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Hungary Detention Profile

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Like other European Union (EU) border countries, including [Slovakia](#) and [Poland](#), Hungary's immigration and detention policies have been heavily influenced by EU integration. Hungary has become a key transit country for migrants attempting to reach Western Europe, and the country's discourse on immigration is often dominated by security concerns. Revised immigration laws introduced in 2007 were meant to simplify detention procedures and reduce time limits on detention. However, while human rights groups have lauded these changes, they remain concerned about a number of issues, including the continuing practice of prolonged detention, the prison-like conditions at centres, and the lack of access to psychological and psychiatric care for detainees.

Detention Policy

Key norms. Hungary's relevant immigration and asylum norms, which have been amended several times since the 1990s, are contained in the following: [Act II of 2007](#) on the Admission and Right of Residence of Third-Country Nationals; [Government Decree 114/2007](#) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals; and [Act LXXX of 2007](#) on Asylum.

Act II of 2007 provides for two types of migration-related detention: "detention in preparation for expulsion," which is aimed at detaining noncitizens whose identities or legal grounds of residence cannot be conclusively established (S. 55, Act II of 2007); and "alien policing detention," which can be ordered by the Alien Policing Department (APD) of the Office of Immigration and Nationality (OIN) to ensure the implementation of an expulsion order. "Alien policing detention" is used when a noncitizen has: (a) hidden from the authorities or otherwise obstructed the enforcement of an expulsion order; (b) refused to leave the country or delayed or prevented the enforcement of expulsion; (c) violated the code of conduct of the place of compulsory confinement; (d) failed to report as ordered; and/or (e) completed a prison sentence resulting from a criminal conviction (S. 54 (1), Act II of 2007).

Foreigners have the right to file a complaint challenging their detention. However, complaints can only be lodged after an initial court review of the detention. Complaints cannot be filed after a noncitizen has entered alien policing proceedings. In addition, complaints must be filed within 72 hours of a detention order being issued (S. 57, Act II of 2007).

Authorized detaining bodies. The Border Guard, which was integrated into the National Police in January 2008, is authorized to apprehend and detain noncitizens for both types of detention (Mink 2007, p. 27). The Office of Immigration and Nationality (OIN) is responsible for housing asylum seekers at the secure and open reception centres. It must be notified by the police when an asylum claim is made (HHC 2008b). Both the police and the OIN fall under the Ministry of Justice and Law Enforcement.

Length of detention. Authorities can detain noncitizens for an initial period of up to 72 hours without judicial review. For "detention in preparation for expulsion," this period can be extended by court order to a maximum of thirty days (S. 55, Act II of 2007). In the case of alien policing detention, the court can extend detention of a noncitizen for thirty days at a time, provided a request is made eight days before the due date for each extension, up to a maximum of six months (S. 54 and 58, Act II of 2007). If it is clear that an expulsion order cannot be executed within six months, detention must be terminated (S. 54 (4), Act II of 2007). However, according to a source at the Hungarian Helsinki Committee (HHC), the group has "only rarely seen that detainees [are] released on the basis of [this] rule" (Ivan 2010).

If there are still grounds for detention after six months have passed, the individual must be transferred to one of the country's three community shelters, or to another appropriate place of accommodation (S. 62 (2), Act II of 2007; HHC 2007). However, individuals who violate the rules of the community shelter or attempt to cross the border illegally can be subject to additional six-months in alien policing detention (HHC 2007).

Asylum seekers. Asylum applicants are subject to detention. When an asylum request is made at the border, the Border Guard registers the application and then transfers the person to a secure reception centre in Békéscsaba that is operated by the Office of Immigration and Nationality (OIN) (HHC 2008a). Asylum seekers can be held at this centre for a maximum of 15 days while undergoing pre-screening and medical examinations (§ 47, Act LXXX of 2007; HHC 2009; Szobolits 2008).

If an individual applies for asylum at the international airport in Budapest, the OIN can hold them at the airport's "holding premises" in Terminal 2B for up to eight days. If the assessment period extends beyond eight days, the asylum seeker is supposed to be transferred to the secure reception centre in Békéscsaba (HHC 2008b).

If an asylum request is considered to be with merit, asylum seekers are transferred to another reception centre in Debrecen, also managed by the OIN. The centre is meant to house asylum seekers for up to 60 days pending a final decision on asylum claims (S. 56, Act LXXX of 2007). This 60-day deadline for the in-merit procedure can be prolonged for an additional 30 days. Decisions are generally made by the OIN in 45-90 days (HHC 2008b).

A noncitizen who applies for asylum while held in alien policing detention must remain there for the duration of the preliminary assessment. Detention is supposed to be limited, however, to the first 15 days of the asylum procedure (HHC 2008b). If an asylum seeker's request is considered with merit, "the alien policing authority shall, at the initiative of the refugee authority, terminate his/her detention" (S. 55(3), Act LXXX of 2007).

In practice, however, asylum seekers in alien policing detention often find themselves in situations of prolonged detention. The HHC has reported that "in many asylum cases the OIN fails to initiate the termination of detention upon admitting the application to the in-merit state, without providing any reasons for acting so." As a result, some asylum seekers find themselves subject to the six-month detention regime of the alien policing detention system (HHC 2009). Moreover, according to some reports, asylum seekers in alien policing detention do not receive information about the Dublin II process or about refugee status determination, nor are Border Guards fully trained in asylum procedures (UNHCR 2009a).

There have also been cases in which asylum seekers remain in prolonged detention as authorities determine whether, under Dublin II, Hungary is the correct country for a person to file an asylum claim. This procedure can result in people being detained at the Békéscsaba reception centre for up to six months. Similarly, those at the reception centre in Debrecen who are appealing a rejected application can sometimes wait up to a year before the court makes a final decision. The Debrecen centre is meant to house asylum seekers for a maximum of 60 days (Szobolits 2008).

Minors and other vulnerable groups. When considering detention and expulsion orders, authorities must take into consideration the age of the individual, his/her family background, and the possible consequences of the expulsion on family members (S. 45 (1), Act II of 2007). Unaccompanied minors cannot be placed in detention (S. 56, Act II of 2007), and can only be expelled if their protection can be guaranteed in their country of origin or in a third country (S. 45 (5), Act II of 2007).

Observers have criticized Hungary for its treatment of vulnerable noncitizens. Victims of torture or violence can be subjected to lengthy alien policing detention. Once in detention, the state reportedly does not provide adequate treatment for victims of torture, nor psychological or psychiatric care. These services are provided for by NGOs, mainly the Cordelia Foundation (Mink 2008, p. 53; Szigo 2007; ERF 2007).

Detention Infrastructure

Hungary has two types of administrative detention centres for noncitizens: dedicated immigration detention facilities (officially called "guarded shelters") and reception centres for asylum-seekers.

Dedicated facilities. As of early 2010, Hungary had four dedicated detention centres, located in Győr, Kiskunhalas, Nyírbátor, and near the Budapest International Airport. These are used to detain foreign nationals who have violated the rules of entry or exit and are awaiting expulsion, as well as asylum seekers who submit an application while in alien policing detention. These facilities are managed by the Border Guard (ERF 2007). Government Decree 114/2007 states that immigration detention sites in Hungary "may not be installed in police detention facilities or in penal institutions" (S. 129, GD 114/2007).

The largest dedicated facility is in Nyírbátor, which has a reported capacity of 169. The centre in Győr can hold 50 detainees, while those in Kiskunhalas and Budapest can detain up to 36 and 32 respectively (Ivan 2010).

Several changes have been made to the detention infrastructure over the past few years. In 2008, detention centres in Orosháza and Szombathely were closed, reportedly as a result of changes introduced in new asylum procedures (HHC 2007). The country has also used EU funds to refurbish the centres in Kiskunhalas, Nyírbátor, and Budapest, the last of which was recently reopened in January 2010 (Ivan 2010).

Section 129 of Government Decree 114/2007 articulates basic standards for the detention centres, including the size of detention quarters and the provision of basic medical care. It also stipulates that men and women be confined in separate sections of the facilities (S. 129, GD 114/2007).

In addition to these dedicated centres, the Border Guard operates two short-term holding facilities at the Budapest International Airport (not to be confused with the detention centre located *near* the airport): (1) a transit facility in Terminal 2A that is used to briefly confine noncitizens who are being deported from another EU member state and are merely awaiting flight connections at the Budapest airport (set up pursuant to EC Directive 2003/110/EC); and (2) designated premises in Terminal 2B that are used for holding foreign nationals whom the Border Guard has ordered to be removed (typically because they do not have valid travel documents) but must wait until transportation out of the country can be arranged. The Terminal 2B facility consists of two rooms, each approximately 10 square metres, and has a capacity to hold eight people. According to one non-governmental group, there is no natural lighting, no access to open-air exercise, and only limited access to public payphones. The maximum limit for staying at these premises is eight days, though most people spend only 1-2 nights there (HHC 2008a). The GDP categorizes these holding premises as *transit zones* because noncitizens detained in them are not considered to be on Hungarian territory (Pardavi 2010a; HHC 2008a).

Reception centres. The Office of Immigration and Nationality operates three reception centres for asylum-seekers, in Békéscsaba, Debrecen, and Bicske. Under the country's new asylum policy, which came into effect in January 2008, each facility has been given a specific function in the asylum process.

Noncitizens who submit asylum applications upon arrival in Hungary are held at the Békéscsaba reception centre for a maximum of 15 days while undergoing pre-screening and medical examinations. The GDP categorizes this facility as a *secure* detention centre because people are not allowed to leave for the duration of the preliminary assessment and they can be held for prolonged periods of time (Szabolits 2008). As of 2007, the centre had a capacity to hold 250 people (ERF 2007).

The GDP codes the other two reception centres—in Debrecen and Bicske—as *non-secure* facilities, since asylum seekers are able to freely leave these facilities during the day, for up to 24 hours. In principle, residents must notify the centres' administration if they wish to leave for more than 24 hours (Ivan 2010; HHC 2008b).

Asylum seekers who, after the initial screening phase, make it to the refugee status determination stage (or the "in-merit" stage) are transferred to the Debrecen reception centre. All residents at Debrecen are given an ID card, which must be swiped upon entering and exiting the centre. The administration is therefore aware of how many are in the centre on a daily basis and how many have been absent for more than 24 hours. Asylum seekers who leave the centre for more than 2 days risk having their application terminated by the OIN. If this is the case, the ID card is also invalidated, although as one source at the HHC highlighted, security guards at the reception desk of the centre cannot refuse entry to someone whose card has been invalidated. Instead, the case is flagged in the centre's registration database and the security guards can report the asylum seeker to the OIN (Pardavi 2010b).

The centre is located in an old Soviet military barracks 200 kilometres east of Budapest. With a capacity of 1,300, the centre is Hungary's largest. There are separate buildings for families with children and for single women and single men. Children are allowed to attend a local school. In September 2008, UNHCR reported that there were only 366 residents at the camp (UNHCR 2009a; Szabolits 2008; Szigo 2007).

Asylum seekers who are granted refugee status are moved to the reception centre in Bicske, 37 kilometres west of Budapest, where they are entitled to stay for six months. Here refugees are given language classes and are helped by social workers to find work and accommodation (UNHCR 2009a; Szabolits 2008). The centre had a capacity of 360 as of 2007 (ERF 2007).

While the OIN is responsible for the overall management of the reception centres, security is contracted out to private companies. This has spurred criticism from human rights groups, who claim that the private guards lack adequate training, especially with respect to the

proper treatment of asylum seekers (Szigó 2007).

Conditions. Recent reports by human rights groups have heavily criticized the prison-like conditions at Hungary's detention facilities (HHC 2009; ERF 2007; Szigó 2007). Following a 2008 visit, the Multi-Functional Team (MFT)—consisting of the Hungarian Helsinki Committee, the Refugee Mission of the Reformed Church in Hungary, and UNHCR—highlighted that “bedrooms are locked even during daytime in two facilities in Nyírbátor and Kiskunhalas; chairs and tables are fixed to the floor. The detainees have very little furniture and their personal belongings are taken away from them. There is a very strong light on the ceiling that cannot be dimmed or turned off by the residents but only centrally following a strict timetable. Residents and visitors are separated by a wall with glass pane” (UNHCR 2009a).

In 2009, the HHC reported that “detainees in the majority of the detention facilities are subject to conditions equal to the maximum severity level of a prison sentence, for apart from the one-hour open-air exercise and meals, the detainees are kept closed in their cells, no free movement is allowed in the premises, [and] minimal or no community and/or personal activities are available” (HHC 2009b).

Similar criticisms have been levelled at the facility in Győr. The European Refugee Fund reported in 2007 that “the building is in poor condition with a strange smell all over” (ERF 2007). The same year, the HHC stated that the facility was not suitable for housing people. Food provisions were not sensitive to cultural differences or respectful of religious beliefs, and detainees were not allowed to take the one-hour-per-day open air activity as prescribed by the law (Szigó 2007). However, the MFT found that the Győr centre was more humane and allowed greater freedom of movement than Hungary's other detention facilities (UNHCR 2009a).

There have also been complaints about insufficient winter clothing, substandard conditions in bathrooms and toilets, a shortage of hygienic items, and little access to leisure activities. Furthermore, there are reports of guards who have provoked residents at the reception centres (UNHCR 2009a).

Facts and Figures

While Hungary remains an important transit country for Europe-bound migrants, it is not as prominent as other EU border countries, such as Slovakia and Poland. In fact, unauthorized migration to Hungary has decreased over the past several years (Futo 2008).

In 2007, 8,779 migration-related apprehensions were made by the Border Guard. This represents a significant decrease from the previous decade, which saw an average of 15,000-23,000 apprehensions per year. Of those apprehended, sixty percent were migrants attempting to exit the country by way of its western border (Futo 2008). The number of expulsions from Hungary has also fallen in the past five years. Expulsions ordered by the alien policing authority dropped from 3,254 in 2004 to 743 in 2008, while those ordered by court dropped from 904 to 508 (OIN 2009).

Despite these trends, the number of migrants held in alien policing detention has gone up. In 2006, 369 migrants were detained, compared to 566 in 2008, of which 40 percent came from Kosovo (OIN 2009).

As of January 2008, the number of migrant detention centres in Hungary dropped from six to four, with those in Orosháza and Szombathely being shuttered, ostensibly as a result of changes in asylum procedures and the country's admittance to the Schengen Zone (HHC 2007; HHC 2009). In addition to the four detention centres currently in operation, the country also operates two secure asylum seeker reception centres (OIN 2009; UNHCR 2008).

The number of asylum applicants to Hungary has been steadily increasing since mid-decade. In 2004, 1,600 applications were filed, compared to 3,120 in 2008. By 2009 the number had jumped to 4,670. The top countries of origin of asylum seekers in 2009 were Serbia, Afghanistan, Georgia, Turkey and Iran (UNHCR 2010; UNHCR 2009b).

The majority of asylum seekers to Hungary arrive in the country by unauthorized means. In 2007, 82 percent of the 3,430 applicants arrived either by crossing the border without documents or by overstaying. Moreover, it is estimated that between 50 and 60 percent of all asylum applicants leave the country illegally on their way to Western Europe (ESW 2009; Futo 2008). As of 2008 there were 160 recognized refugees in Hungary, of which 104 came from Somalia (OIN 2009).

In 2007, the number of irregular migrants in Hungary was estimated to be 30,000-50,000 (Futo 2008).

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List of Detention Sites

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Name	Location	Status (Year)	Facility Type	Security	Authority	Management	Capacity	Reported Population	Demographics & Segregation
Békéscsaba Reception Centre for asylum seekers	In Use (2010)	Békéscsaba, Békés megye	Registration Centre	Secure	Ministry of Justice and Law Enforcement	Office of Immigration and Nationality; private security company	250 (2007)		Adult males and females, minors; families (2009)
Budapest International Airport Transit Zone Detention Facility	In Use (2010)	Budapest International Airport, Budapest	Transit Zone	Secure	Ministry of Justice and Law Enforcement	Border Guard (Police)	8 (2008)		Adult males and females, minors (2009). Gender segregation; family units (2007)
Budapest International Airport "Guarded Shelter"	In Use (2010)	Budapest	Migrant Detention Centre	Secure	Ministry of Justice and Law Enforcement	Border Guard (Police)	32 (2010)		Adult males and females, minors (2009). Gender segregation; family units (2007)
Győr "Guarded Shelter"	In Use (2010)	Győr, Győr-Moson-Sopron megye	Migrant Detention Centre	Secure	Ministry of Justice and Law Enforcement	Border Guard (Police)	50 (2010)	33 (7 May 2007)	Adult males and females (2009). Gender segregation (2007)
Kiskunhalas "Guarded Shelter"	In Use (2010)	Kiskunhalas, Bács-Kiskun megye	Migrant Detention Centre	Secure	Ministry of Justice and Law Enforcement	Border Guard (Police)	36 (2010)		Adult males and females (2009). Gender segregation (2007)
Nyírbátor "Guarded Shelter"	In Use (2010)	Nyírbátor, Szabolcs-Szatmár-Bereg megye	Migrant Detention Centre	Secure	Ministry of Justice and Law Enforcement	Border Guard (Police)	169 (2010)	19 (10 May 2007)	Adult males and females (2009). Gender segregation (2007)
Orosháza "Guarded Shelter"	Closed (2008)	Orosháza, Békés megye	Migrant Detention Centre	Secure	Ministry of Justice and Law Enforcement	Border Guard (Police)	25 (2007)		
Szombathely "Guarded Shelter"	Closed (2008)	Szombathely, Vas megye	Migrant Detention Centre	Secure	Ministry of Justice and Law Enforcement	Border Guard (Police)	170 (2007)		

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(This is only a partial list. More detailed information is available upon request.)

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Country View

1. Békéscsaba Reception Centre for asylum seekers
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3. Budapest International Airport Transit Zone Detention Facility
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Government Agencies

Office of Immigration and Nationality

<http://www.bm-bah.hu>

Ministry of Justice and Law Enforcement

<http://irm.gov.hu>

International Organisations

International Labour Organisation, Budapest

<http://www.ilo.org/public/english/region/eurpro/budapest/index.htm>

International Organisation for Migration - Regional Office in Budapest

<http://www.iom.hu>

United Nations High Commissioner for Refugees - Regional Representation for Central Europe

<http://www.unhcr-budapest.org>

NGOs and Research Institutions

Amnesty International - Hungary

<http://www.amnesty.org/en/region/hungary>

Cordelia Foundation

http://www.cordelia.hu/index_eng.html

Human Rights Watch - Hungary

<http://www.hrw.org/europecentral-asia/hungary>

Hungarian Helsinki Committee

<http://helsinki.hu/index.php>

Mahatma Gandhi Human Rights Organisation

<http://www.gandhi.ini.hu>

Hungarian Association for Migrants (Menedék)

<http://menedek.hosting1.deja.hu/en>

Media

Heti Világgazdaság (English)

<http://hvg.hu/english>

Hungary Around the Clock (English)

<http://www.hatc.hu/index.php>

Magyar Hírlap (Hungarian)

<http://www.magyarhirlap.hu/>

Népszabadság (Hungarian)

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