



Input by civil society to the EASO Annual Report 2016

EASO has started production of the Annual Report on the Situation of Asylum in the European Union 2016, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). The report will be finalised by collecting information from EU+ countries, civil-society stakeholders, UNHCR and other relevant sources on main developments in asylum policies and practices of EU+ countries in 2016.

Previous reports can be consulted on EASO's website: <https://www.easo.europa.eu/information-analysis/annual-report>

We would kindly like to ask you to provide your **observations**, - preferably bullet points to facilitate further processing of your input - **on developments in asylum law or practice in 2016 (and early 2017) in the areas listed below, reflecting the usual structure of the report**. Observations may concern national practices of specific EU+ countries or the EU as a whole.

The EASO Annual Report will not describe the national asylum systems in detail but present key developments in 2016, including **improvements and new/remaining concerns**. The topics listed below reflect the structure of chapter 4 of the EASO report on the 'Functioning of the CEAS'. We kindly ask all contributors to provide brief summaries only on those topics/issues that have seen important **improvements/deterioration as well as new concerns or where previous relevant concerns remained in 2016**.

Please bear in mind that the EASO Annual Report is a public document. Therefore, your input should be, whenever possible, supported with references to written sources to ensure transparency. That can be done by providing links to any documents such as position papers, important press releases, studies, comments, input to the other reports, public statements to government programs, etc.

While EASO endeavours to cover all relevant developments and strives to include as many references as possible, the final content of the EASO Annual Report remains bound by its terms of reference and volume. Therefore, while all contributions are gratefully received and recognised, EASO may edit contributions for length and clarity and use the submissions to best serve the objective of the Annual Report: to improve the quality, consistency and effectiveness of the CEAS.

Please provide your input by filling in this document (with attachments if required) and emailing it to ids@easo.europa.eu **AND** consultative-forum@easo.europa.eu **by 20 February 2017**.

Within the areas, please highlight the following **type of information**:

- NEW positive developments; improvements and NEW or remaining matters of concern;
- Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.
- Please use the topics listed below as a guide to providing input for each section. **DO NOT** provide information unrelated to relevant new developments.

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1) Access to territory and procedure

During the summer of 2015 Hungary has constructed a barbed-wire fence first along the 175-kilometre long the Serbian-Hungarian, then at the Croatian-Hungarian border, with the explicit aim to divert refugee and migration flows. Since the completion of the fence along the Serbian border on 15 September 2015, entering Hungary through the border fence has become a criminal act in violation of Article 31 of the 1951 Refugee Convention¹. Two transit zones were created along both the Serbian (Röszke and Tompa) and Croatian border (Letenye and Beremend) sections where immigration and asylum procedures are conducted.

The importance of the Röszke and Tompa transit zones along the Serbian-Hungarian border has **significantly increased** since these two entry points remain the only way to enter Hungary from Serbia legally and submit an asylum application. Access to the transit zones has been reduced by the authorities several times from 20-30 per day first to 20 people per day in November 2016 and then to 10 people per day in January 2017.

Recent amendments to the Hungarian Asylum Act and the Act on the State Border, which took effect on 5 July 2016, oblige the Hungarian police to automatically escort back to the external side of the border fence any migrants who are apprehended within 8 kilometers of the border fence along the Serbian-Hungarian or the Croatian-Hungarian border. This measure effectively legalized push-backs from Hungarian territory to Serbia and denies migrants and refugees the right to seek international protection, in breach of Hungary's legal obligations under international and European Union law.

As a result of the legalization of push-backs, in the period between 5 July and 31 December 2016, **19,219** migrants were denied access (prevented from entering or escorted back to the border) at the Hungarian-Serbian border. These migrants were not only denied the right to apply for international protection, despite most of them coming from war zones such as Syria, Iraq or Afghanistan, but many of them were also physically abused by personnel in uniforms and injured as a consequence.

2) Access to information and legal assistance

3) Providing interpretation services

4) Dublin procedure

Hungary does not accept responsibility for those asylum seekers who have previously been to Greece and then subsequently submitted an application in Hungary. In line with this policy direction, the Office of Immigration and Nationality (OIN) attempted to resume Dublin transfers from Hungary to Greece in May 2016.²

5) Specific procedures (border, accelerated, admissibility)

6) Reception of applicant for international protection:

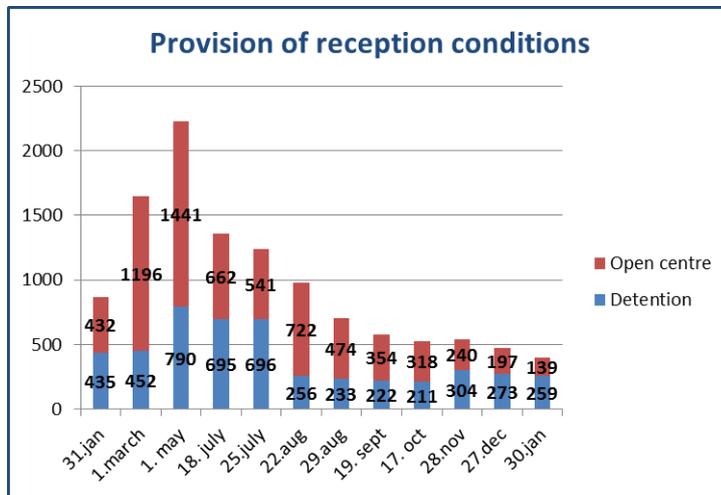
In 2016 following the closure of Hungary's largest reception facility in Debrecen in 2015, the Office of Immigration and Nationality continued replacing permanent reception facilities by closing the most well-equipped reception facility in Bicske with temporary shelters like the tent-camp in Körmend thereby creating poor reception conditions.

¹ In case of asylum-seekers – see also the UNHCR [Summary Conclusions](#) on the interpretation of this provision

² ECRE Weekly Bulletin of 13 May 2016, available online here: <http://www.ecre.org/hungary-to-resume-transfers-of-asylum-seekers-under-dublin-regulation-to-greece-in-overall-climate-of-human-rights-repression/>

7) Detention:

There is an increase in the number of asylum seekers in detention in 2016. When comparing the number of asylum seekers accommodated in open reception facilities to the number of asylum seekers in detention, the ratio of asylum seekers in open facilities remains lower than 50 % of all asylum seekers in many months in 2016:



8) Procedures at First instance:

Both the the Hungarian Asylum Act,³ and its implementing Asylum Government Decree⁴ have been modified in 2016. The most important changes in the Asylum Government Decree that stepped into force on **1 April 2016** are:

- termination of monthly cash allowance of free use (monthly HUF 7,125 / EUR 24);
- termination of school-enrolment benefit currently provided for asylum-seekers.

9) Procedures at Second Instance:

10) Availability and use of Country of Origin Information:

11) Vulnerable applicants:

Vulnerable asylum seekers cannot be subject to the border procedure conducted in the transit zones. Despite that, there is no vulnerability assessment at the transit zone and only visibly vulnerable asylum seekers such as pregnant women, families with small children and disabled people are transported to reception or detention facilities inside the country. Those with less visible vulnerabilities such as torture survivors or people with mental illnesses or age-disputed minors have to stay in the transit zone.

12) Content of protection – situation of beneficiaries of protection

The most concerning modifications in the changes of the Asylum Act effective as of **1 June 2016**:

- terminating the newly introduced integration support scheme facilitating the integration of recognized refugees and beneficiaries of subsidiary protection;
- introducing mandatory and automatic revision of the refugee status at minimum 3 year intervals following recognition or if an extradition request was issued;
- reducing from 5 to 3 years following recognition the mandatory interval for reviewing the status of

³ [Act LXXX of 2007 on asylum](#) – Asylum Act

⁴ [Government Decree 301/2007 \(XI. 9.\) on the implementation of Act LXXX of 2007 on asylum](#) – Asylum Government Decree

beneficiary of international protection beneficiaries;

- reducing the maximum period of stay in open reception centres following recognition as beneficiary of international protection from 60 days to 30 days
- decreasing the eligibility period for basic health care services following recognition from 1 year to 6 months.

As of **July 1 2016** family members of recognized refugees have only three months to start the family reunification procedure under favorable conditions instead of the previously given 6-month period.

13) Return of former applicants for international protection

14) Resettlement and relocation

15) Other relevant developments