

Clarification 1. Rationale for counting in-donor refugee costs as ODA
Q1/ Describe in a nutshell the asylum procedure in your country.

As a result of the judgment on 14 May 2020 in Joined Cases C-924/19 PPU and C-925/19 PPU of the Court of Justice of the European Union, the transit zones of Hungary were closed on 20 May 2020 and the applicants accommodated there were moved to open reception facilities (Community Shelter at Balassagyarmat, Reception Centre at Városszabadi).

With the adoption of Act LVIII of 2020 on the transitional rules and epidemiological preparedness related to the cessation of the state of emergency as well as Government Decree No. 292/2020 (VI.17.), at present, foreigners – as a basic rule – must first declare their intent to seek asylum at a diplomatic representation in order to enter the territory of Hungary and submit an application there.

Before the closure of transit zones, foreigners illegally entering Hungary could only submit their asylum application in the transit zones located at two southern border-crossing points (Tompá and Rösztke), along the border between Hungary and Serbia. Asylum seekers were obliged to reside in the transit zone for the whole duration of the asylum procedure where he/she had been given accommodation. The applicant was entitled to use the services (catering, recreation, health care, social assistance, childcare, sport, access to mass media and telecommunications, contact and liaison with NGOs and aid organizations) provided in the transit zones.

The applicant could leave the territory of the zones towards Serbia on his/her own free will at any time. The asylum procedure was initiated when the application for recognition was submitted and was to be carried out in 30 days, except in cases involving prolongation or an accelerated procedure. The time required for procedural steps was not included in this procedural time limit. The asylum authority informed the applicant in detail about his/her rights and obligations relating to the procedure.

The main reception services had been accommodation, food, clothing and other non-food products (such as tableware, toiletry), medical care (such as basic health, urgent specialized care, hospital treatment). Due to the Act LXXX on Asylum, the examination procedure of the application may be accelerated if:

- a) the applicant has only raised issues that are not relevant to the examination of whether he/she qualifies for refugee status or subsidiary protection;
- b) the applicant is from a country that is included in the common list of safe countries of origin of the European Union or in the national list of safe countries;
- c) the applicant has misled the authorities:
 - ca) by presenting false information with respect to his/her identity and/or nationality,
 - cb) by presenting false documents with respect to his/her identity and/or nationality, or
 - cc) by withholding relevant information or documents with respect to his/her identity and/or nationality that could have had a negative impact on the decision;
- d) it is likely that, in bad faith, the applicant has destroyed or disposed of an identity or travel document that would have helped establish his or her identity or nationality;
- e) the applicant has made clearly inconsistent and contradictory, clearly false or obviously improbable representations which contradict sufficiently verified country-of-origin information, thus making his or her claim clearly convincing that he/she does not qualify for refugee status or subsidiary protection;
- f) the applicant has introduced a subsequent application that is not inadmissible under paragraph 2 (d);

- g) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his or her expulsion ordered by the immigration authority, the refugee authority or the courts;
- h) the applicant entered the territory of Hungary unlawfully or prolonged his or her stay unlawfully and, without good reason, has failed without reasonable cause to make his/her application for recognition earlier, having had opportunity to do so.
- i) the applicant refuses to comply with an obligation to have his or her fingerprints taken; or
- j) the applicant may, for serious reasons, be considered a danger to the national security or public order of Hungary, or the applicant has been forcibly expelled by the immigration authority for serious reasons of public security or public order.

Safe countries of origin

A safe country of origin shall mean a country that the Council of the European Union has included in the minimum common list of safe countries of origin, or in the list of countries of origin contained in the relevant government decree on the national designation of third countries as safe countries of origin, or part of a country that is included in those lists; being included in either of those lists of safe countries of origin constitutes a rebuttable presumption of the safety of that country or part of that country with respect to the applications of persons seeking asylum, where it can be shown that there is generally and consistently no persecution, no threat by reason of indiscriminate violence in situations of international or internal armed conflict, no torture or inhuman or degrading treatment or punishment, and the country in question provides for a system of effective remedies against violations of these rights and freedoms.

The refugee authority can terminate the procedure if:

- a) the applicant withdraws his/her application in writing;
- b) the applicant fails to respond to requests to provide information, and hence constituting an obstacle for the examination of the application;
- c) the applicant fails to appear at the interview in person in spite of written notice, and fails to give justification for his/her absence;
- d) the applicant leaves the assigned or designated place of residence without authorization for over 48 hours, and absconded, and fails to properly verify his absence;
- e) the applicant has been expelled or extradited or
- f) the applicant fails to cooperate or otherwise prevented the taking of his/her fingerprint or facial image.

Discontinued applications:

The applicant is entitled to request within nine months after the decision to discontinue the procedure that his/her case be reopened. Such request shall be submitted by the applicant in person, before the refugee authority. If the request for having the case reopened is submitted in due time, the refugee authority shall resume the procedure from the procedural step taken immediately before the decision for terminating the procedure was adopted. Reopening the case may be requested by the applicant once.

Main reception services:

The open and closed reception facilities are operated and managed by the Reception Facilities Supervisory Unit of the Asylum Directorate of the National Directorate-General for Aliens Policing (formerly known: Immigration and Asylum Office). As of 1st January 2021, the following facilities are operating in the country: Community Shelter at Balassagyarmat, Asylum Detention Centre at Nyírbátor, Reception Centre at Vámosszabadi..

In Nyírbátor Guarded Asylum Reception Centre, only asylum seekers are accommodated. Generally, in Community Shelter at Balassagyarmat and in Reception Centre at Vámosszabadi, people who granted international protection are accommodated.



Clarification 2. Meaning of the term “refugees”

Q2/ Indicate the categories of refugees for which costs are included in your ODA reporting: asylum seekers, recognised refugees, persons granted temporary or subsidiary protection.

Hungarian in-donor refugee costs include exclusively the costs of asylum seekers in transit zones and open reception facilities. The share of the rejected asylum seekers in 2018 was 88.67 %. All of the costs of these asylum seekers are included in ODA until the date when they were rejected by the final court decision and the expulsion decision was implemented.

Clarification 3. Twelve-month rule

Q3/ When does the twelve-month rule start (date of application, date of entry into the country, date of start of support)?

The twelve-month rule starts at the submission of the application. Hungary has precise data about all of the persons residing in their institutions (transit zones and open reception facilities as well). As it tracks the number of days at individual level, it does not count costs beyond 12 months. The average length of stay for asylum seekers in the Hungarian transit zones was less than twelve months with a few exceptions subject to judicial review.

Clarification 4. Eligibility of specific cost items

Q4/ Provide the list of cost items included in ODA for each category of refugee and a justification for their inclusion.

As a result, of the judgment of the Court of Justice of the European Union on 14 May 2020, transit zones are considered as places of “detention” and therefore Hungary decided to exclude the costs related to the transit zones from Hungary’s ODA reporting on in-donor refugee costs for 2019 and 2020.

Expenditures included in ODA relate to persons granted international protection and accommodated in the reception stations, community accommodations:

Reception services are the followings: accommodation, hygiene package, social workers and medical service during 24 hours of the day, access to mass media and telecommunications equipment, a community space for spending leisure time, providing proper room for practicing religion, three meals per day – for minors, for pregnant women and for mothers with toddlers five meals per day. Moreover for pregnant women and for breastfeeding mothers, and for children under 18 dairy product and fruit.

- Accommodation and provision in the reception facility;
- Health care: Asylum seekers benefit from health care at reception centre, community shelter and asylum detention centre.

Based on paragraph 26-28 of the Government Decree 301/2007 (XI.9.) about the implementation of the Act LXXX of 2007 on Asylum, the asylum seeker is not covered by social insurance; he/she will be entitled to health care services free of charge.

- Administrative costs: The administrative costs include the salaries of staff and costs maintenance.
- Travel discounts
- Costs of public funeral.
- Reimbursement of educational expenses: covers the costs of these children’s participation in the public education system during their stay in the reception facility, until the person seeking asylum reaches the age

of 21 years. Accordingly, all reasonable costs relating to the education in pre-school, primary school and secondary school (or in any other educational institution that meets the child's special needs) – including costs of ticket or pass purchased for travelling to the educational institution on local or long-distance means of transport, the costs of meals in the educational institution and the fee of dormitory accommodation – will be reimbursed by the refugee authority.

Assisted voluntary return:

The only form of financial support is for leaving the country permanently (AVR programs in association with the IOM).

Hungary does not include any security related costs.

Clarification 5. Methodology for assessing costs

Q5/ Describe the methodology used for assessing ODA-eligible costs and provide the actual data points and detailed calculations used to reach the figures reported as ODA.

Referring to the 2nd point of this Template, Hungary's in-donor refugee costs include exclusively the costs of asylum seekers in the open reception facilities. The Hungarian domestic reporting system allows the tracking of expenditures at the level of individual asylum seekers and the reporting of eligible costs for their period of stay. However as integration is not in the main focus (see point 4), we do not track expenditures at the level of individuals outside the framework of reception facilities (possible integration phase).

The costs for different categories of refugees can be separated easily. Therefore, the number of asylum seekers is not an estimate, but an exact number. Hungary is tracking all of the expenditures, but not in a single database, but in specified, different systems.

ODA costs in 2019

	Amounts reported as
Maintenance costs in the receiving station	ODA (USD)
Supply costs in the receiving station	467 971,3
Total	28 100
	496 071

OECD DEVELOPMENT CO-OPERATION DIRECTORATE
 OECD DEVELOPMENT ASSISTANCE COMMITTEE
www.oecd.org/dac

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