

Hungarian Helsinki Committee, National Police Headquarters,
United Nations High Commissioner for Refugees

Access to Territory and Asylum Procedure in Hungary (2011)



TABLE OF CONTENTS

I. INTRODUCTION	3
II. BORDER MONITORING PROJECT	3
II.1. Implementation of Activities Related to the Access to Territory and Asylum Procedure	3
II.2. Methodology of border monitoring	4
III. THE LEGAL FRAMEWORK OF ACCESS TO TERRITORY AND ASYLUM PROCEDURE	5
III.1. General Legal Framework	5
III. 2. Respect for the Principle of Non-Refoulement and Article 33 of the 1951 Geneva Convention	6
IV. DESCRIPTION OF MONITORED FACILITIES	7
IV.1. Locations Monitored	7
V. OBSERVATIONS ON THE INTERNATIONAL CO-OPERATION	8
VI. MONITORING AND ASSESSMENT: FINDINGS	9
VI.1. Exercising the Right to Asylum in Practice	9
VI.2. Statistical Data	10
VI.3. Serbia as safe third country	12
VI.4. The Right to Interpretation	13
VI.4. Protection of Asylum Seekers with Special Needs	13
VI.4. Implementation of Article 31(1) of the Geneva Convention	14
VII. CONCLUSIONS AND RECOMMENDATIONS	16
VII.1. Interview in the So-called Simple Cases	16
VII.2. Application of the Principle of Non-Refoulement and Article 33 (1) of the Geneva Convention	16
VII.3. Application of the Rights of the Child in cases of unaccompanied minors	16
VII.4. Consistent Application of Article 31 of the Geneva Convention	16
VIII. ANNEXES	18
1. The Cooperation Agreement	18
2. Statistical Data	18
3. List of Monitoring Visits	18
4. Map	19

Written by dr. Júlia Iván, dr. László Balázs, Katalin Varga-Szabó
Proofread by dr. Ágnes Ambrus and Elizabeth Floyd
Graphic design by fortin&Bras Studio (gromek)

Published by dr. Márta Pardavi, Hungarian Helsinki Committee

Bajcsy-Zsilinszky út 36–38.
H–1054 Budapest, Hungary
Tel/fax: (+36 1) 321 4323, 321 4141
www.helsinki.hu

I. INTRODUCTION

This report summarizes the experiences gathered in 2011 in the course of the project “Asylum Seekers’ Access to Territory and Asylum Procedure in the Republic of Hungary” (hereinafter referred to as the Border Monitoring Project).

The Border Management and Protection of Refugees Project continued to be implemented in 2011 according to the tripartite agreement (Tripartite Agreement) concluded on 28 December 2006 by the Hungarian Helsinki Committee (HHC), the National Police Headquarters (Police) and the United Nations High Commissioner for Refugees (UNHCR).

The report is based on individual border monitoring visits and gives an account of the events and activities organized by the parties of the Tripartite Agreement. The report does not include an explanation of the rights of foreigners, or an account of the protection offered by those police facilities visited, as the detailed description of these are included in the report on the program’s first year in 2007.¹

In accordance with the Tripartite Agreement, the parties met three times in 2011 under the framework of the Working Group created by Chapter V, Section 1 of the Tripartite Agreement (“Working Group”) to evaluate the Project’s experiences.

The parties continued to place great importance on tripartite cooperation efforts, as well as the joint assessment of practical issues and maintenance of a professional working relationship, as it facilitates efficient cooperation among the parties implementing the Agreement. It also results in the effective exchange of information and positively influences the practice of the collaborating parties.

The cooperation on border monitoring in Hungary has been recognized as an exemplary practice across Europe and has been cited as a positive development at several international meetings. Since the signing of the Agreement in December 2006, it has served as a basis for regulations concerning border monitoring cooperation arrangements between civil society organizations and the authorities in many European countries. Similar agreements have been concluded in Slovakia (2007)², Slovenia (2008), Romania (2008), Poland (2009) and Bulgaria (2010).

The conclusions and recommendations of the 2011 report have been prepared by the Hungarian Helsinki Committee and the UNHCR Regional Representation for Central Europe. The Police’s supplementary remarks were added later, but they also constitute part of the conclusions of the present report.

In line with previous years’ practice supplementary remarks of the Police to the findings are set in bold, italicized font.

II. BORDER MONITORING FRAMEWORK

II.1. Implementation of Activities Related to the Access to Territory and Asylum Procedure

Under the Tripartite Agreement, attorneys contracted by the Hungarian Helsinki Committee monitored three sections of Hungary’s borders: the Ukrainian–Hungarian border, the Serbian-Hungarian border, and the Budapest Liszt Ferenc International Airport.

In general, police officers at all border checkpoints and field offices were consistently very cooperative with the HHC monitors. Multilingual brochures produced by the UNHCR and the HHC were regularly displayed in the UNHCR dispensers. The information dispensers also included the contact information of lawyers contracted by the Committee and were displayed at visible locations in all holding facilities as well as in the waiting areas for interview rooms.

The National Headquarters of the Border Guard (Border Guard), the predecessor in title of the Police and the Hungarian Helsinki Committee had signed a cooperation agreement in 2002, based on which the two organizations have developed a close working relationship. Under the 2002 agreement, the HHC’s attorneys can monitor and provide legal assistance in guarded shelters (earlier called “alien policing jails”).

¹ The 2007 report is available here: http://helsinki.hu/wp-content/uploads/Border_Monitoring_Report_2007_HUN_FINAL1.pdf

² In Slovakia a new agreement is under negotiation since the end of 2010

II.2. Methodology of Border Monitoring

According to the Tripartite Agreement, the Hungarian Helsinki Committee carries out border monitoring activities on behalf of the UNHCR at the Serbian–Hungarian and Ukrainian–Hungarian border sections and at Budapest Liszt Ferenc International Airport.

The Hungarian Helsinki Committee contracted three lawyers to pay two monitoring visits per month at any time of day to the border sections. The monitors' tasks included visiting those border sections where police holding facilities for the short-term arrest of foreigners are located, and reviewing police statistics regarding alien policing and asylum procedures which had been initiated or were in progress.

Two days prior to each monitoring visit, the HHC informed the UNHCR and the Police about the planned visit, specifying the venues to be visited and the time of the visit. In case it is necessary, the monitors are allowed to have interpreters with them on the field missions, in such cases a specific authorization is needed for the interpret as well.

In terms of the Tripartite Agreement, the monitoring lawyers could speak to and conduct interviews with foreigners detained for illegal entry or residence. Due to the peculiarities of irregular migration most of these cases took place at the airport, as potential asylum seekers generally arrived to the green border at night when the lawyers did not monitor.³ Monitoring lawyers had access to the official files of foreigners who had been sent back. The files had been made anonymous.

As the police already noted when the Tripartite Agreement was signed, illegal entries in the country usually take place during the night; therefore it is unlikely for the monitoring lawyer to meet persons of their interest during daytime in the border control field offices or at border crossing points. The Tripartite Agreement does not contain any time limits; monitoring activities can be carried out any day at any time after giving prior notice according to the Tripartite Agreement.

In terms of the Tripartite Agreement, the HHC and its monitors were granted access to all holding facilities of the Police and were able to speak with foreigners detained therein. Monitoring lawyers informed the foreigners about the purpose of their visit, and made clear that they were not affiliated with the authorities and that foreigners may freely refuse to speak to them as the conversation was strictly voluntary.

Under the Agreement, the Police ensures that monitors have access to copies of foreigners' official files, organized by nationalities and other previously-specified categories, even if the foreigners had already been removed from Hungary. In such cases, the copies of files had been made anonymous in accordance with data protection law. This provision significantly increased the scope of files the HHC could access even though anonymity prevented the further monitoring of what happened to the foreigners after their expulsion.

The files of formerly detained foreigners are transferred from the police field offices to the archives of County Police Headquarters. Under the Tripartite Agreement, when the HHC sends a notification about an upcoming visit, it can indicate which foreigners' anonymous files it wishes to access at the particular monitoring location.

Under the Tripartite Agreement the HHC monitors send reports to the HHC about each monitoring visit, which the HHC has to forward to the Police and the UNHCR within 15 days of the visit. The Parties to the Tripartite Agreement were permitted to make comments, remarks and suggestions to each report. Reports were usually sent out later than the 15 days deadline in 2011.

The Committee submitted the reports of the monitoring visits with considerable delay; the police received reports in October and November, 2011 and in February, March and April, 2012.

³ Potential asylum seeker is a term used for those foreigners that are in need of international protection and/or are otherwise obviously vulnerable (due to their individual circumstances or their countries of origin) but whose asylum claims are not (yet) articulated or registered. The expression "potential asylum seeker" also stands for those foreigners whose asylum applications went unheard by the police for any reasons.

III. THE LEGAL FRAMEWORK OF ACCESS TO TERRITORY AND ASYLUM PROCEDURE

III.1. General Legal Framework

The Republic of Hungary, as a state party to the United Nations Convention relating to the Status of Refugees, adopted on 28 July 1951 ("1951 Geneva Convention"), and the Protocol relating to the Status of Refugees, adopted on 31 January 1967 ("1967 Protocol"), must respect and implement the provisions of these international instruments. In its Section 65 (1), the fundamental domestic legal source, the Hungarian Constitution provides that the Republic of Hungary shall grant the right of asylum to persons who are considered to be persecuted in their homelands according to grounds enumerated under the 1951 Geneva Convention, in other words, those whose fear of persecution is well-grounded.

The first premise for the protection of persons seeking international protection is that they be allowed to enter the territory of the country where protection is available, and that they have access to the asylum procedure. Regarding irregular migrants not seeking asylum, it is established that the Police must return such persons to an appropriate country as permissible under laws governing expulsion and readmission⁴, as well as returning persons whose expulsion has been ordered by the alien policing authorities or the courts. During these procedures the Police must respect the principle of non-refoulement.⁵

The police is also an alien policing authority, and it is entitled to order the expulsion when the illegal border crossing (or the attempt of such) is detected at the border during border management as defined in Article 2 (9) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and the execution of the expulsion of the third country national is based on a readmission agreement. In any other case of expulsion it is the Office of Immigration and Nationality (OIN), which is responsible, as well as in case the Court orders expulsion and the OIN executes it.. The competent alien policing authority or the Court is obliged to examine whether the prohibition of refoulement applies. The deportation of the expelled person ordered by the alien policing authorities is always carried out by the police, however it is the alien policing authority ordering the expulsion that is liable to examine the prohibition of refoulement.

The return or expulsion cannot be order or executed to a state that is not considered a safe third country or a safe country of origin regarding the individual in consideration, especially when the third country national could be persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, as well as to the territory or the border of a state where there is well-founded fear of exposing the returnee or the expelled third country national to the act defined in Article XIV (2) of the Fundamental Law of Hungary (non-refoulement). Therefore the alien policing authority does not necessarily examine the principle of non-refoulement only regarding the country of origin but also in relation to the country where the authority orders the readmission or expulsion.

Regarding the general legal framework regulating the removal of foreigners and access to asylum an important distinction has to be made. The rights and legal situation of foreigners who wish to seek asylum, but who have not yet submitted an asylum application to the asylum authority, are not governed by the rather detailed rules applicable to asylum seekers. Rather, the relevant legal provisions of the Schengen Borders Code apply⁶, according to which border control agencies may refuse entry into the country and order return.⁷

⁴ Third Country Nationals Act, Section 40 (1)

⁵ Third Country Nationals Act, Section 52 (1): "The immigration authority shall take into account the principle of non-refoulement in the proceedings relating to the ordering and enforcement of expulsion measures."

⁶ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), Official Journal of the European Union, L 105 , 13/04/2006 o. 0001 - 0032

⁷ In the present report the term "return" will be used for acts or procedures where the authority assists the return of an irregularly entering or staying third-country national under Section 40 (1) of the Third Country Nationals Act. "The authority carrying out border checks shall refuse the entry of third-country nationals seeking admission for stays not exceeding three months according to the provisions of the Schengen Borders Code, and shall return such persons - in due observation of its interests"

As almost 14 million people registered to enter Hungary at the external Schengen borders in 2011, it is difficult to interpret the part "...though arriving with the intention of applying for asylum, they haven't lodged the application to the asylum authority yet...". The police decide on the entry or the return of the third country national registering for entry based on the rules of the Schengen border code and the domestic law while taking into consideration all circumstances of the case.

Regarding the legal situation of foreigners under the return procedure, the Third-Country Nationals Act provides only that, in the interest of enforcing return orders, the foreigner must remain in the border area or the airport.⁸ The authorities must ensure basic provisions (accommodation, three meals per day, personal articles) at the premises designated for holding persons under return proceedings.

A detailed analysis of the Hungarian legal framework of alien policing and refugee management exceeds the scope of the current report. The 2010 report summarizes the most important legal changes that became effective on 24 December 2010.⁹ For more details on the general legal framework related to expulsion and repatriation procedures, please consult the report from the first year of the border monitoring project entitled *Asylum Seekers' Access to Territory and to the Asylum Procedure in the Republic of Hungary*.¹⁰

III.2. Respect for the Principle of Non-Refoulement and Article 33 of the 1951 Geneva Convention

Article 33 (1) of the 1951 Geneva Convention sets forth the general principle of non-refoulement:

"No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

In accordance with the relevant international norms, Section 51 of the Third-Country Nationals Act accords with the principle of non-refoulement by declaring when return or the enforcement of expulsion is prohibited.¹¹ The Police is required to contact the Office of Immigration and Nationality (OIN) in cases of doubt concerning the risk of torture or inhuman, degrading treatment the foreigner(s) may face upon return.

However, as previous reports on border monitoring activities¹² have pointed out, return is generally a measure that is enforced within a relatively short period of time, and due to its special procedural characteristics, it is not preceded by a substantive interview. Both the UNHCR and the HHC support the idea of introducing such an interview requirement in the Hungarian alien policing legislation, as through such an interview it would be possible for the Police to gain more information about the reasons why the foreigner left his/her country of origin. In the absence of this substantive interview the authorities are not able to assess non-refoulement grounds in a substantive manner in the course of the return procedure.

The purpose of the return measure is that third country nationals who do not meet the conditions of entering and staying within the Schengen area should not be able to access this territory. The measure however has to be applied in consideration of the obligations of international protection and the principle of non-refoulement.

During the execution of the return the police staff decide individually in each case whether or not the principle of non-refoulement is applicable, based on the available general information, the personal circumstances and the behaviour of the person in consideration. The Hungarian practice is in line with the rules of return of the Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). Based on the Schengen borders code, rapid measures are taken to prevent the entry in the Schengen area of those who do not fulfil the conditions to enter or those who mean a threat to the security of the Member States of the European Community.

⁸ Third Country Nationals Act, Section 41 (1)

⁹ *Asylum Seekers' Access to Territory and to the Asylum Procedure in the Republic of Hungary* (2010) <http://helsinki.hu/wp-content/uploads/Hatarmegfigyelo-program-2010-HU-final-WEB.pdf>

¹⁰ *Asylum Seekers' Access to Territory and to the Asylum Procedure in the Republic of Hungary –Report on the first year of the border monitoring project* (2009) http://helsinki.hu/wp-content/uploads/Border_Monitoring_Report_2007_HUN_FINAL1.pdf

¹¹ Article 3 of the European Convention on Human Rights

¹² Further findings with reference to the implementation of Article 33 of the Geneva Convention can be found in the border monitoring reports of previous years.

The execution of the return measures take place at the border crossing points, where the passengers usually possess some kind of travel document. In each case the police examine whether the returnee is at risk of violation of their human rights on the territory of the neighbouring country or in case of persons arriving at the airport, at the location of the departure. When there is no such risk, the return of the third country national is executed.

In the course of the procedure the person attempting illegal entry is taken into short-term arrest, against which he/she can file a complaint. During the short-term arrest the person is informed about their rights and obligations such as the possibility of requesting legal assistance. The phone number of the legal counsel can be found in each short-term detention facility, as well as the information leaflets of the UNHCR and the Hungarian Helsinki Committee. The police always allow the alien to contact the legal counsel.

The possibility to have recourse to judicial review against the return order is always ensured.

The current regulation of the readmission serves well the purpose of the removal by a rapid measure to the state from where these persons crossed the external Schengen borders to Hungary without meeting the conditions for entry; adequate information and legal redress systems are functioning and enough time is available for lodging an asylum application during the execution of the readmission measure, therefore there was no need to hold hearings for 11 632 persons under return procedure in 2010 and 11 819 persons returned in 2011.

Experience shows that seeking asylum is only possible if communication between the Police and the foreigner permits the latter to express his/her wish to claim asylum in a way that is clear and comprehensible for the Police. The interpreter has a significant role at the first meeting of the foreigner and the authorities, and it is especially important to translate and make records of all the relevant information precisely. While conversing with foreigners, monitors of the Helsinki Committee have often been told that foreigners find it difficult to express their claim for international protection to the authorities in a way that it is correctly interpreted and recorded. Chapter VI of the present report demonstrates practical findings and cases in relation to the respect for the principle of non-refoulement.

The foreigner can express his/her intention to apply for asylum at any stage of the procedure, which will then be registered by the proceeding authority and forwarded to the competent asylum authority.

IV. DESCRIPTION OF MONITORED FACILITIES

IV.1. Locations Monitored

The implementation of the border monitoring project in 2011 concerned three border sections (the Serbian and Ukrainian borders, and the Budapest Ferenc Liszt International Airport) where three lawyers contracted by the HHC carried out border monitoring.

Serbian-Hungarian border section

The HHC's monitor at the Serbian-Hungarian border section visited the following locations as part of the border monitoring activity: Alien Policing Department of the Bács-Kiskun and Csongrád County Police Headquarters, Bácsalmás, Bácsbokod, Hercegszántó, Kelebia and Szeged Border Control Field Offices, and related border crossing points (Tompá, Kelebia, Bácsalmás, Röske, Mórahalom, Tiszasziget).

In general, it can be said that the HHC monitors found satisfactory material conditions in all police facilities they visited. However, there is no short-term holding facility at the border crossing checkpoint at Tompa; only a "room for securing detention" is available. Kelebia is a railway crossing checkpoint with satisfactory material conditions for short-term detention. The Bácsalmás border crossing checkpoint may only be used by Hungarian and Serbian nationals during the daytime, so there were no arrests of third country nationals. In Röske, despite the increase in traffic since the M5 highway has been in place, there is only a small, short-term holding facility with four chairs. It serves as the detention facilities for those persons apprehended at the border whose entry is deemed "problematic." In general, the equipment and cleanliness of these short-term holding facilities are satisfactory.

Ukrainian–Hungarian border section

The HHC’s monitors carried out border monitoring at the Ukrainian–Hungarian border section, visiting the following locations: Alien Policing Department of the Szabolcs-Sztamár-Bereg County Police Headquarters Záhony, Barabás, Beregsurány, Kölcse Border Control Field Offices and related border crossing points (Záhony, Barabás, Beregsurány).

Preceding the accession to the Schengen Area, significant refurbishment work was carried out on Police facilities in 2006. In several locations completely new buildings were erected, with new short-term holding facilities, toilets, and interview rooms. Beds, chairs, and tables are now fixed to the floor in all locations, and bathrooms are “vandal-proof.” Multilingual brochures provided by the UNHCR and the HHC were available in several languages in the premises visited. The HHC replenished the stock of leaflets on several occasions as provided for under the Tripartite Agreement.

Budapest Liszt Ferenc International Airport

The HHC monitor paid border monitoring visits to the premises designated for the temporary detention of persons under return proceedings, located in Terminal 2B (the so-called “small community shelter”). The lawyer also had access to the files of foreigners under the return procedure.

V. OBSERVATIONS ON THE INTERNATIONAL CO-OPERATION

As border monitoring projects have been launched in almost all Central Eastern European countries in recent years, the UNHCR places emphasis on sharing the experience of these projects within the region. The UNHCR organizes regional and bilateral meetings for this purpose, where participants have the opportunity to get acquainted with the results of each other’s work and find solutions for legal and practical problems.

The UNHCR Central European Regional Office and the UNHCR Office responsible for Belarus, Ukraine and Moldova held a regional meeting on 19-22 September, 2011 in Lviv, Ukraine, attended by the representatives of UNHCR, ministries and authorities, police forces and border guards and NGOs that take part in border monitoring. The participants discussed current developments in migration patterns and various practical questions related to the identification and recognition of asylum seekers. As part of the program, the participants visited a border crossing and a holding facility at the Ukrainian-Polish border section.

An international conference was held at Zagreb on 13-14 October, 2011 with the participation of Western Balkan and Central European countries to advance regional co-operation. Besides discussing the Schengen Border Code and various practical questions of migration, the participants drew up recommendations to promote respect for the right to asylum at borders.¹³ The recommendations are based on the 10-point action plan of the UNHCR¹⁴ and include, among others, the following points:

- The participants will work to develop bilateral and multilateral international co-operation between countries of the EU and other countries in the region to advance the protection of refugees.
- The aim of regional co-operation is to identify the most vulnerable asylum seekers in a timely and appropriate fashion and to advance international protection through the exchange of information.
- The participating NGOs decided to co-operate at international forums in order to enforce more fully the principle of non-refoulement.
- The NGOs monitoring the border aim to follow individual cases of readmission through standardized interviews so that organizations can communicate more effectively and increase their access to relevant information about expelled foreigners after their readmission.
- - The participants – contingent upon feasibility and need – aim to organize further bilateral meetings to discuss questions of migration and refugees.

¹³ The meeting report of the international border monitoring conference of Zagreb on 12-13 October, 2011 is available here: <http://www.unhcr-centraleurope.org/pdf/what-we-do/monitoring-the-border/border-management/cross-border-cooperation-meeting-report-croatia-2011.html>

¹⁴ <http://www.unhcr.org/protect/PROTECTION/4742a30b4.pdf>

During the meeting, participants discussed the challenges faced by the Serbian refugee system and the practical problems associated with the drastic increase in the number of non-European asylum seekers in Serbia. The Hungarian, Romanian, Slovenian, Croatian, Serbian and Macedonian NGOs all agreed that continuing collaboration will be a significant factor in improving the effectiveness of monitoring of problematic cases.

VI. MONITORING AND ASSESSMENT: FINDINGS

VI.1. Exercising the Right to Asylum in Practice

Hungarian asylum law does not specify any minimum requirements as to the form or circumstances of the application. An asylum seeker may submit an application either orally or in writing. Authorities, however, must record the latter.¹⁵ The law guarantees¹⁶ that even if the asylum seeker does not submit his/ her application directly to the asylum authorities, the application must be forwarded to the asylum authorities. The acting authorities must inform the asylum seeker where he / she must submit the application. If the foreigner expresses his/ her claim to asylum while under immigration proceedings, or subject to petty offence or criminal prosecution, the authorities must record the claim and notify the Office of Immigration and Nationality (OIN) immediately. The law does not specify practical asylum regulations, such as detailed requirements on how to submit an application , so these are mostly determined by the given circumstances of the case.

The foreigner can express his/her intention to apply for asylum at any stage of the procedure, which will then be registered by the proceeding authority and forwarded to the competent asylum authority.

In the course of monitoring activities, lawyers had the opportunity to meet foreigners in transfer or return proceedings at the airport but the visits to the border sections and the green border did not provide too many occasions for observation. As a result of the increase in irregular migration from Serbia in 2011, the monitor met quite a number of foreigners intercepted at the Serbian-Hungarian border section. Altogether the monitors inspected the files of 322 expelled persons at the three border sections and interviewed 52 arrested foreigners.

In many cases the foreigners potentially in need of international protection were returned to Serbia under the bilateral readmission agreement.

- The files show that on 21 May 2011 during an identity check, an Iraqi man said he had left his homeland as a result the war and for economic reasons. He stated that he had received military training in his homeland and later worked as an interpreter for the American army. In his case the OIN inspection found that the principle of non-refoulement did not apply and there was no obstacle to his readmission to Serbia.

The method and the tendency of submitting the asylum application have changed. Less of the intercepted persons intend to apply for asylum than in the previous years, and their purpose is to be deported to the neighbouring countries – especially to Serbia – as soon as possible, often these are the migrants themselves asking for speeding up their readmission procedure. The main reason is that they payed 1000-3000 Euros to smugglers previously, who guaranteed that they would help in crossing the border in an irregular manner, therefore they need to get back to the neighbouring country as soon as possible, so that they can make another attempt to reach their destination: one of the Western European countries.

Although his statement during the interview was not an explicit application for asylum, according to the viewpoint of the HHC, the clear reference to the war raises a claim for international protection. If a more-detailed interview had been conducted, the necessary information could have been obtained.

The following case took place at the airport and calls attention to the importance of conducting an interview with the foreigner before initiating his / her return:

- An Iraqi family consisting of two adults and five children arrived in Budapest on 7 September 2011 from Amman and wished to continue their journey to Amsterdam. They were checked in transit, where their visa to Hungary proved to be invalid and their return was ordered. They were returned to Amman on the same day. In the HHC's view, the particular vulnerability of a family with several young children should have entitled them to a special investigation as to the purpose of their entry and their intention to seek asylum.

¹⁵ 35 (1) Article of the Act LXXX of 2007 on Asylum

¹⁶ Article 64 (1)-(3) of the Government Decree 301/2007 (XI.9.) on the implementation of the Act LXXX of 2007 on Asylum.

As opposed to this, on some occasions foreigners in need of international protection were able to apply for asylum during their communication with the authorities.

- Two Syrian siblings (one of them a minor) were stopped for identification on 30 May 2011 at Rösztke. They arrived from Serbia and related that they had travelled for some two days in the cargo hold of a van. At the interview they reported that they have left their homeland because of the protests, and because their lives were in danger, and that they sought asylum in another country. Due to their family relations and the age of the minor, they were sent to the jail for families in Békéscsaba where they were able to apply for asylum.

The above case is especially commendable as the Police respected the unity of the family throughout the procedure and did not separate the siblings.

It still seems that success in submitting an asylum application depends on several subjective factors, including which representative of the authorities the foreign applicant meets, how sensitive that particular police officer is to hearing the asylum claim, and that individual's professional experience in recognizing the desire to seek asylum, as well as the skills and ability of the asylum seeker in expressing his/her desire to request asylum.

The experiences gathered at the Liszt Ferenc International Airport, however, are generally more positive. In several cases the foreigners under return proceedings were able to effectively change their minds and lodge asylum applications before the removal measures were implemented. These findings indicate that despite language difficulties, it is indeed possible to communicate substantively with the proceeding officers if the officer is well-prepared. The important conditions necessary for the exercise of the right to asylum seemed to have been fulfilled here: the proceeding officers were careful, and sensitive enough to "really listen" to the asylum seekers. In certain cases, officers resorted to interpretation by phone in order to understand the foreigners' application precisely.

- A Palestinian asylum seeker who arrived on 4 November 2011 claimed to have come from Istanbul. During identification procedure the person showed valid Palestinian travel documents and indicated his intention to apply for asylum. An interpreter helped to confirm this in writing. The police notified the OIN that day and received confirmation on registering the application the next day. The asylum seeker was transferred to the refugee reception centre in Debrecen.
- Two asylum seekers from Sierra Leone arrived on 26 December 2010 from Cairo. They were stopped at the first screening and were found without any documents. They were unable to communicate with the police in any known language but indicated through gestures that their throats would be cut. Officers of the Airport Police Directorate interpreted this as a desire to seek asylum – the HHC agrees with their assessment. The OIN was notified immediately; confirmation was sent the next day. The clients were transferred to the refugee reception centre in Debrecen on 4 January 2011.

The HHC welcomes the progressive practices of the Airport Police Directorate in recognizing not only clearly-expressed applications for asylum, but also non-verbal gestures as implied conduct. This attitude is an important step in overcoming communication difficulties and helps to protect asylum seekers.

The foreigner can express his/her intention to apply for asylum at any stage of the procedure, which will then be registered by the proceeding authority and forwarded to the competent asylum authority. The necessary preparation was provided for the staff of the police.

VI. 2. Statistical Data

In 2011, the number of asylum applications continued to decline in Hungary: the OIN registered 2,104 applications in 2010 and only 1,693 in 2011. In comparison with the 4,672 applications received in 2009 this is nearly a 50% decrease. Border monitoring efforts have shown that even those who arrive from war zones, escaping to Hungary from very serious human rights abuses who are very likely to be in need of international protection, do not wish to apply for asylum. It is difficult to find a generally acceptable and simple explanation for the drastic decrease in applications. HHC is of the opinion that more frequent enactment of alien policing detention and the extension of the detention of asylum seekers are significant contributing factors to this phenomenon.

The irregular migrants intercepted by the police typically lodge the asylum application later, during the detention ordered in the alien policing procedure, rather than in the course of the short-term arrest.

The tendency until 2009 was that the foreigners met others in the detention facilities while being detained – under alien policing detention or the preparation for expulsion – and this influence brought them to lodge an asylum application themselves. The number of the applications lodged at the police has decreased significantly since 2010. This is primarily because earlier the illegal migrants backed out of the alien policing procedures, abusing the possibility to seek asylum. Previously they requested asylum shortly after their apprehension, then they got to an open reception centre that they soon left, often with the help of smugglers in human beings, and travelled on without an authorization towards their original economical purposes and better living conditions to Western European Countries. Cases occurred where the asylum applicants holding temporary residence permits valid for the time of the asylum procedure, making use of their lawful residency, smuggled other migrants on the Serbian-Hungarian border.

The tendency changed after 2010 as the irregular migrants were taken into custody, which ensured their presence in the alien policing and asylum procedures. Furthermore, the detention ensured the execution of Hungary's duties originating from our Schengen membership, that guarantee that unidentified persons meaning security risk themselves are not able to access the territory of the EU.

As a result of the measures introduced in the second quarter of 2010 the method and the tendency of submitting the asylum application have changed. Less of the intercepted persons intend to apply for asylum than in the previous years, and their purpose is to be deported to the neighbouring countries (especially to Serbia) as soon as possible, often these are the migrants themselves asking for speeding up their readmission procedure. The main reason is that the migrants payed 1000-3000 Euros to smugglers previously, who guaranteed that they would help in crossing the border in an irregular manner, therefore they need to get back to the neighbouring country as soon as possible, so that they can make another attempt to reach their destination: one of the Western European countries.

Actions in 2011	Expulsion	Asylum application	Return
Bács-Kiskun County	1585	133	2051
Csongrád County	2167	181	2406
Airport Police Directorate	3	168	342
Szabolcs-Szatmár-Bereg County	203	29	4179
Total	3958	511	8978

Source: National Police Headquarters

The statistics of the National Police Headquarters contain interesting facts about the changes in migration at various border sections in 2011. The number of registered asylum applications (168) at the airport is relatively high when compared to the number of returns (342). This is not the case at the Serbian-Hungarian border section (4457 returns, 3752 expulsions, 314 asylum applications). The above statistics show that the importance of the airport grew considerably from the point of view of exercising the right to asylum. The number of asylum seekers arriving from Ukraine has also decreased in comparison to recent years. Last year only 29 asylum applications were recorded at the Ukrainian-Hungarian border section.

The statistics on the nationality of foreigners under proceedings are also interesting. At the airport no Afghan citizens were ordered to return; all 15 persons applied for asylum. In contrast, 794 Afghan citizens were returned at the Southern border and 150 Afghans applied for asylum. During the Libyan civil war the statistics of alien policing of Libyan citizens at the Serbian-Hungarian border was especially conspicuous: 103 Libyan citizens were expelled and only 2 asylum applications were recorded. In 2011, the police returned 122 Somali citizens to Serbia at the same border section and registered the asylum applications of 24 Somalis. It is important to mention that Somali asylum seekers can usually count on some kind of international protection due to the severe abuse of human rights in Somalia. In 2011, four Somali citizens were granted refugee status and one person was granted subsidiary protection.

The above statistics confirm that the persons willing to seek asylum are actually able to submit their applications at the police. In each case the police request the opinion of the OIN on the principle of non-refoulement before ordering the expulsion of a foreigner.

According to the statistics available to the police there were 61 asylum applications lodged by Somali citizens.

Due to the 2010 modification of the law on asylum, the application of the principle of the safe third country has become more frequent, with the result that 446 foreigners' asylum applications were denied by OIN in 2011 without an in-merit examination.

VI.3. Serbia as safe third country

In 2011 it has become important to decide whether the Hungarian alien policing authorities can consider Serbia a safe third country. The Office of Immigration and Nationality, in giving its opinion on the expulsion procedures of the police, was consistent in its practice and claimed that the protection of refugees in Serbia in accordance with international standards is guaranteed and all foreigners can be returned without the risk of *refoulement*. In contrast, the HHC and the UNHCR are of the opinion that Serbia is not a safe third country.

An examination of the files at the Serbian-Hungarian border reveals that the police contacted the OIN in each case to determine if the foreigner could be returned to Serbia while respecting the principle of *non-refoulement*. Our observations show that the OIN gave a positive answer in each case and thus enabled the expulsion of the person in question. It is important to stress that the OIN is obligated to weigh all the circumstances of the case and to investigate all cases individually to consider the risk of *refoulement*. The OIN treats Serbia as a safe third country with respect to *refoulement*, so even foreigners in vulnerable positions – children, single women, etc. – may be expelled and returned.

The HHC went on a fact-finding mission to Serbia in June 2011 to assess the state of the Serbian refugee system. Based on the findings of the field mission, the HHC concluded that it is unrealistic to expect international protection for refugees in Serbia. The Serbian refugee system faces severe deficiencies – clearly illustrated by the fact that not a single instance of refugee status has been granted in the past four years. The necessary conditions of reception are not guaranteed, and so hundreds of asylum seekers and migrants are left homeless and exposed to harassment by the police. The HHC published a report on the state of the Serbian refugee system in English in 2011¹⁷. It called attention to the fact that efficient international protection is unavailable in Serbia and that returned foreigners (asylum seekers) may face the risk of *chain-refoulement* to other non-safe countries (e.g. Greece or Turkey).

The HHC is of the opinion that the position of the OIN is misguided, as the Court of Debrecen and the Metropolitan Court of Budapest have also pointed out multiple times in reviewing cases where refugee status was denied without an in-merit examination. However, judicial practice has been far from unified in this respect and the Court of Szeged has been consistent in its practice of considering Serbia a safe third country.

In 2011, one of the HHC lawyers represented asylum seekers in 22 cases where refugee status was denied by the OIN at the admissibility phase because Serbia is considered a safe third country. Out of these cases, the Court of Szeged (called the Court of Csongrád County until 1 January, 2012) rejected the claims of the applicants in 12 cases and accepted them in 2 cases. The Court of Debrecen (formerly the Court of Hajdú-Bihar County) overruled the OIN's decision in 4 cases and rejected the applicants' claims in 2 cases. The Metropolitan Court of Budapest (formerly the Municipal Court of Budapest) required the OIN to re-examine one case. Besides the cases handled by HHC lawyers we know of seven other cases in which the Court of Debrecen overruled the OIN decision because it did not accept that Serbia could be considered a safe country for asylum seekers where efficient protection is guaranteed.

The 2nd Annex of the HHC's report of September 2011 on the Serbian asylum system contains the opinion of the UNHCR, which also confirms the existence of serious deficiencies in the availability of international protection in Serbia. The UNHCR expresses particular concern about the extremely limited capacity of the Serbian refugee authorities, as well as the Serbian authorities automatically treat all neighboring countries as safe and accordingly deny asylum seekers an extensive examination of their need for protection.¹⁸

¹⁷ Serbia as a Safe Third Country: a Wrong Presumption, Report based on the Hungarian Helsinki Committee's field mission to Serbia (8-10 June 2011), an English-language report available here: <http://helsinki.hu/wp-content/uploads/HHC-report-Serbia-as-S3C.pdf>. A Hungarian summary of the report is available here: http://helsinki.hu/wp-content/uploads/Szerbia_osszegzes_HHC.pdf

¹⁸ The UNHCR's position can be read on page 20 of the HHC's report: <http://helsinki.hu/wp-content/uploads/HHC-report-Serbia-as-S3C.pdf>

VI.4. The Right to Interpretation

In certain cases when a rarely spoken (“exotic”) language must be used to conduct the alien policing procedure, police still sometimes face difficulties. The HHC’s observations indicate that the right to interpretation is less problematic at the airport, because more foreign interpreters live around Budapest and police officers at the airport make use of phone interpretation more often than their colleagues at other monitored border sections.

It is not clear how the Committee came to its conclusion regarding the practice of interpretation. The proceeding authority provides all its clients with interpretation either in the client’s mother tongue or in another language understood.

VI.5. Protection of Asylum Seekers with Special Needs

The case of unaccompanied minors

When inspecting the alien policing files, HHC monitors noticed an increase in 2011 in the number of unaccompanied minors detached from their family members who were returned to Serbia.

The behaviour of the guardian appointed to assist the unaccompanied minor was found to be problematic. The HHC monitor’s inspection of the files showed that the guardian was practically silent throughout the procedure and made no efforts to find out why the minor left his/ her country of origin, where he/she intended to go, under what circumstances he/she arrived in Hungary, where his/her parents might be and generally speaking, what would be in the best interest of the child in the long term – although this is also the guardian’s responsibility under the 1989 UN Convention on the Rights of the Child.¹⁹

- A Palestinian unaccompanied minor was stopped for identification at noon on 18 May 2011, along with three other Palestinians. They said they had come to Hungary with the help of a smuggler. A medical examination of the minor was not necessary, because from his outward appearance it was apparent that he was under 18. In the presence of his appointed guardian the minor related how he lived in Lebanon in the El Baddawi refugee camp and how he travelled – mostly on foot – through Syria, Turkey and Greece, and with the help of a smuggler, through Macedonia and Serbia to Hungary. He claimed to have been discriminated against because of his origin, but did not go into details. According to the report, he hoped to get to his relatives in Germany. Although the guardian was present at the interview, no further questions were asked about this subject. The minor was placed in a children’s home. Meanwhile the OIN confirmed that Serbia was safe for the minor, and that the principle of non-refoulement did not apply, so he was returned to Serbia on 24 May 2011.

In the above case it is not clear on the basis of what criteria the authorities assessed the best interest of the child. There was no information in the files regarding the circumstances under which the minor was sent to in Serbia. It seems questionable that the authorities fulfilled their obligations as described in the Third-Country Nationals Act and the UN Convention on the Rights of the Child.

In contrast to the findings of the monitors at the Serbian-Hungarian border section, at the airport there were positive examples of the treatment of unaccompanied minors.

- A minor Palestinian asylum seeker arrived at the Budapest airport on 30 September 2011 and was “found” alone in the transit area by the police. The minor carried no documentation and could not communicate with officers in languages the policemen knew. Eventually an Arabic interpreter was called on the phone to assist in the minor’s application for asylum. Since the asylum seeker claimed to be a minor, a transfer was arranged to the István Károlyi Children’s Center of Fót, the reception centre for unaccompanied minors.

This has been a positive development in recent years regarding the treatment of foreigners with special needs – the way in which police at the airport have begun to resort to phone interpretation or other means when necessary to clarify the facts of a case. The use of phone interpretation when necessary is a good example of the flexibility and sensitivity of the police that is needed for the circumspect handling of such cases. The Airport Police

¹⁹ UN Convention on the Rights of the Child of 20, November, 1989, New York. Article 20. (“A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.”)

Directorate's practice of transferring unaccompanied minors to their appointed accommodation (the Children's Center in Fót) as quickly as possible is also a welcome practice. The HHC monitor also reported several cases in which the airport police made marked use of the principle of "the benefit of the doubt" with respect to apprehended underage foreigners. This practice is highly commendable, as it is in line with the assessment of the best interest of the child, which is the guiding principle of the 1989 UN Convention on the Rights of the Child.

The readmission of unaccompanied minors to Serbia raises serious concerns with respect to the application of the principle of non-refoulement. General experience shows that the decisions to readmit unaccompanied minors were made without investigating the possibility of family reunification and the necessary child-care conditions, although the Third Country Nationals Act clearly defines this obligation in the case of unaccompanied minors.²⁰ The guarantees of the law thus turn out to be empty words in practice, and the readmission of unaccompanied minors is not preceded by reliable and extensive investigation required under a children's rights-based approach.

The HHC and the UNHCR are deeply concerned that although the police readmitted 75 unaccompanied minors to Serbia in 2011, field monitoring shows that the decision-makers – the police or the OIN, which decides cases involving the risk of refoulement – did not pay attention to the circumstances awaiting these children in Serbia. It is not clear how the police assess the availability or lack of institutional or family care when making a decision to readmit the minor in question. It may be argued that this practice violates the decrees of the Third Country Nationals Act on the expulsion of unaccompanied minors.

However, it must be noted that the county child care institutions whose responsibility is to care for the foreign children find the task inextricable and many of the children leave for unknown places.

The most problematic is the age assessment of undocumented foreigners around 18 years of age. In case the physician that carries out the examination states that the probable age of the persons is less than 18 the persons is treated as a minor. Before being accommodated in a child care facility there is another examination in the course of which the majority might still be determined. The police are still studying the possibilities to apply a complex and more reliable age assessment method for these foreigners.

The police already established contact with the competent ministries in order to have a centralized institution appointed responsible for the accommodation of non-asylum seeking unaccompanied minors where the conditions would better address their specific needs, similarly to the arrangements for asylum seeking unaccompanied minors.

In order to ensure the lawfulness of alien policing procedures carried out in the case of unaccompanied minors, the National Police Headquarters called the attention of the executive staff to reflect the aspects of deliberation in their decisions.

VI.6. Implementation of Article 31(1) of the Geneva Convention

Article 31 (1) of the 1951 Geneva Convention stipulates:

"The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence."

As highlighted in previous reports on asylum seekers' access to territory and procedure, the application of Article 31 of the 1951 Geneva Convention has been problematic in Hungary. HHC lawyers have provided legal assistance to asylum seekers facing criminal prosecution on the basis of forging or using forged travel documents. The UNHCR and the HHC are of the opinion that in several cases Hungarian authorities failed to properly apply Article 31 of the Convention, as they established the criminal liability of asylum seekers without regard to this particular provision of the Convention.

²⁰ Article 45 (5) of the Third Country Nationals Act stipulates: „An unaccompanied minor may be expelled only if adequate protection is ensured in his country of origin or in a third country by means of reuniting him with other members of his family or by state or other institutional care.”

According to the UNHCR, in the interest of implementing Article 31 (1) of the 1951 Geneva Convention — and similarly, rights protected by the European Convention on Human Rights — state parties must take concrete measures to ensure that they fully comply with their international legal obligations. Therefore, the UNHCR position is that in order to comply with Article 31 (1) of the 1951 Geneva Convention, states must exempt asylum seekers or refugees from criminal prosecution. As refugee status is declaratory, Article 31 of the 1951 Geneva Convention also covers asylum seekers the validity of whose claim has not yet been determined.

The HHC is of the opinion that if an asylum seeker is subject to criminal proceedings under the scope of application of Article 31 of the Convention, Hungarian authorities must find a way to suspend criminal prosecution until the final decision granting or denying refugee status or subsidiary protection is made.

The HHC's recent observations indicate that the Police have changed their practice at the airport by not initiating the pre-trial detention of asylum seekers intercepted with forged travel documents. Several cases identified in the course of the 2011 border monitoring project confirm that asylum seekers were instead transferred to a refugee reception centre maintained by the OIN in Debrecen.

The HHC is of the opinion that the automatically ordered re-entry ban, which accompanies the decision on expulsion without proper investigation of the individual's situation prior to expulsion may prevent genuine asylum seekers from having access to the country's territory and protection through administrative means. Keeping foreigners – asylum seekers – in pre-trial detention for lengthy periods is not justified by the marginal danger this criminal act presents to the society. There is only a minimal risk that the act of forging or illegal entry and residence would be repeated, as in most of these cases these acts were only committed because the refugee was forced to do so to get to a safe territory. The asylum seekers are often traumatized, have experienced torture and their psychological condition is further aggravated by long detention, thereby slowing their recovery.

HHC lawyers defended 5 Somalis and one Afghani refugee in the first and second instances and during review in the criminal cases of forging documents and violation of the ban on entry and residence.

- On 5 July 2010, in its remarkable first-instance decision, yet to be finalized decision, the local court of Vásárosnamény acquitted two Somali refugees (A.M.J. and A.A.K.) of the charges of using forged travel documents and the violation of the ban on entry and residence. They were both represented by HHC attorneys. The county court overruled the decision on appeal and found both Somalis guilty of forging documents on 20 May 2011. The third-instance decision of the High Court of Justice of Debrecen left the judgment of the appeal court in force on 9 January 2012.
- Of particular significance is the case of the recognized Somali refugee, Z. T. A., in which the Supreme Court ordered the first-instance court to conduct a new procedure, because it found that the circumstances for applying Article 31 were not clear, especially since the applicant had stayed in Greece before arriving in Hungary. The Supreme Court made this decision in spite of the views of the UNHCR and the Chief Prosecutor's Office, which both recommended acquittal.
- In the case against the recognized Somali refugee S.A.B. for forging documents the court reversed the acquittal and the case is presently under re-trial. Similarly, in order to better assess the facts of the case (the application of "without delay" according to Article 31), the appeals court also reversed the judgment of the first-instance court in the case of S.A.A., a recognized refugee woman. Criminal procedures against two other Somali refugees are currently being heard in the first instance, where the court is examining whether Greece can be considered a safe third country for refugees.

According to Article 31 of the 1951 Geneva Convention the Contracting Parties do not impose penalties on persons falling under the scope of the Convention, however, the police is an investigating authority and in case of suspecting the forgery of official documents it has to initiate investigation. There is only one exception to the above obligation, in case the person made use of forged travel documents and an alien policing procedure lies against the person in consideration. The police are not entitled to impose penalty.

The police are competent to expel foreigners in case the conjunctive conditions as set out in Chapter III.1. are met. Expulsion orders are executed by forced removal and are based on readmission agreements. There is no possibility for deliberation, according to the law in effect a re-entry ban has to be ordered automatically in case of expulsion.

VII. CONCLUSIONS AND RECOMMENDATIONS

VII.1. Interview in the So-called Simple Cases

The UNHCR and the HHC continue to strongly recommend that, in order to ensure that not even one person in need of international protection is returned unlawfully, **the Police should be required to interview all foreigners who belong to a vulnerable group during the alien policing procedure (citizenship could be regarded as a vulnerability factor)**. A detailed personal interview is important to establish the facts of each case, particularly in the case of persons with special needs, such as single women, unaccompanied minors, elderly and sick people, traumatized persons, and families with small children. A longer interview could also help the Police to better identify persons in need of international protection in mixed migratory flows.

VII.2. Application of the Principle of Non-Refoulement and Article 33 (1) of the Geneva Convention

The HHC suggests that the Tripartite Working Group address the issue of the assessment of the risk of *refoulement* to the OIN in the light of the UNHCR's 2007 position paper on Ukraine and other accurate and up-to-date country information on potential countries of return. Police should turn to the asylum directorate instead of turning to the on-duty service of the OIN to ensure that the principle of *non-refoulement* is fully respected and duly assessed by experts. The OIN could provide up-to-date country information on neighbouring countries to on-duty officers from the alien policing directorate, as well as to police personnel. The HHC is of the opinion that treatment of Serbia as a safe third country should be reviewed due to the deficiencies of the Serbian refugee system. Special attention is to be paid to the situation in Serbia in light of the growing number of returns on the Hungarian-Serbian border section.

VII.3. Application of the Rights of the Child in cases of unaccompanied minors

The UNHCR and the HHC strongly recommend that the authorities – respecting the decrees of the UN Convention on the Rights of the Child – should examine each case separately and extensively to serve the best interest of the child. They should consider the relevant aspects of child care when making decisions. The alien policing, refugee and child-care authorities should co-operate with special services and NGOs. The UNHCR and the HHC suggest that the parties concerned should build professional dialogue and carefully observe good practices from abroad together focusing on the examination of the best interest of the child, the determination of the age of the child and the intercultural communication with foreign children.

VII.4. Consistent Application of Article 31 of the Geneva Convention

The HHC and the UNHCR continue to strongly recommend that Hungarian authorities refrain from initiating criminal procedures against asylum seekers if Article 31 of the Geneva Convention is applicable, and the foreigners are under international protection in Hungary. Based on previous professional consensus, the judiciary is advised to suspend criminal procedures and avoid ordering gratuitous, extended pre-trial detentions.

VIII. ANNEXES

1. The Cooperation Agreement is available on the website of UNHCR Central Europe²¹

2. Statistical Data

Actions in 2011	Expulsion	Asylum application	Return
Bács-Kiskun County (Serbian border)	1585	133	2051
Csongrád County (Serbian border)	2167	181	2406
Airport Police Directorate	3	168	342
Szabolcs-Szatmár-Bereg County (Ukrainian border)	203	29	4179
Total	3958	511	8978

Source: National Police Headquarters

3. List of Monitoring Visits

Liszt Ferenc International Airport: 13.01.2011, 27.01.2011, 16.02. 2011, 28.02.2011, 11.03.2011, 29.03.2011, 14.04.2011, 28.04.2011, 13.05.2011, 26.05.2011, 08.06.2011, 22.06.2011, 18.07.2011, 28.07.2011, 12.08.2011, 26.08.2011, 20.09.2011, 18.10.2011, 22.11.2011, 16.12.2011.

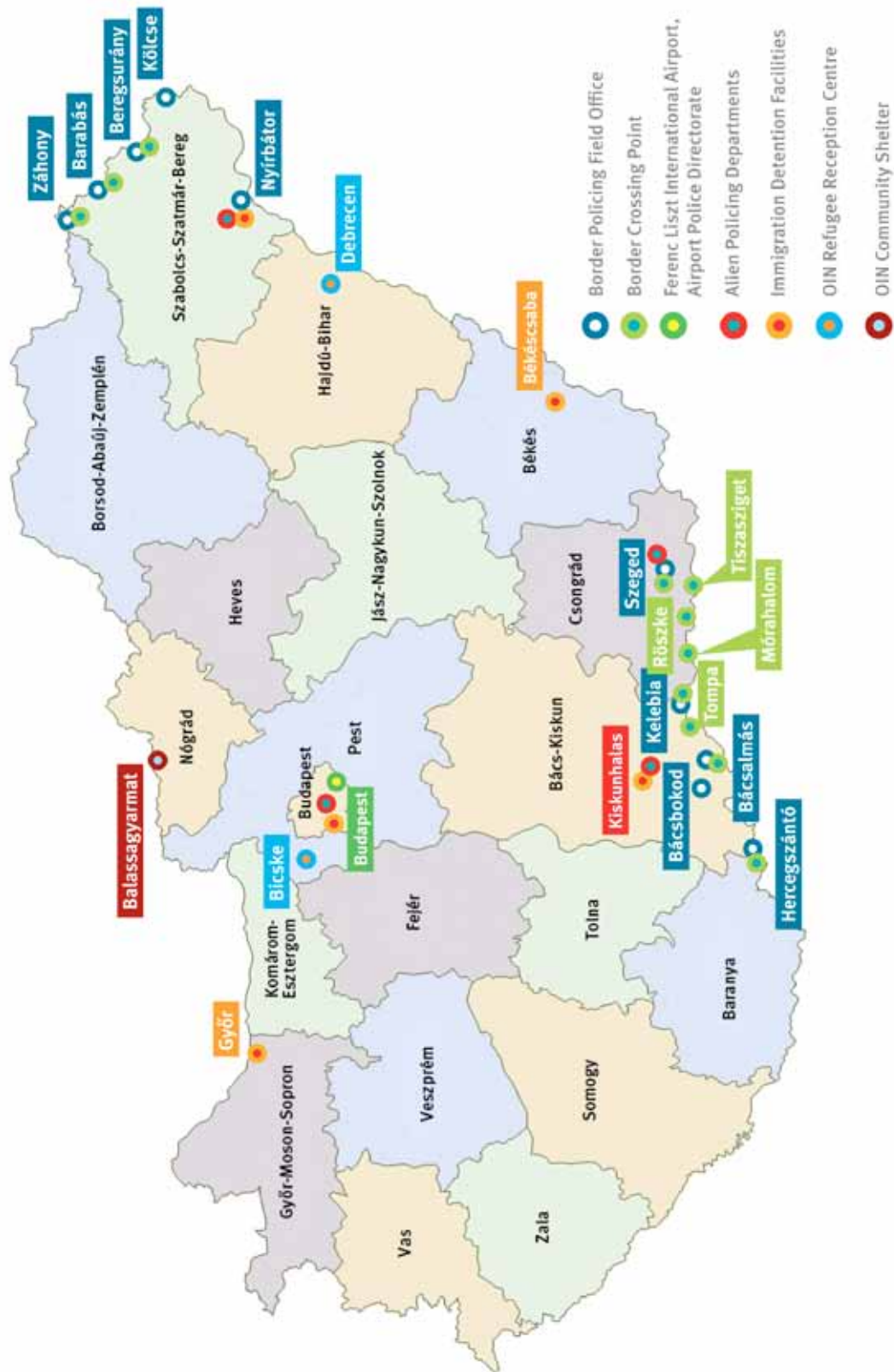
Serbian-Hungarian border: 24.03.2011 Kiskunhalas and Kelebia, 25.03.2011 Szeged, 28.04.2011 Szeged, 29.04.2011 Kiskunhalas, 25.05.2011 Kiskunhalas and Bácsalmás, 26.05.2011 Szeged, 27.06.2011 Kiskunhalas and Kelebia, 28.06.2011 Szeged and Mórahalom, 25.07.2011 Kiskunhalas and Kelebia, 29.07.2011 Szeged and Mórahalom, 17.08.2011 Szeged, 18.08.2011 Kiskunhalas and Hercegszántó, 29.09.2011 Kiskunhalas, 30.09.2011 Szeged and Rószke, 24.10.2011 Kiskunhalas, 26.10.2011 Szeged, 25.11.2011 Kiskunhalas and Kelebia, 29.11.2011 Szeged, 21.12.2011 Kiskunhalas, 22.12.2011 Szeged

Ukrainian-Hungarian border: 25.03.2011 Nyírbátor, 25.03.2011 Barabás, 25.03.2011 Kölcse, 28.04.2011 Kölcse, 28.04.2011 Nyírbátor, 31.05.2011 Nyírbátor and Barabás, 28.06.2011 Beregsurány and Nyírbátor, 26.07.2011 Kölcse and Nyírbátor, 31.08.2011 Kölcse and Beregsurány, 31.08.2011 Nyírbátor, 30.09.2011 Barabás and Nyírbátor, 02.11.2011 Záhony and Nyírbátor, 06.12.2011 Nyírbátor and Beregsurány, 20.12.2011 Nyírbátor and Barabás

4. Map

Look at page 19.

²¹ <http://www.unhcr-centraleurope.org/pdf/what-we-do/monitoring-the-border/border-management/tripartite-agreements/hungary-in-hungarian.html>



© Hungarian Helsinki Committee, National Police Headquarters,
United Nations High Commissioner for Refugees (UNHCR), 2012

This report and sections thereof may be distributed and reproduced without formal permission for the purposes of non-commercial research, private study and news reporting provided that the material is appropriately attributed to the copyright holders.

This publication and the project Asylum Seekers Access to Territory and to the Asylum Procedure in the Republic of Hungary was made possible by the support of the United Nations High Commissioner for Refugees (UNHCR).

ISBN 978-963-89380-1-5