is to make the system of victim assistance more efficient and complete in a coordinated manner with the cooperation of the Parties, as well as the performance of tasks aimed at preventing victimization.**

**In the first half of 2023, the Hungarian Police, under the leadership of the Anti-trafficking of human beings Department of the National Investigation Agency, got involved in the criminal priority of EMPACT's new policy cycle against human trafficking starting in 2022, within the framework of which Hungarian criminal experts participated in several international meetings, conferences, as well as joint action days and operations.**

**In its task plan for the crime priority against human trafficking adopted for the year 2023, EMPACT includes 3.2 within strategic objective No. 3. defines the organization, coordination and implementation of EMPACT Action Days against all forms of exploitation for the purpose of work (including serious violations related to employment) for the identification and liquidation of organized criminal groups and criminals, as well as cooperation with the European Labour Authority and Europol and in order to strengthen joint actions. In 2023, the action will also pay special attention to the potential exploitation of persons temporarily displaced from the territory of Ukraine due to the war situation.**

**As UAMS belong to a particularly vulnerable group, it is especially necessary to investigate whether the child is at risk of becoming a victim of human trafficking.**

**For the most vulnerable groups who require special treatment special procedural rules apply, during which the specific needs of these persons are taken into account.**

**In case of UAMs, the National Directorate-General for Aliens Policing registers the minor's personal data as fully as possible, and if the minor is accompanied by an adult other than the parents, and in view of which it does not seem necessary to integrate the minor into the child protection system, the exact address and all contact data of the adult and the minor will be properly recorded in order to reach the minor later and follow up his/her case.**

**The system of governmental guardianship for unaccompanied minors ensures that the best interests of the child are taken into account from an early stage of each procedure.**

**UAMs are immediately placed in the child protection institutes where properly trained specialists take care of them.**

39. What are the key challenges in your Member State in relation to trafficking in human beings?

**The National Police Headquarters has not received information about beneficiaries of temporary protection/displaced persons from Ukraine who became victims of human trafficking.**

**In connection with human trafficking Hungary has adopted strategy.**

***In February 2020, Government Decision No. 1046/2020 adopted Hungary's National Anti-Trafficking Strategy for 2020–2023. It sets out the main priorities and areas of intervention for a longer period, while the detailed measures (responsible bodies, means and indicators of implementation, funding, deadline) are included in action plans. The Action Plan for 2020–2021 was published together with the Strategy, while the Action Plan for 2022–2023 was adopted by Government Decision No. 1228/2022 in April 2022.***

***The two Government Decisions allocated for the implementation of the Strategy HUF 609.5 million in 2020–2021 and an additional HUF 353 million in 2022–2023. Besides, each ministry and other state body implements measures from its own budget. As highlighted in the Action Plans, some other programmes are being funded by the European Union with domestic co-financing, and from 2023 the financial support of the Swiss–Hungarian Cooperation Programme II will also be available to further enhance the fight against human trafficking.***

***The Action Plan for 2020–2021 of the National Strategy has ordered a comprehensive review of Government Decree No. 354/2012 on the***

***In addition, the Ministry of Interior drew up a detailed victim referral protocol during 2021, published as a new Annex to Gov. Decree 354/2012.***

***In 2017, the Ministry of Justice started to develop a network of Victim Support Centres as an additional low-threshold assistance. 11 new Victim Support Centres have been established since then in the county capitals and Budapest until the end of 2022.***

40. How were these challenges addressed/planned to be addressed and are there any good practices in responding to the challenges?

***In order to proactively carry out investigations into the crime of human trafficking and forced labour, the Crime Department at Criminal Directorate of National Police HQ produced an educational film that presents the phenomenon of human trafficking, the specifics of the investigations, and the necessary procedural steps. The film is available to the entire police force on the MyPolice internal website. In addition, the Criminal Department continuously publishes criminal information related to human trafficking on the intranet, and makes professional materials and standards related to the phenomenon of human trafficking available to all police officers in order to promote high-level professional activity.***

***In addition to the central trainings, the county police headquarters also conduct education and training for their own police staff. In the trainings, which cover various topics, the presentation of the phenomenon of human trafficking and the recognizing of characteristics of the crime are also part of the lectures.***

***In order to increase the efficiency of criminal proceedings, the Ministry of the Interior launched a series of attitude-shaping trainings, which were occasionally attended by designated investigators, prosecutors and judges from 2-3 counties. The presentations usually presented the sociological and criminological characteristics of human trafficking, the amended Criminal Code, the rules for the application of special treatment, and also the functioning of the victim support system. The main added value of the training is the so-called small group case processing, during which the participants in the criminal proceedings can get to know each other's way of thinking and difficulties better, which allows human trafficking cases to move more effectively from the investigation department to the indictment and final judgment. The seven events held between 2019 and 2021 covered all the counties of the Hungary, with a total of 125 people participating.***

**The officers of the National Directorate-General for Aliens Policing both in fields of asylum and immigration law pay special attention to the identification of possible victims of human trafficking.**

**Therefore, even after their registration at the first point of entry, it is crucial to carry out a procedure that takes into account the best interests of the child, and to this end, the National Directorate-General for Aliens Policing works closely with all relevant organizations and bodies involved.**

**The National Directorate-General for Aliens Policing also provides information to the possible victims about the hotlines for victims of human trafficking, and minors are also informed about the YounGo application.**

**Furthermore the information leaflet containing the contact information of the Hungarian crisis centers, organizations providing legal assistance, organizations providing support for victims and organizations operating rehabilitation programs is available in 11 languages.**

**The main goal is to take all necessary actions against human trafficking, to recognize victims, and to exchange information with the relevant bodies.**

## **SECTION 5: CONCLUSIONS**

41. Please synthesize the main and most important findings of your national report by drawing conclusions from your responses, emphasizing on how challenges were addressed and main lessons learnt during the research period in terms of the key research for this Study, including:

- Legal pathways beyond TPD and transition from temporary protection to other types and forms of residence

**According to the Hungarian legislation in force, it is possible to reside in Hungary with one legal title at the same time. This basic principle is enshrined both in Third-Country Nationals Hungary (Article 1, paragraph 7) and in the Act LXXX of 2007 on Asylum (Article 1, paragraph 3).**

**If, for example, a person with a residence permit for work or study purposes applies for temporary protection, his residence permit will be withdrawn (if it is approved). Similarly, a person granted asylum can only obtain a residence permit for work, study, etc. if he renounces temporary protection.**

- Traveling of beneficiaries of temporary protection

**In the case of beneficiaries of temporary protection recognised by the Hungarian asylum authority, the fact of travelling does not affect the status of asylum seeker. However, persons recognised as beneficiaries of temporary protection by the Hungarian asylum authority can claim the benefits entitled to beneficiaries of temporary protection in Hungary.**

**Pursuant to Articles 2(c) and 6(2) of Council Directive 2001/55/EC, until the applicants for recognition as beneficiary of temporary protection and the beneficiaries of temporary protection are able to return safely and permanently to their country of origin, their entry to and return from Ukraine is not professionalised by the Hungarian asylum authority.**

- Assistance to people wishing to go home (back) to Ukraine

**In the case of persons granted temporary protection by the Hungarian asylum authority, the fact of travelling does not affect the status of temporary protection. However, beneficiaries of temporary protection (recognised by the Hungarian asylum authority) can claim the benefits that beneficiaries of temporary protection are entitled to in Hungary.**

**There is no specific support mechanism for people who wish to return to Ukraine.**

- Registration

**In the registration process a challenge is posed by people who arrive without documents because they cannot prove their Ukrainian citizenship.**

- Access to rights provided under the TPD, including accommodation, labour market, healthcare, education, social assistance and support for vulnerable groups

**Hungary ensured access to the rights granted by the Temporary Protection Directive during the research period.**

**The possibility to work in any occupation is available to all applicants for recognition as beneficiary of temporary protection and the beneficiaries of temporary protection without further authorisation.**

**For those who cannot manage their accommodation and self-sufficiency, the state can provide accommodation and basic services.**

**Shelters provided by protection committees have contributed to overcoming humanitarian challenges through their location and capacity, and in a way that supports integration and labour market inclusion.**

**Primary and emergency health care, chronic care, specialised oncology care, full health care for persons with special needs, free of charge, are available to applicants for asylum and to persons with refugee status. Mental health care is also organised as part of the health care system.**

**In the field of education and training, our clients who apply for temporary protection or are granted temporary protection have the same rights and obligations as Hungarian citizens, including free elements such as meals.**

**As long as the foreigner is not able to find a job in the labour market and thus become self-sufficient, the State, through the National Directorate-General for Aliens Policing, will provide him/her with regular subsistence support. In the case of adults, this is calculated in accordance with the rules for employment substitution allowances, i.e. HUF 22,800 per person per month. For minors, the allowance is equal to the family allowance, i.e. HUF 13 700 per person per month. Those who cannot find a job on their own may be offered a job through the public employment scheme as a client of the competent employment organisation.**