

UNHCR Comments on the Government's draft Migration Strategy (2014-2020)

1. Introductory Remarks

UNHCR appreciates the opportunity to provide comments and feed-back to the Government Migration Strategy (2014-2020) required by the European Union for the planning of and access to national allocations of the future Asylum and Migration Fund (AMF). It is also appreciated, that on 25 February 2013, the Ministry of Interior held a **one-day roundtable consultation** with relevant stakeholders including international organizations (UNHCR, IOM) and NGOs with a view to collecting their inputs for the upcoming National Migration Strategy, in a structured manner.

We are concerned however, that the current **tight time schedule and unfortunate timing** (August being the main season of annual leaves) may significantly affect the possibility of stakeholders to offer detailed comments. As such, we would like to suggest dedicating more time for feedback by NGOs, and other partners on the priorities and proposed key actions related to the use of the Asylum and Migration Fund for the period 2014-2020.

UNHCR has also encouraged the **meaningful participation of migrants, refugees and asylum-seekers** in the process of setting priorities and designing key actions towards the implementation of the objectives identified by the Strategy. We believe that refugee involvement will allow for better targeting of resources on the basis of identified needs therefore enhancing effectiveness as well as efficiency. In this context, we recommend that a reference is added to the Strategy acknowledging the central role of annual Age, Gender and Diversity (AGD) participatory assessments in the process of setting up priorities and designing, monitoring and evaluating activities on reception conditions and integration under the AMF. Consideration should also be given to setting up a process to ensure that AMF Annual Programmes are informed by AGD findings and recommendations.

2. Positive features - general

Stateless persons (Chapter I/3., p.6.; Chapter V, p.63, 65)

It is noted with much appreciation that the personal scope of the document **covers in a systematic manner** stateless people.

Persons of concern with special needs (Chapter V/6, p. 66-67)

It is noted with appreciation that the document recognises special needs of asylum-seekers and renders the establishment of a **mechanism to identify vulnerabilities and special needs** at an early stage. In case of asylum-seekers, such assessment is required by

Article 22 of the recast Reception Conditions Directive¹ and a joint OIN/UNHCR project is being currently carried out with the Community Action of the European Refugee Fund in order to establish such a mechanism in Hungary. It is recommended that a reference to this end be included in the document.

Respect of the principle of non-refoulement (Chapter V, p.61.)

It is welcome that the respect of the principle of non-refoulement, an integral part of customary international law is included in the Strategy, in compliance with relevant international standards as well as the Hungarian Fundamental Law (Article XIV).

Mass arrival and related emergency (Chapter V/3, p.64)

It is welcome that the document covers the emergency situation arising as a consequence of mass arrivals and stipulates the strengthening of the response capacity.

Civil society, international governmental organisations (Chapter I/5, p.8-9)

It is greatly appreciated that cooperation with civil society and international non-governmental organisation is included in the document and presented as an essential element.

Monitoring of forced returns (Chapter IV/8, p. 45, 55)

The Strategy rightly identifies as a shortcoming the lack of efficiency of deportation monitoring. It renders the support of the effective monitoring as an integral element of quality assurance in this field.

Sustainability of returns (Chapter IV/7, p. 46, 53)

It is appreciated that reintegration programs will be designed and implemented in order to ensure sustainable returns of those who are not in need of international protection.

3. Gaps, shortcomings - general

Methodology

Consistency of the draft Strategy: While the draft strategic document lists several challenges identified (current state analysis) and objectives (vision); the challenges and vision points are not consistently translated into thematic objectives, priorities and specific priorities. As such, there is no thematic objective for the fact that entitlements are scattered, no complex integration programme exists which would coordinate / hold together the system of supports/entitlements. The vision that the integration capacity of municipalities should be examined is not translated into objectives. UNHCR therefore recommends that attention is paid to address all challenges / vision points mentioned in the draft document by **naming thematic objectives and priorities**.

Internal and external coherence of the document: The draft strategic document fails to demonstrate a comprehensive relationship among the objectives of the different pillars of

¹ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down the standards for the reception of applicants for international protection (recast)

the document. It remains to be seen how the different pillars of the Migration Strategy will interact with each other. While the draft indicates that it has considered other strategies, the contribution of other strategies / programmes and the influence of these on the expected results of the program remain unclear. The draft strategic document does not elaborate on planned integrated territorial approaches, either. For better accountability, UNHCR therefore suggests that the strategic document **systematically assigns an objective and priorities** to each identified need/challenge. It is advised that the contribution and influence of related strategies and programmes are elaborated and included in the document. In case of planned integrated territorial approaches, added value of each document and avoidance of duplications should also be elaborated.

Monitoring and Evaluation

Hopefully, the Strategy will serve as a reference framework for a review or evaluation of current asylum arrangements and/or the development of future government and other stakeholders' activities on programmes targeting persons of concern. At the same time, the effectiveness of the – first ever in history - Migration Strategy itself will be crucial. Monitoring and evaluation processes can assist the Government in evaluating its performance and identifying the factors, which contribute to achievements and demonstrate the need for further improvements. Monitoring and evaluation should be oriented towards providing the ability to draw causal connections among the choice of policy priorities, the resourcing of those policy objectives, the programmes designed to implement them, the services actually delivered and their impact on persons of concern. Monitoring and evaluation will help to identify how challenges should be addressed and successes replicated. UNHCR notes with concern that the strategic document **does not contain any evaluation mechanism** – besides naming the indicators – of the strategy. Out of the 72 indicators mentioned in Chapter V on International Protection only 4 measure results, 68 only provide output indicators (such as number of conferences or study visits held). In case of Chapter VI on Integration, out of 94 indicators 14 measure results, 80 provide output indicators. It is suggested that indicators are included which measure the results of the program.

Moreover, UNHCR strongly recommends that **monitoring and evaluation** of the programmes do form an integral part of the overall strategy and their content is specified in a Government Decree. UNHCR suggests that an **ex-ante evaluation**² of the strategic document takes place.

Furthermore, UNHCR recommends **including civil society actors and external evaluators** in the monitoring and evaluation mechanisms that will contribute to their transparency. The migration strategy should be evaluated by their beneficiaries as well as service providers responsible for its implementation. Another step could include a wide range of stakeholders involved (such as family support centres, labour offices, educational institutions, NGOs, etc.). The organizations will need specialized training, regular coordination and financial support.

² Commission's Communication (SEC (2001) 1197/6&7 on the Activity Based Management (ABM) underlines the essential role of evaluation (including ex ante) as part of the management system

Content

Migration flows and the public opinion towards migrants, asylum-seekers and refugees (Chapter I/4, p. 6; Chapter IV, p. 46)

When describing the general migration context, the Strategy perceives Hungary as "primarily a transit country in the context of migration" - however also recognizing that in the future this may change gradually and the country may become more and more a destination country with "increasing migratory movements" (p.6). As rightly highlighted, surveys and researches confirm that the Hungarian society is negative, suspicious rather than being receptive or tolerant in terms of attitudes towards migrants in Hungary (p. 73-74). It is also pointed out that the Government's PR work is defensive (p. 61) and there is a need for more pro-active media- and information campaigns in order to address social stereotypes (p.75). However, the document fails to describe the current extent and level of **xenophobic movements are organised** and the **systematic use of social media** in stepping up against asylum-seekers and refugees. Drastically increased and intensified negative community attitudes generally emerge at locations hosting open OIN reception facilities and they are usually interlinked (while Tarki's surveys found no increase in xenophobia across the nation in 2013, indeed it was down 4% from 2012: 36% as opposed to 40%). Multiple factors such as political ones (national and European parliamentary and municipal elections in 2014) as well as migratory ones (sudden drastic increase of migratory movements causing emergency situations) may have significant impacts on the rise of xenophobic and racist movements, actions (see problems prevailing in Balassagyarmat, Bicske, Debrecen and Vamosszabadi) in the future, too. It is proposed therefore that a stand-alone chapter on **Government Communication Strategy** be included in the document (i.e. not particularly attached to integration as it should also cover asylum-seekers). Such communication strategy should be based on regular surveys and researches. It should aim to generate community understanding, awareness and acceptance about migrants, asylum-seekers and refugees. It should combine a mix of community relations activities providing safe and structured process for host communities to understand and get to know a bit of the residents of the centres and migrants generally as well as traditional public communication activities (media liaison, personal stories, social media, video clips and campaigns). This would allow a structured, targeted and pro-active approach replacing the current scarce, re-active one. Furthermore, the Government could study the experiences of other countries whereby governments have undertaken proactive efforts to inform communities about asylum-seekers before opening a new reception centre, resulting in more positive reception.

Stateless persons (Chapter I/3, p.6; Chapter V, p.63)

While it is noted with appreciation that the personal scope of the Strategy embraces systematically stateless people, it is regretful that the Government does not seem to consider the discontinuation of the **requirement of lawful stay for access** to the stateless status determination procedure, stipulated by the national law. This requirement operates as an exclusion clause and as such goes beyond the ones stipulated by the 1954 UN Convention on the Status of Stateless Persons thus it is not compliant with the provisions and spirit of the Convention. It is regrettable that good practices set by Hungary (such as putting into place a formal mechanism and a related quality assurance mechanism to

determine statelessness as well as significant efforts made by the Government to convince other States to accede to the stateless conventions) have been overshadowed by the hindrance of the access to the procedure in Hungary. The introduction of the statelessness determination procedure (1 July 2007) hasn't generated a pull effect in the migratory context in Hungary and so the necessity to maintain the extra Convention requirement cannot be justified by this argument either. It is strongly recommended therefore that the Migration Strategy provides for the discontinuation of the above mentioned requirement.

Best interest (p. 63 and 71)

Although the notion of the best interest is mentioned twice in the document, the Strategy fails to clearly provide for a systematic, substantial implementation of the notion. While this notion is the core value of child protection based on the UN Convention on the Rights of the Child (1989) and so a sound obligation for states parties to the Convention, in practice it has not been implemented and so no compliance is observed due to the mere lack of a procedure/mechanism to assess the best interest of the given child in the given situation of life. It is therefore strongly recommended that the Strategy specifically stipulates the introduction of a **Best Interest Determination Procedure** in Hungarian law. Reference can be made to the consultations UNHCR has carried out in Hungary. For more details on this, please consult our comments to Chapter VI/9 on unaccompanied minors (p.12).

The principles of complementarity and sustainability (Chapter I/5, p. 8)

The principles of **complementarity and sustainability** require that EU funding is used to support activities that complement and add value to the already existing government funded services. In this context, UNHCR has been and remains to be concerned that basic (medical or social) services are provided on a contractual basis under ERF/AMF rather than through the regular government budget that is additional to ERF/AMF. The Strategy does not seem to change this long-standing tendency (see Chapter I/5, p.9.), therefore, it is recommended that a clear statement on Government funding other than matching funds be included in the Strategy. On the same note, it is also recommended that indications on the **proportions of distribution** of the AMF national allocation among the different fields be included in the document (i.e. % of funds to be allocated to visa policies, illegal migration, legal migration, international protection and integration) in order to prevent that certain fields become marginalised.

Victim protection (Chapter V, p. 61)

Although references to the risk of victimisation in the context of trafficking in human beings and forced prostitution are included in Chapter V on International Protection, similar risks cannot be excluded in the context of illegal migration as well. It is recommended therefore to actually highlight this issue under the principles (Chapter I/3) as well as include a strong component on **victim protection** which is missing at the moment. While it is fully understood that the current Government draft Strategy is closely linked to the existing Government Strategy on Trafficking (Chapter I/7, p. 11), because of the **inefficiencies** of the current Hungarian system (also indirectly admitted by the Strategy when elaborating on the risks threatening foreign UAMs at the moment), as

well as the importance of the issue, it is suggested that this issue be specifically highlighted here as well as in Chapter IV/9 (p.55) on promoting efficiency of fight against abuse.³

Mass arrival and related emergency (Chapter V/3, p. 64)

UNHCR welcomes that the document covers the emergency situation arising as a consequence of mass arrivals and stipulates the need to strengthen response capacities, however, it is of utmost importance that certain **minimum standards** for treatment and services asylum-seekers and beneficiaries of international protection are entitled to be established without compromising basic human rights. It is strongly suggested that the Strategy makes explicit reference to this need of establishing such minimum standards in national law.

Integration (Chapter VI)

UNHCR welcomes that the Government has prioritized integration as one of the pillars of the Migration Strategy. However, given the complexity of the issue and the need for better accountability, UNHCR suggests that a **separate Integration Strategy** is elaborated in order to create a comprehensive framework taking into account all dimensions of integration.⁴ While it is often assumed that general integration policies should address persons in need of international protection along with other categories of migrants, UNHCR notes that refugees and beneficiaries of subsidiary protection may – and usually do - have **special needs** and face particular challenges with regard to integration due to past experiences of persecution, flight and exile. UNHCR notes the need for targeted/specialist services for refugees that address their specific needs and **complement mainstream** support services and facilitate an effective access to these services. Refugee integration measures can only be successful if they are part of a broader strategy actively promoting equality and seeking to transform public institutions and the society at large. Nevertheless, UNHCR encourages the Hungarian government to **list the specific needs** of refugees. For more details, please consult our detailed comments to Chapter VI (see p. 9-12).

Lack of exit strategy (Chapter IV, p. 44)

One of the major shortcomings of the current migration management system/regime is the identification and rendering solutions for those whose return to their countries of origin or a safe third country is not possible for other reasons than human rights - basically for technical reasons - fall through the cracks after they spent protracted periods

³ Reference is made to the UN Joint Commentary on the new EU Directive on human trafficking, available at: <http://www.unhcr.org/refworld/docid/4edcbf932.html> and <http://www.unhcr.org/4ee6215e9.html>

⁴ Reference is made to the UNHCR Note on Refugee Integration in Central Europe which lists the following dimensions of integration: These are: the link between the reception and integration phases, refugee integration and mainstreaming, the legal dimension of integration (naturalization); housing employment, education, health, public relief and Social Security; Language Learning and Cultural Orientation ;Building Bridges and Fostering Participation; Family Unity and Reunification Funding for Integration, available at: http://unhcr.org.ua/img/uploads/docs/11%20UNHCR-Integration_note-screen.pdf

in detention and in open facilities in Hungary. The current regime foresees their transfer to and stay in the open OIN facility in Balassagyarmat; however, after a limited period their **entitlement to stay** in a state run facility **expires**. At that point, they are supposed to leave the facility, however, with no assistance whatsoever provided to them after the moving out. This can make even active, able-bodied and able-minded adults vulnerable, not to mention foreigners with special needs such as mental cases, PTSD, persons suffering from illnesses such as diabetes etc. Such an **un-facilitated exit** has also negative consequences for the local community and may raise concerns relevant to security, public order and health. This problem is identified and recognized by the Strategy however no solution is rendered to it. It is recommended therefore that the Strategy elaborate sustainable programs which assist this group after moving out from the OIN facilities.

Monitoring of detention (Chapter IV/8, p. 45)

The Strategy rightly identifies the lack of efficiency of detention monitoring in Hungary. However, this problem is articulated exclusively in the framework of Chapter IV on Illegal Migration, not mentioning the same in the context of the recently introduced asylum detention. Even in the context of illegal migration, the Strategy fails to render a solution to the problem. European Court of Human Rights (Strasbourg) decisions, EU procedures against Hungary and other critical findings do confirm that the current system of detention monitoring is indeed insufficient in Hungary. An independent national monitoring mechanism is to be established as of January 2015 in order to implement the Optional Protocol of the Convention Against Torture within the Office of the Hungarian Ombudsman. However, the introduction and/or support of an effective monitoring system as an integral element of quality assurance in this field may prove to be useful and reference to this in the Strategy is recommended.

Responsibility for running asylum detention (Chapter I/5, p.9)

When describing roles and responsibilities, the Strategy fails to specify OIN's role in running the new form of detention in Chapter I/5 (p.9). As the Strategy apparently does build on this new form of detention on the long run (see Chapter V/3, p. 64), it is suggested that the responsibility of OIN be specifically mentioned in this regard in Chapter I/5.

4. Chapter V: International protection – specific considerations

Resettlement (Chapter V/2. p. 64)

While UNHCR appreciates Hungary's current engagement as well as future plans on continuing engagement in responsibility sharing through resettlement and relocation, it has been observed with concerns that there is no intention or at least mention on the setting up of an **institutionalised system** for such movements as well as the integration of beneficiaries of resettlement and relocation. Experiences and lessons learnt in the Hungarian context show that ad hoc arrangements are insufficient and cannot replace a structured, planned, and comprehensive and multi-institutional approach. It is suggested therefore that the document makes specific mention of an institutionalised system in the context of resettlement and relocation, this system being complementary to the general

integration system and public services, while acknowledging and addressing the specific needs of resettled or relocated refugees. UNHCR stands ready to provide assistance in developing such a resettlement program.

Flexible asylum regime (Chapters V [p. 60-61] and V/3. [p. 64-65])

The document rightly mentions that a flexible asylum regime is able to address large scale influxes and handle complex, mixed migration flows. This need is addressed in particular by **UNHCR's 10-point Plan**, a tool developed in 2006 in response to the many challenges inherent in identifying and protecting refugees travelling within broader movements of persons. It provides a number of practical suggestions to assist States in developing and implementing protection-sensitive migration strategies, that is, strategies that take into account the needs of refugees and other specific groups of persons travelling in mixed flows⁵. It is recommended that a reference is made to it by the Strategy.

Asylum Procedures (Chapter V/4., p. 65)

Unlike Chapter V/5. (p. 65-66) on the prevention of abuses, this chapter fails to mention the existing **UNHCR-OIN joint quality assurance mechanisms** (for the asylum procedure and the stateless status determination procedures). It is suggested that a reference is included to this chapter.

Protracted court proceedings (Chapter V, p. 61-62)

Among the shortcomings, the Strategy particularly mentions that protracted judicial proceedings result in financial and security risks. This statement is not corresponding with the findings of researches on European judicial structures and efficiency in reviewing asylum decisions. A survey conducted by the Hungarian Helsinki Committee found that the Hungarian judicial system is one of the most efficient in Europe with the shortest deadlines articulated by law for making decisions and relatively short procedures in practice.⁶

Civil society (Chapter I/5, p.8-9; Chapter V p. 61)

While it is greatly appreciated that cooperation with civil society is included in the document and presented as an essential element, however, it is noted with regret that the Strategy fails to address relevant shortcomings such as relationships with NGOs are weak (p. 61). Indeed, a more structured and inclusive cooperation with and engagement of NGOs is much needed. This would include structured on-going dialogue, systematic provision of information as well as engagement in preparation of policy decisions.

5. Chapter VI: Integration – specific considerations

⁵ Refugee Protection and Mixed Migration: 10-point Plan in Action, UNHCR, February 2011, available at: <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=4d52864b9&query=10-point%20plan>

⁶ Hungarian Helsinki Committee: Structural differences and access to country information (COI) at European courts dealing with asylum, Budapest, 2011, available at <http://helsinki.hu/en/structural-differences-and-access-to-country-information-coi-at-european-courts-dealing-with-asylum>

Target Group (p. 69)

UNHCR notes that integration measures are only directed at beneficiaries of international protection while the plans of the Government remain unclear in case of persons with a tolerated status. As the amendment of Act II of 2007 on the Admission and Right of Residence of Third-country Nationals reduces the length of stay in reception facilities for persons with a tolerated stay to two months without amending the conditions for taking up employment, which may lead these individuals towards unlawful employment. Unlawful activities can endanger public order and enhance the already high level of xenophobia in Hungary. UNHCR recommends therefore that the Government considers integration measures also in cases of **persons with a tolerated stay** taking into account that even persons with a tolerated status have to provide for their families and should be seen as active and active members of the society. This objective that foreigners should be seen as useful members of society is also reiterated in the draft Strategy.

UNHCR notes furthermore that the personal scope of the document also covers **stateless persons**, however, however, in details it remains silent on how stateless persons would be facilitated to integrate and access social and economic rights.

Current state analysis (p. 69-74)

General issues

Priorities and areas of concern

According to the UNHCR Note on Refugee Integration in Central Europe, the following **areas** need to be considered in relation to the integration of beneficiaries of international protection: the link between the reception and integration phases, refugee integration and mainstreaming, the legal dimension of integration (naturalization), housing, employment, education, health, public relief and social security, language learning and cultural orientation, building bridges and fostering participation, family unity and reunification and funding for integration. Therefore, UNHCR reiterates its initial position on a Migration Strategy (drafted with the civil society) shared with the Ministry of Interior on 25 February 2013 calling for the inclusion of the following *additional* priorities and areas of concern in the Chapter on Integration of the Migration Strategy:

- Health (strategic objective: health services for persons granted international protection integrated into the mainstream health care system, especially effective access to psychiatric health care is ensured. In this context it is important to consult the State Secretariat for Public Health, as PTSD counseling is not billable in the current system)
- Legal dimension of integration (Strategic objective: For those persons granted international protection who wish to stay in Hungary access to citizenship is facilitated)
- Family reunification (Strategic objective: All persons granted international protection can genuinely and fully exercise their right to family reunification in Hungary.)

- Participation: Strategic objective: the self-organization of migrants and refugees is strengthened, persons of concern actively participate in the decision-making process affecting their situation.

Reference period

The Hungarian Government is introducing a **significant change in the integration regime**, moving away from OIN-run camp based integration to a community based system. However, the new integration system will only be operational as of January 1 2014, which falls beyond the time frame of the current state analysis and so the draft strategic document lacks consistency as it mixes the two systems (reference is made to the section on Hungarian language training and education which indicates the existence of pre-integration facilities). UNHCR therefore suggests that the current state analysis uses a **consistent methodology focusing only on the present situation**, leaving future plans for the vision section. Part of this vision will also need to be an analysis of the full set of modified services, which will need to be accessible to refugees in private lodging effectively replacing support currently provided through camp based reception.

Specific needs of refugees

The current state analysis **fails to make a clear distinction** between the specific needs of beneficiaries of international protection and other migrants. UNHCR therefore suggests that **systematic distinction** is provided on the challenges different types of migrants face.

SWOT Analysis (p. 74)

According to the current Draft, **no differentiation** is made between the different levels – institutional, macro and micro levels – of concern. In order to avoid confusion and to prioritize outstanding issues, it is suggested that the SWOT analysis differentiates between the above mentioned three dimensions. In addition, UNHCR strongly recommends including the following constraints/threats in the SWOT analysis:

- No experience and, as a consequence, no proper impact assessment of the new integration scheme at this stage, therefore, a systematic monitoring and evaluation is needed as a first step;
- Unpreparedness of service providers, institutional system

Vision (p. 75-76)

UNHCR welcomes that the Hungarian Government is **moving away from OIN-run camp based integration to a community based system**. It is encouraging that this new system shall be supported by an integration network (to be established) and by engaging new partners such as municipalities (by mapping their capacities). However, the lack of proper impact assessment of the new integration model and the lack of concrete plans on the implementing government decree make it difficult to overall assess, evaluate the applicability of the newly introduced mechanism. Furthermore, even in the community based reception, it will be important to clearly re-establish the state responsibility for the overall process, and affirm it through sufficient funds to other actors facilitating the refugees' reception and integration on the community level. It is recommended therefore

that a monitoring and evaluation mechanism be put into place with the active engagement on non-governmental actors.

Furthermore, UNHCR welcomes that the Government, through the introduction of a new integration system, aims to better respond to the individual needs of the beneficiaries of international protection. It is noted that the new system will be based on the conclusion of an integration contract by the family support centres on one hand and the beneficiaries of international protection on the other hand. UNHCR underlines that the integration contract should be based on the acknowledgement of rights and obligations on behalf of **both** parties: the beneficiary of international protection **and** the service provider.

UNHCR further welcomes that the Strategy foresees continuous training activities for civil servants who will be tasked to assist the migrants in order to allow for a smooth hand-over, to establish a sustainable system and to respond to newly arising questions and needs. At the same time it is noted that certain points of the Vision are not translated into objectives and thus in concrete actions (such as mapping the labor market and accommodation opportunities in some of the municipalities etc.)

Specific Objectives

Drafting and implementing the Migration Strategy (Chapter VI/1, p. 77):

UNHCR urges that refugee integration measures form **part of broader efforts** in Hungary to ensure protection from discrimination, equitable treatment and access to opportunities on the basis of equality for all.

UNHCR recommends that the authorities consider appointing an integration **focal point** of considerable seniority and decision making capacity in each relevant department in the key ministries. Focal points thus should be appointed in the fields of reception arrangements, education, housing, public relief and social security, language learning and cultural orientation, family reunification, employment, health, naturalization, participation, and funding. The focal point should be tasked with promoting the mainstreaming of refugee and migrant integration and ensuring that the department delivers on its commitments on equitable treatment for refugees and other third country nationals.

Integration policies can be more effective if underpinned by systems and structures that allow for coordination and dialogue among all key stakeholders involved in refugee integration as well as in the provision of mainstream services at community level. Therefore, UNHCR welcomes the **establishment of an Integration Forum**, which will bring together the focal points and key actors in developing, monitoring, evaluating and coordinating integration services and activities. Chapter VI.7 “Enhancing the social and political activity of migrants” should receive special attention: **involving refugees** in the planning, implementation, monitoring and evaluation of integration policies and supporting their participation at the Integration Forum should be the first step.

Intercultural training and education (Chapter VI.2, p. 77-78)

UNHCR welcomes that the Government plans to introduce programs for the social inclusion of migrant children. At the same time, it is recommended that programs focus on ensuring **full and effective participation** in a flexible and migrant-specific needs-based education system. In this respect, access to normative support available is crucial. The programs should facilitate **integrated education** while ensuring necessary access to language preparatory courses. Besides studies on access to education – reference is made to the recommendations of already existing reports⁷ -, the Government should provide for proper statistical data collection, as currently no statistical information is collected or maintained on the enrolment and retention rates of school-aged asylum-seeker and refugee children. The Working Group on Education set up within the Office of Immigration and Nationality can be an important forum for coordinating activities and ensuring complementarities between different programs envisaged under the AMF and the European Social Fund. In this context, UNHCR encourages the authorities to adopt an **integrated education strategy**. While providing for needs-based targeted action, such strategy would establish the framework for considering the needs and requirements of refugee and migrant children and young people in tandem.

Migrants' participation in post-secondary education (Chapter VI.3, p. 78): UNHCR welcomes that the Strategy plans to support migrants who wish to study in post-secondary education. In this respect the availability of **post-secondary education scholarships** for refugees would be crucial as currently access is mainly limited due to lack of post-secondary educational support.

Specific training enhancing labor-market integration of refugees (Chapter VI.4, p. 78): UNHCR welcomes that the authorities committed to review the language training arrangements. In this respect, UNHCR recommends the introduction of **integrated language training** which takes into account special needs of beneficiaries and is embedded in continuous quality assurance.

Access to employment through training and incentives for employers (Chapter VI.5, p. 78-79):

UNHCR welcomes the proposed measures aiming at enhancing access to employment. It is suggested that emphasis is put on practical arrangements which facilitate access in practice. UNHCR supports the use of economic incentives or other measures aiming to prevent or compensate for disadvantages faced by refugees in the labor market due to past experiences of persecution and flight or because of discrimination on grounds of race or ethnicity. Such measures might include **targeted vocational programs**, support in business-start up, wage and social security contribution support to employers employing refugees. It is welcomed that the Government plans to introduce special measures to enhance employment opportunities for persons with special needs. We further support the development of **cooperation agreements** with private recruitment agencies.

UNHCR notes that the Strategy aims to respond to the needs of the labor market by creating and operating training programs for migrants. In this respect, it is advised that the Strategy includes specific measures providing to **life-long learning** opportunities.

⁷ UNHCR Report on Improving Access to Education for Asylum-seeker, Refugee Children and Adolescents in Central Europe; <http://www.refworld.org/docid/4e9bf50615.html>

Housing (Chapter VI.6, p. 79): In UNHCR's view, safe, secure and affordable housing plays a critical role in determining the overall health and well-being and providing a base from which refugees can seek employment, re-establish family relations and make connections with the wider community. According to a recent UNHCR commissioned study by Menedek Association⁸, safeguarding access to adequate housing for refugees and beneficiaries of subsidiary protection remains a challenge in Hungary today with a growing number of refugees and beneficiaries of subsidiary protection facing homelessness or a serious risk of becoming homeless. The challenges mentioned afore might aggravate with the legislative amendments entering into force as of 1 January 2014 where refugees will only be able to stay in a reception facility two months after being granted international protection.

UNHCR welcomes the introduction of supporting measures, which facilitate access to housing for beneficiaries of international protection. Housing programs (such as the Housing Program currently run by the Reformed Church) can be seen as a viable option to complex integration support programs. According to the above mentioned study⁹ by Menedek Association, in 2012 the admission interview for the housing program was three times oversubscribed with 100 people, showing a significant gap between supply and demand. With the availability of one housing program targeted at beneficiaries of international protection in Hungary, access to housing for this group in a realistic manner – as most of these people need support to establish their lives in Hungary – is far from being assured. There is a **need for additional housing programs, inclusive of social housing** that can accommodate a larger group of beneficiaries of international protection, and to do so in a sustainable manner in the long-term.

At the same time, it is recommended that **partnerships with municipalities** and **enhanced NGO involvement** - outsourcing professional services to the NGO sector, such as supporting self-reliance, monitoring and provision of accommodation - are examined. In this respect, availability of normative financial support is crucial.

Social and Political Participation (Chapter VI/7, p.79-80):

Article 34 of the 1951 Refugee Convention provides that States shall facilitate as far as possible the naturalisation of refugees by expediting naturalisation proceedings and reducing as far as possible the charges and costs of such proceedings. UNHCR reiterates that **all persons granted international protection** should have access to facilitated naturalisation procedures as beneficiaries of subsidiary protection will face the same difficulties as refugees in fulfilling the conditions for naturalization. UNHCR therefore advises the Government to treat the fact of being a beneficiary of subsidiary protection also as a favourable element for the purposes of the procedure for granting nationality.

⁸ Where is my home? Homelessness and Access to Housing among Refugees and other Persons with International Protection in Hungary - A study Prepared for UN High Commissioner for Refugees; Budapest, 2013 (forthcoming)

⁹ Ibid, p. 19-20.

Moreover, it is crucial to abolish legal obstacles to naturalisation (permanent residence as pre-requisite).

UNHCR welcomes the inclusion of persons of concern in implementing the integration measures and establishing a mentor system. At the same time, it is recommended that **migrants have a central role also in the process of designing, monitoring and evaluating integration policies and programmes.** This would also entail a consultation of refugees in the elaboration of the Migration Strategy and a systematic needs assessment, carried out in partnership with the civil sector.

Welcoming society and intercultural dialogue (Chapter VI/8, p.80-81):

EXCOM Conclusion No.104¹⁰ encourages the implementation of activities that promote the positive aspects of a diverse society and interaction between refugees, the local population, civil society and refugee organizations. This is also a key theme in the Common Basic Principles on Immigrant Integration which identify frequent interaction between migrants and citizens as a fundamental mechanism for integration and encourage the **participation** of migrants in the democratic process as well as in the formulation of integration policies and measures. In this respect, UNHCR welcomes the supporting measure of fostering collaboration between refugees and receiving societies through the establishment of **local level networks.** Authorities are encouraged to bring together relevant service providers, local authorities, representatives of civil society as well as refugee representatives to support the development of specific projects that facilitate dialogue between refugee and local communities and enable them to work together in pursuit of common agendas and priorities. As for the specific measures targeting the establishment of a more welcoming society and objective media, reference is made to our general comments on *Migration flows and the overall public opinion towards migrants (Chapter 4)* proposing the inclusion of a stand-alone chapter on **Government Communication Strategy** in the document¹¹.

Unaccompanied minors (Chapter VI/9, p.81)

UNHCR welcomes the plans of the Government to facilitate access to naturalisation for unaccompanied minors and thus aligning protection statuses of refugees and beneficiaries of subsidiary protection. While the Strategy clearly states that primary consideration should be given to the best interests of the child, no reference is made on its practical implementation under the specific objectives/measures. As the notion stipulated by Article 3 of the UN Convention on the Rights of the Child is legally binding for Hungary, it is strongly advised that the strategy specifically stipulates the introduction of a **Best Interest Determination Procedure** in Hungarian law. Therefore, UNHCR suggests to make reference to consultations UNHCR has carried out in Hungary and to include the following specific measures in the Strategy:

- Establishing an inter-ministerial Working Group to elaborate recommendations on how the alien policing and child protection systems could be combined.
- Amending legislation in order to provide children a humanitarian residence permit automatically on the grounds of being children.

¹⁰ Conclusion on Local Integration <http://www.unhcr.org/4357a91b2.html>

¹¹ See pages 3-4

- Amending relevant legislation in order to list the tasks of the temporary guardian (adding also his/her tasks in relation to BID).
- Supporting training of temporary guardians.

While it is appreciated that the authorities intend to increase the protection of unaccompanied minor refugees, it needs to be ensured that asylum-seeking and migrant minors do receive all the necessary child protection and integration services they are entitled to as being first and foremost children. While providing information on **child trafficking**, UNHCR reiterates the need for an integrated approach as part of the best interest process taking into account the specific needs of every single child.

Other issues: family reunification

With respect to integration, EXCOM Conclusion No. 104 notes the potential role of family members in promoting the smooth and rapid integration of refugee families given that they can reinforce the social support system of refugees. It is therefore suggested that the Chapter on Integration of the Migration Strategy also includes **specific objectives on family reunification**. UNHCR therefore encourages the Government to:

- Taking all necessary steps to facilitate the timely reunification of unaccompanied minors with family members;
- Ensuring equality in the treatment of refugees and persons with subsidiary protection;
- Including a specific allocation in the AMF budget to cover the cost of travel of family members reuniting with refugees and persons with subsidiary protection;
- Elaborating practical guidelines on the handling of cases where the applicant possesses a travel document not recognized by Hungary (in accordance with Article 19 (2) of Act II of 2007 and in compliance with Council Regulation 2002/333/EC.);
- Elaborating Standard Operating Procedures for consulate officials governing the proper receiving and processing of family reunification applications, taking into account the specific needs of refugees (also with regards to documents submitted for visa application);
- Training of personnel and elaboration of Standard Operating Procedures;
- Allocating financial resources for supporting family reunification.

6. Funding

UNHCR notes that Hungary extensively relies on the ERF (and the AMF) to support the running of fundamental aspects of the asylum system including refugee integration services. According to the draft budget for the priority 'Integration' out of the 40 proposed measures there are only **2** which are **financed by the State budget** (these are: drafting the Migration Strategy and the establishment of Integration Forum). State spending other than that is not visible from the Migration Strategy. UNHCR suggests including State spending/expenses relating to the integration of beneficiaries of international protection in the draft budget.

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