



**(MEMBER) STATES' APPROACHES TO UNACCOMPANIED MINORS FOLLOWING
STATUS DETERMINATION**

HUNGARY

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(Member) States' Approaches to Unaccompanied Minors Following Status Determination

Top-line factsheet

The study finds that not all data are available in Hungary which would be relevant to be built in the text but several of them were given by the Immigration and Asylum Office and the Hungarian Directorate-General of Social and Childcare Affairs. Based on these numbers, the study finds that typically male unaccompanied minors have arrived to Hungary during the examined period (proportion of girls were between 1 % and 15% in different years). It can also be stated that 2015 was a crucial year in Hungary since 606 applications of unaccompanied minors were accepted in 2014, 8685 in 2015 and 119 in first half of 2017. (Data is not available from 2016.) Most of the unaccompanied minors are from Afghanistan; however Syria was also a significant country of origin in 2015. It is very important that only a few unaccompanied minors received international protection (31 in 2014, 20 in 2015, 17 in 2016 and 8 in first half of 2017), however the study concludes that its reason is not the high ratio of rejections by all means. It can be caused by the high ratio of disappearance as well. The last finding which must be highlighted here connected to the numbers which are indicating that any form of return is absolutely not typical in Hungary.

Since only one year was very crucial in Hungary and most of the asylum-seeking unaccompanied minors left the country, the regulation and practice of unaccompanied minor's integration has not changed relevantly. Only tiny modification has happened.

Disappearance during the status decision was very typical before 2017, but since then those asylum-seeking unaccompanied minors who are between ages 14 and 18 shall stay in the transit zones, thus they do not have the possibility to disappear. Hungary is not a target country of irregular migrants, most of them would carry on their travels toward Western-European countries (EU Member States) due to economical differences, diasporas and other reasons. These factors enhance the chance of disappearance. Additionally, unaccompanied minors can also disappear after receiving status. Unfortunately, the study found only the number of occurrence of disappearances, thus it is not possible to state how many unaccompanied minors have disappeared since one of them can disappear many times if he or she was found and repeat his/her disappearance again (in some cases several times). It would be important to take steps toward shaping more predictable and attractive future for them in Hungary and to communicate it since through information a desirable life trajectory information could be drawn for them. The asylum and childcare authorities should emphasize the advantages of Hungarian childcare system from the time of their asylum-application submissions. It seems, first of all, the communication is challenging but it would be able to prevent several secondary movements.

The Hungarian childcare system handles unaccompanied minors and Hungarian children equally. It is a huge advantage for the unaccompanied minors. Moreover, NGOs can help the childcare system by providing special attention to unaccompanied minors with cultural and education activities. Due to the low number of unaccompanied minors under international protection staying in Hungary, this cooperation between the guardianship office, the children's home, the other relevant state offices and NGOs can be close since all relevant representatives of these organization know each other in person and even all unaccompanied minors as well. It is also an advantage of the system which must be exploited.

It must be mentioned that the earlier communication of the Hungarian government toward the public could influence the social attitude concerning migration and migrants. It can have an impact on concepts of unaccompanied minors about Hungary. The Hungarian society has become less friendly towards all migrants from September 2015 probably due to these communication campaigns and this factor cannot help to build trust in unaccompanied minors regarding their future in Hungary.

There is one more factor which is unfavourable from the unaccompanied minors' point of view; this is the necessary status review in every three years. This short term review might be reasonable but it would be desirable to elaborate legal and practical avenues for status changes (e.g.: to residence permit for purpose of study or gainful activity) since in this way unaccompanied minors future could be foreseeable by them and also by the relevant authorities.

Section 2: Overview of the situation of unaccompanied minors in the (Member) State

Q1. Please provide an overview of the current **public debate** with regard to unaccompanied minors who have received a final decision on their application for asylum/ another status in your (Member) State.

There are two levels of the public debate with regard to the unaccompanied minors in Hungary. The most general will be presented firstly and the more specific one will be mentioned secondly.

1. There is a very vivid discourse in Hungary concerning migration. As such, all unaccompanied minors are migrants since they are from different third countries. This political debate started in 2014 and have resulted changes in the social attitude of the Hungarian citizens according to TÁRKI.¹ There have been different campaigns of the Hungarian government linked to migration in which migration has been shaped as a non-desirable social phenomenon. The unaccompanied minors have to face this new social environment since most of them can be identified as migrants due to their physical appearances and their spoken languages. However, we found that unaccompanied minors can find safe environments (schools, work places, etc.) where they do not have to face the general social attitude.
2. The institution which cares for the unaccompanied minors has been in change since the beginning of 2017.² The facility located in Fót (20 km far from Budapest) will be closed in the middle of 2018 and the fate of the unaccompanied minors placed there is still uncertain. However, it is not a question whether they will have a certain accommodation since it is guaranteed by the relevant law. It shows the importance of this question that the press is interested very much in this topic.³

There are also NGOs and charity organizations which deal with unaccompanied minors and they keep alive the discussion about their general situation. However, it must be mentioned that this general topic cannot be considered as a wide public discussion rather it is a special topic of these organizations and their supporters.

Q2. Are unaccompanied minors that fall in this category a **national policy priority**, including those turning 18 years of age? Has this changed over the last few years, i.e. since 2014 onwards? Has there been a shift in focus within policy issues concerning unaccompanied minors?

In order to have a complete picture about the national priorities concerning the unaccompanied minors, two documents must be reviewed.

1. The first one is *The Migration Strategy and the seven-year strategic document related to Asylum and Migration Fund established by the European Union for the years 2014-20*.⁴ This document mentions the unaccompanied minors 13 times. It is not necessary to enlist all of its occurrences but some examples must be mentioned in order to show the main ways of thinking about this issue. The following aims have been appointed concerning unaccompanied minors:
 - a. Drafting a professional medical, psychological protocol assisting the aliens policing procedure (age determination of unaccompanied minors).

¹ TÁRKI (2016) The Social Aspects of the 2015 Migration Crisis in Hungary. Available at: http://www.tarki.hu/hu/news/2016/kitekint/20160330_refugees.pdf [Accessed: 10 December 2017]

² Announcement of the ministry in charge: <http://www.kormany.hu/hu/emberi-eroforrasok-miniszteriuma/szocialis-ugyekert-es-tarsadalmi-felzarkozasert-felelos-allamtitkarsag/hirek/atalakul-a-foti-gyermekvaros> [Accessed: 10 December 2017]

³ See for example: <https://444.hu/2017/12/09/egy-evvel-a-bezaras-hire-utan-sem-tudni-hogy-mi-lesz-a-foton-elo-menekult-gyerekek-sorsa> [Accessed: 10 December 2017]

⁴ Available: <http://belugyialapok.hu/alapok/sites/default/files/Migration%20Strategy%20Hungary.pdf> [Accessed: 11 December 2017]. The complete Hungarian version of this document is available: http://belugyialapok.hu/alapok/sites/default/files/MMIA_.pdf [Accessed: 11 December 2017]

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- b. Elaborating a best interest determination procedure for unaccompanied minors not abusing the system.
- c. Improvement of the placement of unaccompanied and separated children asylum seekers in child protection institutions.
- d. Legislative conditions should be drafted in order to ensure that unaccompanied and separated children and young people receiving post-care support who are beneficiaries of subsidiary protection are also granted easy access to obtaining Hungarian citizenship, just like recognized refugees, which will encourage and accelerate their integration process and increase their motivation.
- e. In order to prevent human smuggling, accommodation for unaccompanied and separated children who are asylum seekers should be set up separately from accommodation facilities for recognized refugees.

Moreover, one of the main objectives of this document is the following: Unaccompanied and separated children and young adults receiving post-care support who are recognized as refugees or as beneficiaries of subsidiary protection face numerous disadvantages; it is thus crucial *to ensure their protection and to assist them in integration during their stay in the institution and when they leave the institution to begin an independent life.*

2. The other relevant document is the National Program of the Asylum, Migration and Integration Fund (AMIF).⁵ This document does mention the phrase "unaccompanied minors" seven times and it mentions its abbreviation (UAM) once. It is worth mentioning some examples from this document as well:
 - a. The 5th Funding Priority of the National Objective Asylum is *services for UAM asylum seekers at child care institutions e.g. close up programs, trainings.*
 - b. There is a Specific Action concerning to unaccompanied minors but it has not been elaborated in details.

Based on the finding above, it can be evaluated that the groups of unaccompanied minors are a national priority in the relevant national policy documents. It can be evaluated that there is no special focus on those turning 18 years of age since they are handled by the childcare system as Hungarian children in this phase as well. Thus, special focus would not be necessary. However, there are relevant legislations concerning to this turning point but it will be elaborated later on since it was not emphasized by the documents analysed. There have not been relevant changes in policy focusing on unaccompanied minors except the fact that they appeared in the new AMIF National Program in a separate (but non-elaborated) Specific Action and they did not appear in the original (non-modified) AMIF National Program.⁶ Based on these pieces information, it can be evaluated that there is no shift specifically in this area. However there is a shift in the general migration policy of Hungary as it was presented in Q1 and Q3.a.

Q3. a. Please provide an overview of **recent changes to law, policy and practice** in relation to what happens with unaccompanied minors after they have received a final decision on their application for asylum/ another status in your (Member) State since 2014 onwards. Please provide an account of such changes also in relation to those unaccompanied minors turning 18 years of age, as well as unaccompanied minors disappearing from guardianship/ care and/ or following a return decision.

The Hungarian asylum policy has changed relevantly since 2014. Obviously, these changes have impacts on unaccompanied minors as well. However, there are no relevant changes in relation to what happens with unaccompanied minors after they have received a final decision. The procedure of appointing a guardian has changed but there is no relevant impact on unaccompanied minors due to these modifications.

⁵ Available: <http://belugyialapok.hu/alapok/sites/default/files/M%C3%B3dos%C3%ADtott%20Nemzeti%20Program.pdf> [Accessed: 11 December 2017]

⁶ Available: <http://belugyialapok.hu/alapok/sites/default/files/MMIA%20elfogad%C3%B3%20hat%C3%A1rozat.pdf> [Accessed: 11 December 2017]

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b. Please indicate **any planned changes** to law/ policy/ practice regarding the care/ integration/ return of unaccompanied minors going forward.

There are no relevant planned changes concerning to unaccompanied minors except the planned closing of the reception facility/children's home in Fót. However, it is not specifically about the facility belonging to unaccompanied minors. It is about an essential shift of the entire childcare system. The government plans to cease the care in mass care homes and transfer all the children under state care to smaller institutions. This shift will have an impact on unaccompanied minors too since they will be transferred from Fót to other smaller homes. However, it must be noted that their current place cannot be considered as a real mass care home. The exact venues of their future home are still not certain at the time of data collection of this study.⁷

There is one more important change connected to the childcare system. The Act XCV of 2017 will modify some regulations in the Act XXXI of 2017 on the Protection of Children and the Administration of Guardianship (hereinafter Child Protection Act).⁸ The aim of the amendment is to prevent child abuse in any institution in which children are accommodated. Obviously, these changes might have a positive impact on accommodated unaccompanied minors too.

The asylum procedure has been amended again and the changes enter into force since 1 January 2018 but these are not relevant in this study.

Q4. What **statuses** does your (Member) State typically grant to unaccompanied minors and in what circumstances (e.g. asylum, humanitarian protection, temporary/ tolerated status, etc.)? *Please do not provide details here on the different status determination procedures (as this is not the focus of the Study), but rather on what status(es) they result in for unaccompanied minors.*

Unaccompanied minors were recognized as refugee and as beneficiary of subsidiary protection at almost the same rate in 2014 and 2015. (6 refugee and 8 beneficiary of subsidiary protection in 2014 and 11-9 in 2015, respectively.) The situation has changed in 2016 since this year only 2 of them were recognized as refugee and 14 as beneficiary of subsidiary protection. This trend probably remained in 2017 too but we have not received data concerning unaccompanied minors recognized as refugee. We did receive only those who were recognized as beneficiary of subsidiary protection (its number is 8).

Q5. a. Please provide any further qualitative information available in your (Member) State on the **characteristics of unaccompanied minors**, as follows:

- Are unaccompanied minors **mostly close to the age of majority** when a final decision on their application for asylum/ another status is issued, or (much) younger?

As most of the unaccompanied minors arriving to Hungary are between the age of 14-18 (see Annex 1.) in 2017, and there is no link between their status and age. However, there are 60 days for making a decision⁹. In case someone would like to turn to the court against the decision, it can make the process weeks (or months) longer; by the time getting closer to the age of maturity can be an issue.

- Are they **boys or girls** predominantly?

The statistics and the practical experiences show that **predominantly boys** are arriving at Hungary (see: Annex 1.). According to the minors' reports, girls usually do not leave alone, only with brothers or cousins. Obviously, it is possible to lose each other on their way which can be a reason for girls travelling alone.

⁷ Announcement of the ministry in charge: <http://www.kormany.hu/hu/emberi-eroforrasok-miniszteriuma/szocialis-ugyekert-es-tarsadalmi-felzarkozasert-felelos-allamtitkarsag/hirek/atalakul-a-foti-gyermekvaros> [Accessed: 10 December 2017]

⁸ The text of the act is available in Hungarian: <http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/MK17100.pdf> [Accessed: 15 December 2017]

⁹ As seen on: http://www.bmbah.hu/index.php?option=com_k2&view=item&id=487:menekultkent-magyarorszagon-gyik&Itemid=1244&lang=hu [Accessed: 13 December 2017]

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- Are they **resettled and/ or relocated** unaccompanied minors whose right to reside in your (Member) State has been clarified?

According to the information given by the partner institution of the Hungarian government in the resettling and relocating procedures there are no resettled and/or relocated unaccompanied minors in Hungary covering the previous years (since 1 January 2014) as well as the first half year of 2017.

- Please provide any other qualitative information available *not covered above, for example*, unaccompanied minors not presenting themselves to the authorities, etc.:

Since Hungary is not their final destination it would be understandable for them not presenting themselves to the authorities or hiding etc. However, since the southern border of Hungary is closed and it is strictly under surveillance it is not common that the unaccompanied minors do avoid the official procedure, even if they run away afterwards.

b. Please complete the Excel document in Annex 1 (including data as well as metadata) if you have **national statistics** on:

We have asked for data regarding the questions above from the following institutes:

- Immigration and Asylum Office
- Hungarian Central Statistical Office
- Directorate-General for Social Affairs and Child Protection
- International Organization for Migration
- Kalunba Social Services Non-profit Ltd.

The sources of the data used in the Annex 1. are indicated in their proper place. Unfortunately we cannot cover all the questions as we have not received all necessary data. Most of the data are coming from the Immigration and Asylum Office. They lead administrative data about the unaccompanied minors, mostly aggregated. Unfortunately the other relevant institute, Directorate-General for Social Affairs and Child Protection did not send us quantitative data until the deadline of this publication. (The Hungarian Central Statistical Office has stated that they have not attaining relevant information about the questions asked.) Regarding to the data gained from the other sources we have indicated in their proper places.

Q6. a. Please provide a general overview of what happens with unaccompanied minors in your (Member) State **when they turn 18 years of age**, including a brief description of the approach (e.g. transitional measures/ plans) of your (Member) State:

- when an unaccompanied minor has received **a final negative decision** on his/ her application for asylum/ another status as a minor (please elaborate below):

If it happens so the unaccompanied minors will be eligible for a humanitarian status based on the Act on TCNs. Its Section 29 paragraph (1) d) says: *any third-country national who was born in the territory of Hungary who has been removed from the custody of his guardian having custody according to Hungarian law, **and also unaccompanied minors***;

It means that all unaccompanied minors can obtain this humanitarian protection if they are not entitled to refugee status, subsidiary protection or tolerated status.

When one in this status turns 18 years of age s/he will lose this sort of protection and thus he/she shall return to his/her country of origin.

Refugee status, subsidiary protection or tolerated status are independent from turning point of 18 years.

- when an unaccompanied minor is **granted a status as a minor** (please elaborate below):

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As soon as the asylum seeking minor gets their status, s/he goes under the care of the Hungarian child care system. From then on, they will be treated as a fostered child, so they are entitled to get after-care such as Hungarian children. This provision is available until the age of 24 (if they are in higher education: 25).¹⁰ At the age of 18 they are entitled for after-care which can be sustained as long as their legal status is clarified (in Hungary even the refugee status must be reviewed after 3 years).¹¹

b. Please describe how unaccompanied minors who are approaching 18 years of age are **identified** in your (Member) State so that transitional measures/ plans can be introduced as part of their care/ integration/ return. How often is this review being done, e.g. every month, etc.?

According to the Child Protection Act, after-care is available for the unaccompanied minor turning 18. Two months before the minor reaching their 18th birthday, with the help of the guardian s/he enquires the after-care service. Since unaccompanied minors are not fully integrated and this opportunity ensures shelter and food for free of charge it is natural for those accommodated in Fót to get into after-care.

After this shift, they do not have a guardian anymore but social workers and other staffs help them in their integration.¹²

c. When are **transitional measures/ plans** for those unaccompanied minors turning 18 years of age likely to commence in your (Member) State, e.g. how many months / years before? And for how long can such measures continue after the unaccompanied minor reaches adulthood, e.g. is there any age threshold?

As written above, two months before unaccompanied minors turning 18 it is needed to apply to get into after-care system. If and when the young person would like to move out and take care of themselves it is possible, however until they reach the age of 24 (if they are in college, university etc. 25) they are entitled to get after-care provided.

Section 3: Care arrangements for unaccompanied minors, including after-care for unaccompanied minors turning 18 years of age

Overview of care provisions and organisational set-up in the (Member) State

Q7. a. What **priority** is given to the care for unaccompanied minors in your (Member) State (over their return, for example)? When does the care for unaccompanied minors commence, i.e. before or after status determination?

There are five priorities procedures in different phases of the system connected to unaccompanied minors. These will be enlisted in a typical chronological order.

1. Unaccompanied minors shall queue before the transit zones but **they have a priority in entry**. However, currently, Hungarian authorities do not dispose over the list which regulates the queue. Details are presented in an NGO report: *"The asylum authority decides exactly who can enter the transit zone on a particular day. The clear factors that determine access to the transit zone are the time of arrival and vulnerability. In Rösztke, there are three separate lists for those waiting: one for families, one for unaccompanied minors and one for single men. In Tompa there is a single list containing the names of all three groups. Both lists are managed by so-called community leaders or list managers who communicate both with the Serbian and Hungarian authorities. The Hungarian authorities allow people into the transit zones based on these lists. Families with small children enjoy priority over single men and usually some unaccompanied minors are also allowed entry on any given day. However, there appears to be other*

¹⁰ Gov.decreree 149/1997. para, 121.

¹¹ Asylum Act.

¹² Act of 1997. Section XXXI. para 53/A.

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determining factors that influence the time of entry[...]"¹³

2. When unaccompanied minors could enter to the transit zones they are selected based on their ages. The regulation says that asylum-seekers have to stay in the transit zone until their final decisions. Except **unaccompanied children under 14 since they are transferred from the transit zones to the special shelter** in Fót on the same day of their admittance based on the Sections 80/I and 80/J (6) of the Asylum Act. However, it means that unaccompanied minors between 14 and 18 shall stay in the transit zones during their procedures. It must be also mentioned that wrong age assessment procedure is not impossible and thus unaccompanied minors under 14 might be assessed to being between 14 and 18. It means that they shall also stay in the transit zone during the asylum procedure. There is no information about such a case.
3. Unaccompanied minor asylum-seekers under 14 and unaccompanied minors recognized as refugees, beneficiaries of subsidiary protection or tolerated persons are placed in a special children's home at Fót. It can be stated that they have a better place there than other asylum-seekers in transit zones and other recognized persons and families in an open reception centre where they can stay only for 30 days.¹⁴ This can be evaluated as **a priority in their reception**. However, it must be reiterated that children between 14 and 18 can enjoy this priority only after their recognitions.
4. Unaccompanied minors under protection have **a priority in integration** as well. It will be unfolded later on how the Hungarian state supports them through the mainstream childcare system. It is especially important comparing their support to the situation of other refugees, beneficiaries of subsidiary protection and persons under tolerated status since persons in the latter groups are entitled to apply for social benefits only based on the Act III of 1993 on social governance and social benefits but they cannot access effective personal support.¹⁵
5. Last but not least, unaccompanied minors have a priority in naturalization too. Section 4 (4) of Act LV of 1993 on Hungarian Citizenship *stipulates that a non-Hungarian citizen may be naturalized on preferential terms if he or she has been residing in Hungary for at least five consecutive years [instead of non-preferential eight years] prior to the date of submission of the application and if the conditions set out in points b) to e) of paragraph (1) are met provided that: a) he or she was born in the territory of Hungary; b) he or she established residence in Hungary before reaching the legal age;* The normal condition based on points b) to e) subparagraphs are the followings: *b) under Hungarian law he or she has a clean criminal record, and at the time of the assessment of the application there are no ongoing criminal proceedings against him or her before a Hungarian court; c) his or her livelihood and residence are assured in Hungary; d) his or her naturalization does not violate the public security and national security of Hungary; and e) he or she provides proof that he or she has passed the exam in basic constitutional studies in Hungarian language, or that he or she is exempted there from by virtue of this Act.* Overall, they are in a better situation since all unaccompanied minors arriving to Hungary are, *per definitionem*, before reaching the legal age (18 years) thus, they can apply for naturalization three years earlier than other foreigners.

b. Please provide a summary overview of the provisions in place in your (Member) State for the **care** of unaccompanied minors following their status determination, including accommodation, guardianship, etc., indicating in particular how the legal status of the unaccompanied minor defines his/ her specific care arrangements (e.g. refugees, unaccompanied minors not seeking asylum, etc.).

¹³ Best Interest Out of Sight - The Treatment of Asylum Seeking Children in Hungary (2017) 21.

Available: http://www.refworld.org/type_COUNTRYREP,,HUN,5937afe44,0.html [Accessed: 13 December 2017]

¹⁴ Section 31 para. (1) of the Asylum Act.

¹⁵ See in Hungarian: SZABÓ, A. (2016) A menekültek és oltalmazottak integrációjára vonatkozó nyári

jogszabályváltozásokról. Fundamentum 2016/2 (XX. évf.) [About the summer law amendment

concerning integration of refugees and beneficiaries of subsidiary protection. In: Fundamentum 2016/2]

Available: <http://fundamentum.hu/sites/default/files/fundamentum-16-2-4-09.pdf> [Accessed: 14 December 2017]

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Following the status determination all of the unaccompanied minors are taken to the Children's Home at Fót. That means they are taken care of by the Hungarian Child Care System, regardless their status, age, sex etc. After their arrival in Fót a new and permanent child protection guardian¹⁶ is ordered to them. The place¹⁷ of their accommodation and other supplies depend upon their special needs and demands connected to their age, sex, religious background etc.

c. Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** with regard to the care for unaccompanied minors following a positive decision on status. Is this set out in legislation or any other internal administrative regulations?

There is no general method which describes these procedures, however the best interests of the child is seen implicit in the system, by taking the minors into the Child Care.

On the other hand, there is a good example (only one case of it occurred so far in Hungary) of the case of a 12 years old boy under subsidiary protection, who was taken by a foster parent. We have had a chance to see the resolution which declared that it is recommended to place him into a foster family. In this case it was clearly declared that the best interests of the child was taken into account however this case is not yet adapted into a broader practice.

Q8. Which national/ regional/ local authorities and organisations (including NGOs where relevant) are responsible for the care of unaccompanied minors following status determination? Please describe in particular the competent authorities responsible for the provision of accommodation, guardianship, etc., what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account, etc.

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
Fót Children Centre	Provider of place	Providing accommodation, food, money, activities, clothes etc. ¹⁸
Child Protection Services of Budapest ¹⁹	Providing child protection services. ²⁰	Managing care of unaccompanied minors.
Guardianship Office in District 5 of Budapest	Responsible for the cases of unaccompanied minors. It appoints a guardian for them and supervises their work.	Appointing guardians, ensuring guardianship; legal and other type of tasks, e.g.: enrolling to school etc. ²¹
NGOs (Cordelia Foundation, Menedek Association, Helsinki Association,	Different associations and foundations have been helping the work of the official services. All of	Providing activities and education, legal advices, helping with education, mentoring, empowering

¹⁶ Act of 1997. XXXI. para 84.

¹⁷ See in Hungarian: <http://www.wp.kigyk.hu/gyermekotthoni-ellatas/kisero-nelkuli-menekult-kiskoruak-gyermekotthona/az-ellatas-szerkeze/> [Accessed: 21 December 2017]

¹⁸ Act of Child Protection, 1997. XXXI. 2th part

¹⁹ See in Hungarian: http://www.tegyesz.hu/index.php?option=com_content&task=view&id=141&Itemid=116 [Accessed: 21 December 2017]

²⁰ See: http://www.tegyesz.hu/index.php?option=com_content&task=view&id=142&Itemid=117 [Accessed: 15 December 2017]

²¹ See in Hungarian: http://www.tegyesz.hu/index.php?option=com_content&task=view&id=55&Itemid=63 [Megnyitva: 2017. December 21.]

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SOS Children Villages, Jesuit Refugee Service, Kalunba etc.)	them work or worked with the approval of the Children's Home, in Fót, according to their contract.	the minors, facilitating the integration, healing the mental problems, providing social, administrative and other types of help. ²²
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Accommodation arrangements

Q9. a. Please provide information on the **accommodation** options available for unaccompanied minors in your (Member) State following status determination, as follows:

- Accommodation specifically for minors? Yes.

Following the status determination all unaccompanied minors are placed in Fót, in the Károlyi István Children Center. The structure²³ of the system is the following: there are three groups in two buildings. According to the coverage²⁴ of Attila Szarka deputy head of department of the Hungarian Directorate-General for Social Affairs and Child Protection the first step for the new arrivals to get into the Receptive group. In this group they have 10 places and minors are placed here for the first instance, there are 2-3 beds in one room. As the next level of the integration they are moved to another group (No.1 or No.2), in the same building with similar facilities, 12-12 places in 2-3 bedded rooms. For those who are on the highest level of integration (e.g. they attend school regularly and are here for a longer period of time) but still underage they have another group of the maximum number of 12. This group consists those are being together for months or even for a year period of time which means the fluctuation is not of high amount comparing to the other two groups.

During the refugee crisis in 2015, it had happened that the number of receptions was much higher than the places generally available; the Children's Home included other free buildings to accommodate the minors. However, the capacity problem was not a long term issue since the high level of reception was temporary.

- General accommodation with special provisions for minors? Yes.

According to the deed of foundation of Karolyi Istvan Children's Home²⁵ the institution is entitled to accommodate minors with special needs. We have no official information about a minor accommodated this way.

- Specialised accommodation for unaccompanied minors with specific identified needs? Yes

In the Children's Home there is a nurse-room, in which there is possible to separate sick children. According to the deed of foundation of Karolyi Istvan Children's Home the institution is entitled to accommodate minors with special needs.

- Specialised accommodation for (unaccompanied) minors victims of trafficking? Yes

According to the deed of foundation of Karolyi Istvan Children's Home²⁶ the institution is entitled to accommodate minors with special needs.

²² See for example: <http://www.cordelia.hu/index.php/en/>, <https://www.sos.hu/hogyan-segitunk-mi/menekult-program>, <http://menedek.hu/en/node/645>

²³ See in Hungarian: <http://www.wp.kigyk.hu/gyermekotthoni-ellatas/kisero-nelkuli-menekult-kiskoruak-gyermekotthona/az-ellatas-szerkezete/> [Accessed: 21 December 2017]

²⁴ Available: in manuscript

²⁵ See in Hungarian: <http://www.wp.kigyk.hu/rolunk/dokumentumok/tevekenysegre-mukodesre-vonatkozo-adatok/dokumentumok/alapito-okirat/> [Accessed: 21 December 2017]

²⁶ See in Hungarian: <http://www.wp.kigyk.hu/rolunk/dokumentumok/tevekenysegre-mukodesre-vonatkozo-adatok/dokumentumok/alapito-okirat/> [Accessed: 21 December 2017]

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- Accommodation with a foster family? Yes

Basically in Hungary there is no tradition whatsoever to accommodate the unaccompanied minors with foster families. However, in 2017 there was one case in which a 12 years old boy from Afghanistan was placed into a half Iranian half Hungarian family. This procedure was helped by different (legal, foster care and migration related) NGO-s. Right now, there are no more cares going on with the practice. However, the SOS Children Village has started a program to prepare some potential foster parents; there is still only one minor living in foster care in Hungary.²⁷

- Other types of accommodation for unaccompanied minors, e.g. accommodation with adults if the unaccompanied minor is over 16 years of age, etc.? No

All of unaccompanied minors under the age of 18 (declared by the Immigration and Asylum Office), are accommodated in Fót (appointed by Ministry of Human Capacities)²⁸, regardless their age, religion, sex etc.

- b.** Please provide an estimate of the **costs** associated with the accommodation of unaccompanied minors, as well as how these are measured/ defined in your (Member) State, e.g. per day/ child, etc.

Accommodation cost in the children's home is defined by Section 76 and 77 of *gov. decree no. 15/1998 on vocational obligations and conditions in child welfare organisations and child care services and persons involved in these activities*. It says that the expenses of food cannot be less than 2,4 % of the monthly minimum pension per day. (The monthly minimum pension is 28.500 HUF in 2017 thus at least 684 HUF [cc. 2 EUR] shall be spent to daily food.)

250% of the monthly minimum pension shall be spent to cloths per year per child. [71.250 HUF= cc. 230 EUR]

Obviously, it is not possible to determine the exact cost of the accommodation itself, the personal care, etc.

- c.** Please provide information on the **staff** responsible for the care of unaccompanied minors, for example, main tasks, any child-specific training received, etc.

The *governmental decree no. 15/1998 on vocational obligations and conditions in child welfare organisations and child care services and persons involved in these activities* stipulates the following regulation concerning the staff in children's home of unaccompanied minors:²⁹

- The capacity of the children's home shall be maximum 48 children:
 - Chief of the institution: 1 person with higher education from social science or pedagogy, psychology, etc.
 - Psychological counsellor: 1 person with higher education in psychology, psychiatry, psycho-pedagogy or mental health expert,
 - Child protection officer: 1 person with special secondary education,
 - Special (developer) teacher: 1 person with higher education un this filed,
 - Nurses: 2 person per institution with proper education,
 - Doctor shall be available.
 - Per children group (max. 12 children in one group):

²⁷ See a press article about this case in Hungarian: <https://abcug.hu/imadja-toldit-az-elso-magyar-csaladban-nevelkedo-menekult-gyerek/>, <https://www.sos.hu/hogyan-segitunk-mi/menekult-program/neveloszuloket-keresunk-menekult-hatteru-gyermekek> [Accessed: 21 December 2017]

²⁸ See in Hungarian: <http://www.wp.kigyk.hu/gyermekotthoni-ellatas/kisero-nelkuli-menekult-kiskoruak-gyermekotthona/> [Accessed: 13 January 2018]

²⁹ A chart is available in Hungary at the web-page of the Károlyi István Children's' Home: <http://www.wp.kigyk.hu/gyermekotthoni-ellatas/kisero-nelkuli-menekult-kiskoruak-gyermekotthona/> [Accessed: 24 December 2017]

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- Educator: 1 person with higher education from social science or pedagogy, psychology, etc.;
- Assistant: 1 person with special secondary education;
- Child-minders: 3 persons with special secondary education;
- Family care specialist must be available for 10 hours per week;
- The capacity of an after-care home shall be maximum 40 children:
 - Chief of the institution: 1 person with higher education from social science or pedagogy, psychology, etc.
 - In institutions until 25 children accommodated:
 - Educators: 2 person with higher education from social science or pedagogy, psychology, etc.;
 - Assistant: 1 person with special secondary education;
 - In institutions between 26-40 children accommodated:
 - Educators: 4 person with higher education from social science or pedagogy, psychology, etc.;
 - Assistant: 1 person with special secondary education;

There are no similarly strict regulation regarding unaccompanied minor asylum-seekers in transit zones (between age 14 and 18) however they are accommodated in a special area there. Medical staff is provided there too.

d. What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their accommodation arrangements up to that stage?

- Do these unaccompanied minors turning 18 years of age change accommodation, or do they stay in the same accommodation, for example, until they reach a certain age? If so, what is the age threshold?

According to the Child Protection Act,³⁰ the minors turning 18 are not allowed to be accommodated with minors under 18 years, however they are entitled to after-care. In this case, they are moved to one of the after-care homes³¹ in Fót or in Mogyoród (Mogyoród is small town, about 20 km far from Budapest). These are mixed after-cares with the Hungarian youngsters. Furthermore, there is a group in the Children's Home especially for only after-care of young refugees (and youngsters under other humanitarian statuses) turning 18 in the other group of the system.

As seen in practice, there are other facilities available for the young people, as in the after-care system there are more centres, depending on free places and the arrangements between the given person and the institution.

- Does your (Member) State have any measures in place to support the unaccompanied minor before the transition, e.g. information provision, etc.? Yes

We have no related data, as seen in practice the social workers, educators and other helpers trying to give them as much information as possible.

- Does your (Member) State have any measures in place to support the unaccompanied minor during the transition, e.g. pathway plan, personal adviser, etc.? Yes

³⁰ Act 1997. Section XXXI. para (6)

³¹ See in Hungarian: <http://www.wp.kigyk.hu/gyermekotthoni-ellatas/utogondozoi-ellatas/> [Accessed: 21 December 2017]

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We have no related data, as seen in practice the social workers, educators and other helpers trying to give them as much information as possible.

- Does your (Member) State have any measures in place to support the unaccompanied minor after the transition, e.g. formal follow-up or after-care service, open-door policy at accommodation facility, etc.? Yes

Being part of the after-care system means that social workers are present in the accommodations until they live there (the maximum age of staying in the after-care system is 25 years).

e. Is there any research available in your (Member) State on:

- The **standards of accommodation** provided to unaccompanied minors? No.
- The **effects** of accommodation arrangements on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? No.

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

However, it must be mentioned that the following NGO report includes some relevant information concerning standards of unaccompanied minors' accommodation. Nonetheless, it cannot be considered as a research focusing on the mentioned topics: *Best Interest Out of Sight - The Treatment of Asylum Seeking Children in Hungary* (2017) Available: <http://www.refworld.org/type,COUNTRYREP,,HUN,5937afe44,0.html> [Accessed: 13 December 2017] It must be also mentioned that the aim of this report is to criticize the system thus it is able to point out some deficiencies but it is less able to point out its positive aspects.

Guardianship arrangements

Q10. a. Please describe the arrangements for **guardianship** of unaccompanied minors in your (Member) State following status determination, specifying in particular who can become a guardian to an unaccompanied minor, the guardian's role, e.g. legal representation, etc., which unaccompanied minors (e.g. asylum/ non-asylum seeking) are entitled to a guardian and until what age, etc.

After the minors get into the Children's Home they get their guardian.³² This guardianship is applied the same way as in the Hungarian system. It is obligatory for the under aged persons, within 8 days there is a guardian ordered to each minor, regardless their asylum status.

The role of the guardians is mainly the legal representation which is available for them until they reach the age of 18. The guardian is entitled to keep in touch with the Children's Home and "follows and encourages the development of the minor's physical, mental, emotional and moral education and monitors the fulfilment of the comprehensive care of the child."³³

The guardians are chosen for the role from the general Hungarian Child Protection Services. As the guardians are not obliged to know any other languages than Hungarian (or learn any intercultural competencies) and the institute does not provide translators and/or intercultural mediator for them it is not always without challenges even to keep in touch with their minors. This practice is helped out by some NGOs³⁴, providing the bridge of language and culture between the guardian and the minor.

³² See Act on Child Protection 1997. XXXI. para 35. (6)

³³ See in Hungarian: http://www.tegyesz.hu/index.php?option=com_content&task=view&id=55&Itemid=63 [Accessed: 21 December 2017]

³⁴ See for example in Hungarian: <https://www.sos.hu/hogyan-segitunk-mi/menekult-program> [Accessed: 21 December 2017]

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However, from practical experiences it can be seen that the system of the double guardianship (a case guardian at the border then the ordered guardian at the Children's Home in Fót) confuses the minors and makes it harder to gain their trust.

b. What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their guardianship arrangements up to that stage, e.g. are these unaccompanied minors still entitled to a guardian and until what age, or are they expected to become fully autonomous, also in terms of finances, etc.? What measures (if any) are in place to support the unaccompanied minor before, during and after the transition, e.g. information provision, informal follow-up with guardians, etc.?

After the unaccompanied minors turn 18 they are not eligible for guardianship, however they can still get support: in the after-care system there are social workers available for them. Moreover, there are NGOs specialized in helping migrants so they try to cover the needs of this group as well.

The after-care system is generally regulated by the law³⁵ and leaves a rather broad field for the institutes to regulate their own conditions and providing, related young people. Those are part of the after-care system receive free accommodation, food and personal care is provided for them as well.

c. Is there any research available in your (Member) State on:

- The **standard of guardianship** provided to unaccompanied minors? No
- The **effects** of guardianship on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

Researches regarding the standard of guardianship provided to unaccompanied minors are not available in Hungary.

Consequences of a temporary residence permit on the care arrangements for unaccompanied minors

Q11. What impact does the expiration of a **temporary residence permit** have on the above-mentioned care arrangements for unaccompanied minors in your (Member) State, e.g. unaccompanied minors disappearing from care, etc.?

As there are no researches aiming the impact of the expiration of the temporary residence permit available, we cannot draw a line between disappearances and the expiration of permits.

However according to the minors self-reports they do not plan their long-term future in Hungary and rather might run away even long before the expiration time of the status since these are granted for 3 years (and then must be overviewed).

Challenges and good practices

Q12. Please indicate the main **challenges** associated with the care of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18 years of age, and/ or the competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and how these challenges could be overcome. Please provide references.

1. The first challenge connects to their entry. Unaccompanied minor asylum-seekers cannot enter any time to transit zones since there is the 5 persons/day/transit zone limit. (*Best Interest Out of Sight - The Treatment of Asylum Seeking Children in Hungary* (2017) 5-7., Available:

³⁵ See Act on Child Protection 1997. XXXI. para 53/A.

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<http://www.refworld.org/type,COUNTRYREP,,HUN,5937afe44,0.html> [Accessed: 13 December 2017]) It might be overcome if authorities working on both sides of the border would allow the unaccompanied minors entries without limitation and restrictions.

2. The second challenge connects to separation of unaccompanied minors. Asylum-seeker unaccompanied minors under 14 shall be placed in proper children's home but those between 14 and 18 shall stay in the transit zones during their asylum procedure. (*Best Interest Out of Sight - The Treatment of Asylum Seeking Children in Hungary* (2017) 9., Available: <http://www.refworld.org/type,COUNTRYREP,,HUN,5937afe44,0.html> [Accessed: 13 December 2017]) It might be overcome if legislation would allow for all unaccompanied minors to be accommodated in the children's home at Fót not only for those who are under 14 year old.
3. Third challenge connects to the education of unaccompanied minors. They need orientation in education and currently, they cannot obtain it properly. (This findings is stated in an interview-based master thesis: FÁBIÁN, Stefánia (2017) *Menekült gyerekek az oktatásban – szükségletek és lehetőségek* [Refugee children in the education system – needs and possibilities] 54. Available: in manuscript) It might be overcome with special methodology used by the educators in given institutions and special methodology used by teachers in schools carrying about unaccompanied minors.
4. Fourth challenge is the length of status validity which is only three year. (Act on Asylum Section 7/A) This length is not suitable to build up a trust in unaccompanied minors for starting their integration. It might be overcome with a longer period of obligatory status overview measure (e.g. 10 years.) or there would be suitable procedure developed for changing status.

Q13. Please describe any examples of **good practice** in your (Member) State concerning the care of unaccompanied minors, including those turning 18. Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).

They are treated and taken care of as children legally as they are provided safe surrounding and other facilities not given to adult/accompanied asylum seeking minors. This helps them to make plans and build life trajectories as their financial background is ensured.

Section 4: Integration of unaccompanied minors, including transitional arrangements for unaccompanied minors turning 18 years of age

Overview of integration provisions and organisational set-up in the (Member) State

Q14. a. What **priority** is given to the integration of unaccompanied minors in your (Member) State (over their return, for example)?

The Hungarian Migration Strategy stipulates the followings:

"Unaccompanied and separated children and young adults receiving post-care support who are recognized as refugees or beneficiaries of subsidiary protection face numerous disadvantages; it is thus crucial to ensure their protection and to assist them in integrating during their stay in the institution and when they leave the institution to begin an independent life.

Activities [in order to reach above objectives]:

1. *Increasing the protection of unaccompanied and separated children who are refugees or beneficiaries of subsidiary protection, with especial attention to people smuggling*
2. *Expanding the capacity of staff working with unaccompanied and separated children and young adults receiving post-care support*
3. *Setting up a system of financial aid and benefits for beneficiaries of post-care after they move out from the*

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children's home

4. *Amending legislation as appropriate to facilitate the naturalisation of unaccompanied and separated children and young adults recognised as beneficiaries of subsidiary protection*³⁶

These are expressed priorities based on available documents.

b. Please provide a summary overview of the provisions in place in your (Member) State for the **integration** of unaccompanied minors following their status determination, indicating in particular how the legal status of the unaccompanied minor defines his/ her specific integration trajectory (e.g. refugee, beneficiary of subsidiary protection, other statuses granted, etc.).

The type of their status does not make a difference in terms of the type of their care. The trajectory for all of them starts from the Children's Home. Until their official documents and ID related cards are done and they are ready to go to school in Budapest, they attend the classes in the centre. These means everyday morning occupations for those who are there for at least couple of days. After some weeks the remained (not escaped) minors are enrolled into school in Budapest, depending on the time of the semester, documents needed and their interest of studies. This number of minors is very low as most of the unaccompanied minors disappear and leave the country. (See in Q35)

Those who attend school and stay in Hungary and still hold valid status when they reach the age of 18 are entitled of after-care, as written above. Moreover NGOs help with different projects and programmes with the integration.

c. Do the above provisions **differ** from those for accompanied minors, as well as for adults and if so, how?

Yes. The provisions differ in point of their family status: they are entitled for different type and extend of help. Accommodation facilities for accompanied minors (and their family) are not granted as it is for the unaccompanied minors. Regarding the provisions offered for adults they are not helped by any additional allowance after their status determination. The help of NGOs are available for the adults and accompanied minors as well.

d. Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** with regard to the integration of unaccompanied minors. Is this set out in legislation or any other internal administrative regulations?

The best interest of the child appears in the legislation as a legal principle [e.g.: Section 4 para. (1) of the Asylum Act and Section 2 para. (1) of the Child Protection Act] but there is no such elaborated procedure in Hungary. However, in the process of the individual administrative decisions, the best interests of the child must be taken in account.

Q15. Which **national/ regional/ local authorities and organisations** (including NGOs where relevant) are responsible for the integration of unaccompanied minors following status determination? Please describe in particular the competent authorities responsible for the provision of education, employment support, etc., what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account, etc.

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities

³⁶ Available: <http://belugyalapok.hu/alapok/sites/default/files/Migration%20Strategy%20Hungary.pdf> [Accessed: 15 December 2017] 30. The complete Hungarian version of this document is available: http://belugyalapok.hu/alapok/sites/default/files/MMIA_.pdf [Accessed: 15 December 2017]

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<i>Immigration and Asylum Office</i>	It deals with status decisions and provides accommodation and other services during the asylum procedure in cases of asylum-seekers between ages 14 and 18.	<ul style="list-style-type: none"> - status decision - care during the procedure in transit zones - policy shaping - providing medical and educational services
<i>Károlyi István Children's Home</i>	It cares about asylum-seeker unaccompanied minors under age 14 and all recognized unaccompanied children.	<ul style="list-style-type: none"> - accommodation - social care
<i>Child Protection Services of Budapest (TEGYESZ)</i>	<p>The Child Protection Methodological Services of Budapest (CPMS) – operated by the Municipality of Budapest – is the regional provider of child protective services as regulated by the Child Protection Law. The services provided include child protection, after-care and home-providing on the Services' child-care providing locations, primarily in the orphanages run by the organization and through its foster family network.³⁷</p> <p>There is one case in which this institution involves a foster parent.</p>	<ul style="list-style-type: none"> - managing care of unaccompanied minors
<i>Guardianship Office in District 5 of Budapest</i>	It is the guardianship office which is responsible the cases of unaccompanied minors. It appoints a guardian for them and supervises their works.	<ul style="list-style-type: none"> - appointing guardians, ensuring guardianship
<i>Local doctor at Fót</i>	S/he is responsible for the medical care of unaccompanied minors accommodated in Fót.	<ul style="list-style-type: none"> - medical care and examination
<i>National Labour Office</i>	It shall coordinate the accomplishment of central labour market programmes and organise, manage and coordinate employment and training programmes financed from the funds of the European Union.	<ul style="list-style-type: none"> - employment/unemployment
<i>NGOs</i>	Several NGOs (SOS Children's Village Hungary and Menedék Hungarian Association for Migrants, as Open Doors Hungary, Hungarian Helsinki Committee) provide non-formal education sessions, Hungarian language classes, community programs and also legal counselling for minors on a regular basis. ³⁸	<ul style="list-style-type: none"> - language trainings - non-formal education - community programs - legal counselling - training for professional staff involved - providing mental help - etc.

³⁷ See: http://www.tegyesz.hu/index.php?option=com_content&task=view&id=142&Itemid=117 [Accessed: 15 December 2017]

³⁸ See: *Best Interest Out of Sight - The Treatment of Asylum Seeking Children in Hungary* (2017) 19., Available: http://www.refworld.org/type.COUNTRYREP./HUN_5937afe44_0.html [Accessed: 15 December 2017]

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<p><i>Different educational institutions. (And Klebelsberg Institution Maintenance Center)</i></p>	<p>A few elementary and secondary schools are concerned in the education of unaccompanied minors. Than Károly Eco-School, Secondary, Vocational and Technical School of BMSZC (http://than.hu/?page_id=2104) must be highlighted since it has several unaccompanied minor pupils. The <i>Klebelsberg Institution Maintenance Center</i> coordinates between schools and responsible for methodology development and other development of education.</p>	<ul style="list-style-type: none"> - education - methodology
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Access to healthcare

Q16. a. When providing access to **healthcare** to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to healthcare **automatic** for unaccompanied minors upon obtaining a permit to stay which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? Does this group of unaccompanied minors have the same right to healthcare as nationals of the (Member) State? Y/ N

Yes. (Based on Section 16 para. (1) point m) of the Act LXXX of 1997 on the Eligibility for Social Security Benefits and Private Pensions and the Funding for These Services.)

- Please describe what this access to healthcare **includes**, for example, emergency treatment, basic medical care, essential or specialised medical care, counselling, etc.? Yes.

Healthcare is quite extensive in Hungary. The web-page of the National Health Insurance Fund says the following:

*"Benefits in kind includes cost-free healthcare services such as preventive examinations, primary healthcare, specialised inpatient care, specialised outpatient care, certain dental care, rehabilitation, the ambulance service, patient transport and accident-related benefits, drug reimbursement, reimbursement for medical aids, medical spa services, reimbursement of travel expenses and benefits granted on grounds of equity."*³⁹

The above listing is not full-fledged but most important elements are gathered here. The Act III of 1997 on the Benefits of Compulsory Health Insurance stipulates all medical services which are covered by the national health insurance. It defines the details of the given services as well (Section 10 – Section 17 of LXXXIII of 1997 on the Benefits of Compulsory Health Insurance).

- Does the (Member) State undertake any form of **individual assessment** to ensure that the medical care provided to unaccompanied minors corresponds to the minor's specific physical, as well as mental health needs? Yes

There is a general examination for each asylum-seeker minor upon their arrival. As part of the care of the minors, there is a full time nurse⁴⁰ in the Children's Home, in Fót. The doctor is available every weekday; their capacity is shared among the other fostered children in the Home. These can be considered as an individual assessment.

- Please provide any **other important information** in relation to the healthcare available for unaccompanied minors *not covered above*.

³⁹ See: http://www.neak.gov.hu/felso_menu/rolunk/kozerdeku_adatok/tevekenysegre_mukodesre_vonatkozo_adatok/a_szerv_feladata_alaptevekenysege_es_hatarkore/en_a_szerv_alaptevekenysege_feladata_es_hatarkore [Accessed: 16 December 2017]

⁴⁰ See in Hungarian: <http://www.wp.kigyk.hu/gyermekekotthoni-ellatas/kisero-nelkuli-menekult-kiskoruak-gyermekekotthona/az-ellatas-szerkezeze/> [Accessed: 16 December 2017]

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As the unaccompanied minors staying Fót are entitled to full healthcare, they are taken to local doctors and dentists if needed, accompanied by the nurse or other worker of the institution following their individual needs.

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to healthcare, including counselling up to that stage? What measures (if any) are in place to support the unaccompanied minor before, during and after such a transition, e.g. information provision, etc.?

According to the Hungarian health care system those above 18 years old, attending school and/or legally working have their health insurance covered (as a student without paying, as a worker paid automatically from their gross salary) based on the Section 16 of Act LXXX of 1997 on the Eligibility for Social Security Benefits and Private Pensions and the Funding for These Services.

c. Is there any research available in your (Member) State on:

- The **quality of healthcare, including counselling**, provided to unaccompanied minors? Y/ N
- The **effects** of the access to healthcare on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No.

Access to education

Q17. a. When providing access to **education** to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to education **automatic** for unaccompanied minors who have obtained a status which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? Does this group of unaccompanied minors have the same right to education as nationals of the (Member) State? Yes

The level of the mandatory school age is 16 in Hungary⁴¹; under that age everybody must be enrolled in some type school. In practise, it can happen that some minors attend individual programme⁴². That means they only have to visit the institute for exams and there is no need (and possibility) for them to visit the classes. Unfortunately, we have no data about their number but as we have seen in practise it is not common: most of the minors attend school every day. Those above 16 are allowed to work according to the Hungarian rules and are not obliged to attend school. However the practice shows that most of them (if not all of them) attend some kind of school. There are some schools in Budapest in which special programmes are provided for the third country citizens who do not know Hungarian language. They attend two semesters of Hungarian⁴³ language and after a successful exam can go on with their studies, in Hungarian. Over the age of 14 usually they need to start with the last class of the elementary school in order to get into the higher education.

In Budapest, there are also other schools in which they are open for the migrant children and trying to ensure the close up for them. (e.g. <http://bokaysuli.dtdns.net/news.php>, <http://www.erzsebetvarosiiskola.hu/>)

According to the Hungarian law, the schooling of the children living in Hungary under 16 is compulsory and automatic. In practise, it takes one to three months to provide schooling, depending on the administrative work, the time of the school year and the school receiving the minor.

⁴¹ See Act 2011. CXC. para 45

⁴² See Act 2011. CXC para 91

⁴³ See in Hungarian: http://than.hu/?page_id=142 [Accessed: 16 December 2017]

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- Does the (Member) State undertake any form of **individual assessment** to ensure that the education provided to unaccompanied minors is adapted to the age, level of education in the country of origin, degree of language barrier of the unaccompanied minor, etc.? Yes

There are NGOs helping the process of integration into education. Every minors meet by the different professionals provided by the NGOs, such as social worker, educator, psychologist, lawyers and other helpers who hold case meeting monthly.⁴⁴ In these events the professionals figure out the best option for the minor regarding their age, level of education, knowledge of languages etc.

There are volunteers (through NGOs) mentoring these students, help them to adapt and integrate more easily into the Hungarian educational system.

- Are any **special measures** to support access to education specifically for unaccompanied minors available in the (Member) State, in particular language training*, guidance regarding the national education system, etc.? Yes

* Are there specialised institutions for the language training of unaccompanied minors? Does language training take place in public schools, in specialised language courses for unaccompanied minors or minors in general, or within adult language learning programmes for foreign citizens?

There is a specialised class in one institution for the language training of migrant, refugee and other type of protected children. This program is visited mainly by the unaccompanied minors as seen in practice⁴⁵.

Otherwise, schooling of unaccompanied minors is helped by the mentioned NGOs and some institutes provide Hungarian, as a foreign language classes.⁴⁶

Also in the referred study⁴⁷ there are data about the special measures as the migrant children at the early stages of integration are not evaluated by marks as the other minors until they are efficient in Hungarian.

- Do unaccompanied minors receive **education in accommodation centres**, or as part of the **mainstream schooling system**? Or are there **other education arrangements** for unaccompanied minors in your (Member) State? Yes

Unaccompanied minors receive non-formal education in the Children's Home; a Hungarian NGO, specialized in helping migrants, provides every day school-like activities since 2016. (Before that there were other NGOs and volunteers providing these activities.) The educators and social workers lead pre-integration sessions helping the minors orientate. This education aims to fill the time between the arrival and entering into the mainstream school system with useful and helpful activities.⁴⁸ As most of the minors run away before they get into school, this education is mainly their only one during their time in Hungary.

On the other hand, there is another NGO providing two Hungarian language teachers⁴⁹ in the Than Karoly Eco-school giving them a one-year preparation for their further education.

- Please provide any other important information in relation to access to education for unaccompanied minors *not covered above*.

The curriculum of the school in the Children's Home is worked out by the educators based on the minors' needs of general understanding and knowledge of Europe and the intercultural and educational studies. As it seemed to be essential to teach the Latin letters and some geographical knowledge many of the minors met these curricula

⁴⁴ As a former social worker and educator, one of the author (N. Pataki) was part of this group.

⁴⁵ See in Hungarian: http://than.hu/?page_id=142 [Accessed: 16 December 2017]

⁴⁶ Available in Hungarian: Zs. Lakatos, N. Pataki: What's next? – Schooling of the migrant children in Hungary - manuscript

⁴⁷ Available in Hungarian: Zs. Lakatos, N. Pataki: What's next? – Schooling of the migrant children in Hungary - manuscript

⁴⁸ See in Hungarian: <http://menedek.hu/projektek/osztalyterem> [Accessed: 16 December 2017]

⁴⁹ See in Hungarian: <https://www.sos.hu/hogyan-segitunk-mi/menekult-program> [Accessed: 16 December 2017]

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at this place on the first instance. As seen in practice illiterateness of English or other European languages is very high, as the functional and general illiterateness of their own language is quite numerous as well.

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to education up to that stage, e.g. do unaccompanied minors have the possibility to continue compulsory education post-18, to progress to third-level education, vocation studies and training, etc.? What measures (if any) are in place to support the unaccompanied minor before, during and after such a transition, e.g. information provision, education pathway/ plan, personal adviser, etc.?

During their time in the Children's Home their studies are followed by the schools and carers as well as the NGOs mentioned above (e.g. SOS, Menedek Association). When the minors turn 18 they still have the opportunity to study in secondary or higher-level education. As they are entitled to get after-care and public school (even numerous BSc, BA programs) are free in Hungary, they have the opportunity to go on with their education. However, there is no plan or generalized individual provision, personal adviser. In practice the minors are helped by their social workers, educators, mentors and volunteer they are in contact with.

c. Is there any research available in your (Member) State on:

- The **quality of education** provided to unaccompanied minors? Yes
- On the educational performance of unaccompanied minors? No
- The **effects** of the access to education on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? No

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

Zs. Lakatos, N. Pataki: What's next? – Schooling of the migrant children in Hungary (available: in manuscript) analysed the access to education of migrant children (not only unaccompanied minors) and their situation in the schooling system. This shows that the lack of the class of the Hungarian as foreign language can cause problems in the education of these minors. Bilingual textbooks and development of the intercultural competencies are needed for teachers. However, the research shows that the openness and the integration oriented viewpoints from the educators would be more effective with some (professional and financial) support from the education system.

On the other hand, minors who attend school but are not on the level of understanding the different subjects in Hungarian have the possibility not to be marked as long as they reach the level of the general evaluation.

These findings give qualitative data about the **quality of education** provided to unaccompanied minors. Those asked in the research presented the migrant background parents, children and the teachers working with them. They reported about the experiences they came across relating the connection between the migrant background and the schooling.

Access to (support to) employment

Q18. a. When providing **access to employment**⁵⁰ to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to employment **automatic** for unaccompanied minors upon obtaining a permit to stay which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? What does the access include, e.g. internships, traineeships, vocational

⁵⁰ Please note that this need not apply to unaccompanied minors who are still in full-time education.

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preparation, etc.? Is this subject to rules generally applicable to the profession and to the public service? Is this conditional upon obtaining a work permit, etc.? No

No. Unaccompanied minors under tolerated status and under the humanitarian protection based on the Section 29 paragraph (1) d) of the Act on TCNs. (See: in Q6.a) need to apply for a work permit in order to undertake any access to the labour market. They cannot undertake jobs which can be fulfilled only Hungarian citizens (e.g.: police officer, judge, etc.). The work permit depends upon the decision of the authority which examines whether there is a Hungarian or EEC citizen to fulfil the given job. If there is any the work permit will be denied.

- Is the access to employment for unaccompanied minors **limited** in any way, for example, open only to unaccompanied minors of a certain minimum age after status determination, or restricted for a certain period and/ or limited to a maximum number of days per year? Are these limitations for unaccompanied minors same as those applied to minors who are nationals of the (Member) State?
Y/ N

Yes. Beside the above, there are limitations in the national labour law (Act I of 2012 on the Labour Code) regarding employees under age of 18 which concern unaccompanied minors too. Those are the followings:

Section 21:

(4) The consent of the legal representative [guardian in cases of unaccompanied minors] is required for the legal acts of persons of limited legal capacity relating to the conclusion, amendment or termination of an employment contract, or to undertaking commitments.

Section 34:

(2) Workers must be at least sixteen years of age. By way of derogation from the above, any person of at least fifteen years of age receiving full-time school education may enter into an employment relationship during school holidays.

(3) By authorization of the guardian authority, young persons under sixteen years of age may be employed for the purposes of performance in cultural, artistic, sports or advertising activities.

Section 114:

(1) Young workers [employees under age 18] may not be ordered to work at night and may not be ordered to work overtime.

(2) The daily working time of young workers is limited at eight hours, and the number of working hours performed under different employment relationships shall be added up.

(3) As regards young workers: a) the maximum duration of working time banking is one week; b) if the scheduled daily working time is over four and a half hours or six hours, the break-time provided shall be at least thirty minutes or forty-five minutes, respectively; c) the daily rest period allocated shall be at least twelve hours.

(4) In the case of young workers Subsection (2) of Section 105 and Subsection (3) of Section 106 shall not apply. [It means that they cannot get their breaks based on the rules of irregular work scheduled. This regulation protects the young workers.]

Section 119:

(1) Young workers shall be entitled to five extra days of vacation time each year. The last time such benefit applies shall be the year when the young workers reaches eighteen years of age.

- Are any **special measures** to support access to employment specifically for unaccompanied minors available in the (Member) State, in particular vocational guidance, jobseeker allowance for unaccompanied minors not able to find employment, etc.? No.

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No. However, the general child protection system helps them in employment. Since it is a general measure it cannot be considered as a special one. The same can be stated about the system providing help for the unemployed entrants.

- Please provide any other important information in relation to access to employment for unaccompanied minors *not covered* above.

There is an interview based thesis which points out unaccompanied minors undertake job more frequently and more intensively than minor citizens or minors from families under humanitarian protection.⁵¹

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to employment up to that stage? What measures (if any) are in place to support the unaccompanied minor before, during and after the transition, e.g. ongoing employment support as part of integration pathway/ plan, personal adviser, etc.?

There is no additional support but the above mentioned labour law limitations and guarantees are ceased after the transition.

c. Is there any research available in your (Member) State on:

- The **quality of employment access support** provided to unaccompanied minors? Y/ N
- The **effects** of the access to employment on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No.

Family reunification of unaccompanied minors

Q19. a. Please provide here any updated information on the **possibility for family reunification** for unaccompanied minors since the 2016 EMN Focussed Study on "Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices," including any information on the effects of family reunification on the integration of unaccompanied minors in your (Member) State (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

There is a relevant change in the legislation: Recognized *refugees* (only refugees) were entitled to family reunification within 6 month subsequently their recognition without proving a proper financial condition, a proper accommodation and full-fledged health insurance. This favourable period **decreased to three months**. It must be also mentioned that more and more asylum-seekers are recognized as beneficiary of subsidiary protection⁵²

⁵¹ "The employment was a frequent question among unaccompanied minors. They have to care about themselves, especially after turning 18 thus many of them wish to work beside the school. Many of the pupils who were asked worked, especially after becoming adult. Some of them worked in 40 hours [per week – Sz.A.] but one of them worked in 60 hours [per week – Sz. A] with nightshifts. Teachers provided information that elders work more and more at the expense of school." (The author's translation) The original Hungarian text is the following:

"Emellett a kísérő nélküli kiskorúak vonatkozásában gyakran felmerült a munkavállalás kérdése. Mivel nekik kell gondoskodniuk önmagukról, főleg miután nagykorúvá váltak, többen szeretnének iskola mellett dolgozni. Az általam megkérdezett diákok közül többen dolgoztak, volt, aki 40 órában, de olyan is, aki 60 órában éjszakai műszakokkal. A tanárok arról számoltak be, hogy főleg az idősebbeknél egyre többen dolgoznak, de ez sokszor az iskola rovására megy." FÁBIÁN, Stefánia (2017) *Menekült gyerekek az oktatásban – szükségletek és lehetőségek* [Refugee children in the education system – needs and possibilities] 45. Available: in manuscript)

⁵² See IAO statistic: <http://www.bmbah.hu/images/statisztikak/170728%20IAO%20Statistics%20Q1-Q2%202017.xls> [Accessed: 4 January 2018]

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thus they are not entitled to this favourable family reunification procedure. It concerns unaccompanied minors as well, as it was explained in the session Q4.

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to family reunification up to that stage, for example:

- Is there any cut-off of family reunification rights when unaccompanied minors reach 18 years of age? Yes.

Yes.

Their parents are not eligible for family reunification after the transition. [Based on the Section 19 para. (2) of the Act on TCNs and the family member definition in this act (Section 2 point d) 'family member' shall mean: da) the spouse of a third-country national; db) the minor child (including adopted children) of a third-country national and his/her spouse; dc) the minor child, including adopted and foster children, of a third-country national where this third-country national has parental custody and the children are dependent on him/her;)]

- Does your (Member) State have any measures in place to support the unaccompanied minor before, during and after such a transition (please specify these measures)? No

Connected to family reunification: no. However, the aftercare service means a significant help in general.

- Please provide any other important information in relation to family reunification for unaccompanied minors *not covered above*.

It must be mentioned that family members arriving in the framework of the above mentioned favourable reunification procedure frequently do not have enough financial resources to start a decent life in Hungary. There is no any special support for them.

c. Is there any research available on the **effects** of family reunification on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)?

No.

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No.

Social welfare supporting unaccompanied minors

Q20. a. Does your (Member) State provide any **social welfare/ assistance** to support unaccompanied minors? Yes.

If yes, please provide information on this below, citing any evidence on the **effects** of social welfare/ assistance on the integration of the unaccompanied minors where available (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

The national childcare system itself can be evaluated as a social welfare since it provides accommodation and other care for unaccompanied minors. (Except asylum-seeker unaccompanied minors between, ages 14 and 18, accommodated in transit zones.) The *gov. decree no. 15/1998 on vocational obligations and conditions in child welfare organisations and child care services and persons involved in these activities* (Section 76-82) stipulates which are the contents of the full-fledged service what a children home shall provide. Those are the followings:

- meal: five times a day (special food if it is needed based on medical suggestion),
- proper clothes,

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- hygienic equipments (included towels),
- tuition fee, school books, etc. for pupil unaccompanied minors,
- toys, games, equipments for cultural and sport activities,
- equipment for therapy, rehabilitation, treatment if it is needed,
- pocket money which is
 - (i) 1425 HUF/months (cc. 3.5 EUR) in cases of children between 3 and 10 years,
 - (ii) 3075 HUF/months (cc. 10 EUR) in cases of children between 10 and 14 years,
 - (iii) 5130 HUF/months (cc. 17 EUR) in cases of children over 14 years,

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to social welfare/ assistance up to that stage, for example:

- Is there any benefits cut-off when unaccompanied minors reach 18 years of age?
Yes, but it is not typical.

Support from childcare system (accommodation and all mentioned services) can be ceased at this turning point but there is a regulation in the Child Protection Act (Section 93) which ensures a possibility of aftercare service. *"Aftercare provision shall be ensured by foster parents, children's homes, aftercare homes or external housing capacity. Young adults are entitled to aftercare until the age of 21, 24 or 25, depending on the reason of entitlement."*⁵³ Typically, unaccompanied minors can enjoy the aftercare service thus this cut-off is rare in their cases.

- Does your (Member) State have any measures in place to support the unaccompanied minor before, during and after such a transition (please specify these measures)? Yes.

The above mentioned aftercare service can be considered as a relevant support in this transition since young adults can stay in a safe environment with personal and professional support.

- Please provide any other important information in relation to social welfare for unaccompanied minors *not covered above*.

There is an important support in the Hungarian child protection system which can be asked by young adults who are leaving the children's home/aftercare home/foster parents at least after 3 years of care. The Hungarian state can support them with a relevant financial support which can be used for buying a home in Hungary.

The amount of this financial support depends upon the years spent in children's home/aftercare home/at foster parents. Its minimum amount is 1.339.500 HUF (cc. 4.335 EUR); its maximum amount is 1.909.500 HUF (cc. 6180 EUR). (Based on Section 25-28 of the Child Protection Act.) This amount of money can be enough to buy a modest house in a small village far from Budapest but it is around only 10 % of the price of a small, modest flat in Budapest. Unaccompanied minors typically wish to live in Budapest. Nonetheless, it must be evaluated as an important social welfare measure.

c. Is there any research available on the **effects** of social welfare on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

⁵³ SOS Children's Villages International (2013) *A snapshot of alternative care arrangements in Hungary*. 10. Available: <https://www.sos-childrensvillages.org/getmedia/52cf3be7-2e8b-4004-a93c-e8bda34338d2/HUNGARY-FINAL-to-upload.pdf> [Accessed 16 December 2017]

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If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No.

Further monitoring of unaccompanied minors' transition to adulthood

Q21. Further to any information on after-care already provided above, please describe any (other) **monitoring mechanisms/ reviews/ evaluations** ensuring the effective transition of unaccompanied minors to adulthood, including the types of measure(s) undertaken and the duration of the monitoring period after unaccompanied minors reach 18 years of age.

There is no such measure.

Consequences of a temporary residence permit on the integration of unaccompanied minors

Q22. What impact does the expiration of a **temporary residence permit** have on the above-mentioned integration measures for unaccompanied minors in your (Member) State, e.g. possibility for education-related extension of a temporary residence permit originally granted on grounds of international/ humanitarian protection, etc.?

Regarding the integration of the unaccompanied minors, the expiration of a temporary residence permit raise the uncertainty among them. There are some unaccompanied minors focusing on their studies or planned life-trajectories, however most of them do not see the opportunity but the challenges in their status. This makes their integration much harder.

Challenges and good practices

Q23. Please indicate the main **challenges** associated with the integration of unaccompanied minors in your (Member) State experienced by both unaccompanied minors (including those turning 18 years of age), and/ or competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and how these challenges could be overcome. Please provide references.

1. As mentioned before one of the main challenges is the **illiteracy** of the minors. To overcome this challenge there would be needed organised, focused, small groups where those who need, could learn only the Latin alphabet.
2. Another one is the effect of the public debate in Hungary (See in Q1). More minors have reported to be faced bullying which obviously do not help their integration into the community of the country.⁵⁴ This could be helped by sensitizer and informational programs.

Q24. Please describe any examples of **good practice** in your (Member) State concerning the integration of unaccompanied minors – including those turning 18 – identifying as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).

In the cited research⁵⁵ the authors found the next good practices regarding the minors' schooling and integration such as providing Hungarian as a foreign language classes, organizing international cultural days or week, and cooperation with different NGOs. There are hiking and different programmes and activities organized facilitating their involvement in the Hungarian social life. Those practices were developed in the recent years, in different

⁵⁴ Zs. Lakatos, N. Pataki: What's next? – Schooling of the migrant children in Hungary – Available: in manuscript

⁵⁵ Zs. Lakatos, N. Pataki: What's next? – Schooling of the migrant children in Hungary – Available: in manuscript

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projects. The reports of the students and teachers say that these practices help the integration and the acceptance of each other more.

Section 5: Return of unaccompanied minors

Overview of the return procedure and its legal and organisational set-up in the (Member) State

Q25. a. Does your (Member) State foresee the **return** of unaccompanied minors?

In practices rather no, however in theory yes.

If so, please provide a brief overview of the provisions in place in your (Member) State with regard to the **return** of unaccompanied minors to the country of origin when the minor receives a negative decision on his/ her application for asylum/ another status:

- Possibility for an unaccompanied minor to return to the country of origin through a **voluntary return**? Yes.

If yes, please describe the procedures/ processes under which an unaccompanied minor may be returned voluntarily to the country of origin according to national legislation/ policy and practice, including any challenges.

It must be mentioned that voluntary return has not been registered; however, unaccompanied minors could disappear and return to their families (country of origin) in theory. Thus voluntary return can occur without the awareness of any authority.

- Possibility for an unaccompanied minor to return to the country of origin through an **assisted voluntary return**? Yes.

If yes, please describe the Assisted Voluntary Return and Reintegration (AVRR) programme available in your (Member) State and the procedures/ processes under which an assisted voluntary return of an unaccompanied minor may be carried out, including any challenges.

There was information sharing at relevant places which helped to inform unaccompanied minors and their caregivers about this possibility. The EMN study on voluntary return says: *“Within a regional project [project name: “Enhancing capacities in EU Member States and third countries to promote durable solutions for unaccompanied minors (through identification of good practices in family tracing and assessments as well as the provision of enhanced reintegration approach) – Sz. A.] which aimed to enhance the sustainable reintegration of unaccompanied minors in their countries of origin, the IOM office in Hungary prepared flyers in Albanian, English and Hungarian languages targeting unaccompanied minors from Kosovo who are staying at child protection facilities in Hungary. The aim of the distribution of the flyers was to raise awareness among unaccompanied minors of the opportunity to return voluntarily to the country of origin and the available reintegration assistance, if return has been determined to be in the child's best interest. The flyers were made available in Hungarian with the aim of also informing the social workers and care takers working with unaccompanied minors regarding the available assistance.”*⁵⁶ There is no information about the future of this very project.

There is no information whether any unaccompanied minors have returned in the framework of AVRR programmes but an NGO report from this year (2017) states *“Unaccompanied asylum-seeking children enjoy additional*

⁵⁶ EMN (2015) *Dissemination of information on voluntary return: How to reach irregular migrants not in contact with the authorities Hungary* 30. Available: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/13a_hungary_report_study_information_voluntary_return_en_version.pdf [Accessed: 18 December 2017]

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safeguards even when they are not granted international protection. They can only be expelled if it is for the purpose of family reunification or if adequate state care is provided in the receiving country. The HHC [Hungarian Helsinki Committee, a relevant NGO in this field which prepared the report. – Sz. A.] is **not aware of any case where asylum-seeking children were rejected and their deportation was organised to their country of origin**. Rejected unaccompanied minor asylum-seekers usually abscond and most probably continue their journey in an irregular manner towards Western Europe.⁵⁷

Based on the information of Immigration and Asylum Office (hereinafter: IAO), assisted voluntary return of any unaccompanied minors had not occurred between 1 January 2014 and 30 June of 2017.

- Possibility for an unaccompanied minor to return to the country of origin through a **forced return**?

No.

The Section 45 para. (5) of the Act on TCNs says the following: *“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.”* Additionally, Section 29 paragraph (1) d) of RRTN says: *any third-country national who was born in the territory of Hungary who has been removed from the custody of his guardian having custody according to Hungarian law, **and also unaccompanied minors***; It means that all unaccompanied minors can obtain this humanitarian protection if they are not entitled to refugee status, subsidiary protection or tolerated status. Thus, they cannot be returned against their will.

If yes, please describe the procedures/ processes under which an unaccompanied minor may be subject to a forced return to the country of origin according to national legislation/ policy and practice, including any challenges.

-

b. Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** once a negative decision has been reached. Is this set out in legislation or any other internal administrative regulations? *Please cross-reference/ summarise here any aspects of the BID procedure for unaccompanied minors subject to a return decision already covered under the EMN study on return (see above) and provide any additional information).*

Beyond the above mentioned Act on TCNs regulation [Section 45 (5)], there is a detailed regulation in the Government Decree 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals. It says that the alien-police authority must make contact immediately with the guardianship authority in order to find out whether family unity or institutional care would be ensured in the country of origin.

The alien-police authority also shall obtain relevant information about country of origin concerned.

If return was not possible, alien-police authority shall call the guardianship authority in order to place the unaccompanied minor concerned. [Section 117 (2) and (3)]

These regulations ensure the best interest of the child in the return process.

In summary, unaccompanied minors cannot be returned if their future situations are not safe. Alien-police authority must cooperate with the guardianship authority in its determination.

⁵⁷ *Best Interest Out of Sight - The Treatment of Asylum Seeking Children in Hungary* (2017) 7., Available: <http://www.refworld.org/type.COUNTRYREP.,HUN,5937afe44,0.html> [Accessed: 15 December 2017]

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The International Organization for Migrants (hereinafter: IOM) which is a relevant international organization in helping any migrants to return has elaborated a description.⁵⁸ Based on the information from Hungarian IOM office they used this manual but it happened out of the (time) scope of this study.

The EMN study return mentions the best interest of children only once and it not elaborates it at all.⁵⁹

Q26. Which **national authorities and organisations** (including NGOs where relevant) are responsible for the return of unaccompanied minors? Please describe briefly the competent authorities involved in return, family tracing, etc., as well as any other stakeholders concerned, what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account in the return of the minor, etc.

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
<i>Office of Immigration and Asylum (Unit for Coercive Measures and Return, Aliens Policing Directorate)</i>	<i>"The Office manages the migration to Hungary with close collaboration with the Police, as well as the civil and military security services. The Office has built up a well-functioning cooperation with the Ministry of Foreign Affairs and Trade and foreign representations on issuing visas for foreign citizens; with the educational institutions on enrolling foreign students; with the employment centres on hiring foreign employees and with the professional representative bodies on handling cases of foreign investors as well."⁶⁰</i>	Making retrun decision. Organizing forced return and assisted voluntary return.
<i>Child Protection Services of Budapest (TEGYESZ)</i>	<i>"The Child Protection Methodological Services of Budapest (CPMS) – operated by the Municipality of Budapest – is the regional provider of child protective services as regulated by the Child Protection Law. The services provided include child protection, after-care and home-providing on the Services' child-care providing locations, primarily in the orphanages run by the organization and through its foster family network."⁶¹</i>	Ordering a child protection guardian for the unaccompanied minors and representing the interest of the unaccompanied minor in the return procedure.

⁵⁸ IOM. (2011) *Unaccompanied Children on the Move*. 15-19. Available: https://publications.iom.int/system/files/pdf/uam_report_11812.pdf [Accessed on 11 January 2017]

⁵⁹ EMN (2015) *Dissemination of information on voluntary return: How to reach irregular migrants not in contact with the authorities Hungary* 30.

⁶⁰ See: http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=391&Itemid=666&lang=en [Accessed: 19 December 2017]

⁶¹ See: http://www.tegyesz.hu/index.php?option=com_content&task=view&id=142&Itemid=117 [Accessed: 15 December 2017]

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<i>Hungarian Police</i>	The Hungarian Police can cooperate with the Immigration and Asylum office in forced return procedure if presence of a police officer is needed. [Based on the Ministerial Decree 26/2007 (V. 31.) on Regulations of Execution of Expulsion.]	Ensuring the safe implementation of the return decision if it is needed. However, it is not relevant in cases of unaccompanied minors. (See above.)
<i>International Organization for Migration</i>	<i>"The IOM office in Hungary has been actively involved in building capacity of the Hungarian government to manage migration issues through training, organizing regional and international exchange programmes, conferences and research projects. IOM Budapest has also established partnerships with a number of relevant non-governmental organizations assisting migrants and victims of trafficking in Hungary."</i> ⁶²	Running projects connected to voluntary return and assisted voluntary return.
<i>Embassies or other authorities of country of origins</i>	If unaccompanied minors do not have proper travel documents a proper authority had to issue it. Generally, the embassy of the country concerned has to cooperate with the Hungarian Immigration and Asylum Office.	Issuing a proper travel document.

Enforcement of return decisions and key arrangements pre/ during/ post departure

Q27. What is the estimated timeframe within which your (Member) State **implements** a return decision following a rejection of an unaccompanied minor's application for asylum/ another status? If there are delays (deviating from this timeframe), what are the usual reasons for such delays?

Forced return: There is no example from practice (see in Q25.a) thus it is not possible to define the answer to this question.

Assisted return: The information provided by the IAO says there was no assisted voluntary return of any unaccompanied minors during the examined period thus it is not possible to answer the question.

The IOM informed us that there were cases out of the time scope of this study in which they could help unaccompanied minors to return after 2 months of indication of his intentions.

Q28. Please describe the measures (if any) taken by your (Member) State to:

- encourage **voluntary return** when an enforceable return decision is issued to an unaccompanied minor:

There is no example from practice (see in Q25.a) thus it is not possible to define the answer to this question.

⁶² See: <https://www.iom.int/countries/hungary> [Accessed: 19 December 2017]

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- **enforce** return decisions against unaccompanied minors; please clarify in particular how your (Member) State perceives the forced return of unaccompanied minors, as well as what is considered effective in this context:

There is no example from practice (see in Q25.a) thus it is not possible to define the answer to this question.

- mitigate any negative impact (please specify) of a return decision on the **well-being of unaccompanied minors**:

Forced return: There is no example from practice (see in Q25.a) thus it is not possible to define the answer to this question.

Assisted voluntary return: IOM is ready to provide reintegration support which can be 650 EUR. Additionally, they could apply for support in kind which can be used for education and training. It can be 3000 EUR but local IOM office cooperation is obligatory in these cases.

Q29. a. Please provide an overview of key arrangements for the **return of unaccompanied minors** to the country of origin, in particular information, support, services and preparation before departure, safeguards for unaccompanied minors during the operation, transfer of custodial care, etc.

The most important information is that the return of unaccompanied minors is not typical in Hungary based on the following reasons: a) the law provides an opportunity for them to stay until they reach their adulthood. b) Most of them disappear from Hungary (see data in Section 6).

Otherwise, the IOM is ready to help their return. Based on their information, they have a good relation with the IAO and they have standards to cooperate with guardian appointed, unaccompanied minor concerned and the IAO. In these cases they are cooperating with IOM offices in the given country of origin as well.

b. Please describe the policy/ practice of your (Member) State with regard to **family tracing** in the country of origin, including when such measures are taken, which authority/ organisation is responsible, as well as the contribution and responsibility of the guardian.

"Beyond the above mentioned RRTN regulation [Section 45 (5)], there is a detailed regulation in the Government Decree 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals. It says that the alien-police authority must make a contact immediately with the guardianship authority in order to find whether the family unity or institutional care would be ensured in the country of origin." (Q25.b) Thus, guardianship authority has the task to make a contact to the family but as it was mentioned before in some cases the IOM can effectively help this process.

It must be also noted that Hungarian Red Cross Tracing Service is available (<http://voroskereszt.hu/keresoszolgalat/akeresoszolgalatrol/>) for authorities/organizations and unaccompanied minors concerned and thus International Red Cross Tracing Service can be involved to cases of unaccompanied minors being in Hungary.

c. How does your (Member) State interpret the term '**adequate**' reception facilities in the country of origin, as one of the requirements for removing an unaccompanied minor from EU territory according to the Return Directive?⁶³ Does your (Member) State return unaccompanied minors to care centres or parents, relatives, etc.?

⁶³ Art. 10(2) of Directive 2008/115/EC stipulates that before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that s/he will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return.

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If return would happen in cooperation with IOM their local office staff can visit the given reception facility and make a report about it which can be seen by Hungarian authorities, too.

There is no elaborated interpretation of 'adequate' reception facility.

d. Please indicate any **special/ transitional arrangements** for the return of unaccompanied minors approaching 18 years of age. *Please do not cover here any aspects of the return of former unaccompanied minors, i.e. adults, as this is subject of a separate EMN study on return (see above).*

There are no such special arrangements in Hungary.

e. Please provide information on the **follow up** of unaccompanied minors once they have returned, such as duration of such follow up, competent service, etc.

IOM informed us that every reintegration support entails a follow up thus it would be obligatory in these cases but as it is written above, there is no information about returned unaccompanied minors.

f. Please elaborate on any **existing cooperation arrangements** between your (Member) State and countries of origin when it comes to the return of unaccompanied minors, such as bilateral readmission agreements concerning unaccompanied minors.

There is no such agreement concerning expressively unaccompanied minors.

Q30. a. Does your Member State provide any **reintegration assistance** to unaccompanied minors returning to their countries of origin (*please cross-reference/ summarise here to any aspects of the reintegration support for unaccompanied minors already covered under the EMN study on return (see above) and provide any additional information*):

- through **voluntary return**? No.

If yes, please describe the kind of supports available before, during and after the voluntary return of an unaccompanied minor.

However, IOM reintegration assistance is available in certain periods. (See above and see above also the cross-reference to the EMN study on return.)

- through **assisted voluntary return**? No.

If yes, please describe the kind of supports available under the Assisted Voluntary Return and Reintegration (AVRR) programme available in your (Member) State before, during and after the assisted voluntary return of the unaccompanied minor.

However, IOM reintegration assistance is available in certain periods. (See above and see above also the cross-reference to the EMN study on return.)

- through **forced return**? No.

If yes, please describe the kind of supports available before, during and after the forced return of an unaccompanied minor.

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b. Please describe the **monitoring mechanisms** (if any) in place in your (Member) State to ensure the effective reintegration of unaccompanied minors, including the types of measure undertaken and the duration of the monitoring period.

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IOM runs such mechanism in theory as it is written above but we are not aware of its application during the examined period.

Alternatives to return

Q31. Does your (Member) State provide for any **alternative solutions to stay** for unaccompanied minors, such as regularisations, etc.? How do you **inform** unaccompanied minors of such possibilities to stay following a negative decision on their application for asylum/ another status?

As it was clarified above that Section 29 (1) paragraph d) of Act on TCNs says: *any third-country national who was born in the territory of Hungary who has been removed from the custody of his guardian having custody according to Hungarian law, and also unaccompanied minors;*

The asylum authority shall inform the alien-police authority about the negative decision in asylum case and then the alien-police authority shall give this sort of humanitarian protection for the unaccompanied minors. Moreover, based on Section 4 paragraph (3) of the Child Protection Act, the Hungarian child protection system should provide protection and accommodation to them as well.

Dealing with unaccompanied minors who cannot be immediately returned

Q32. a. Please describe the procedure of dealing with **unaccompanied minors who are not/ cannot be returned immediately** in your (Member) State, specifying the circumstances whereby the enforcement of a return decision has been deferred/ postponed, for how long such a deferral/ postponement is possible, where unaccompanied minors are housed during the deferral/ postponement period, whether unaccompanied minors have the possibility to be granted a status/ right to stay in the (Member) State (e.g. tolerated status), etc.

In the cases of (assisted) voluntary returns, they can stay in the child protection system.

b. What is the impact of a deferred return decision on the **well-being** of unaccompanied minors (as cited in existing evaluations/ studies/ other sources or information received from competent authorities, please provide references)? Does your (Member) State provide any state-guaranteed healthcare, including counselling, guardianship, etc. to the unaccompanied minor during this state of limbo?

There is no impact to be expounded. The care is continuous. See the above answer. (Q32.a)

c. Please provide any other information available in your (Member) State on the **well-being** of unaccompanied minors during the above-mentioned state of limbo, such as instances of unaccompanied minors transferred to another reception facility because of disciplinary reasons, unaccompanied minors involved in incidents, number of consultations with psychologists, school absenteeism or school drop-out rates, etc.

There is no such information available.

Challenges and good practices

Q33. Please indicate the main **challenges** associated with the implementation of the return of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18, and/ or competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and the measures (that could be) taken to overcome these challenges. For example, do boys face different challenges than girls (and vice versa) when it comes to return and if so, how does your (Member) State deal with such challenges?

According to the information provided by the IAO return of unaccompanied minors had not occurred during the examined period thus it is not possible to name any challenges. However, it can be mentioned that 5 boys were expelled between 1 January 2017 and 30 June 2017. (Data are not available besides this period.) These boys

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were not returned. (Or there is no information about it.) They can stay in Hungary with certificate of temporary residence (based on Section 30 of Act on TCNs) or they have disappeared.

Q34. Please describe any examples of **good practice** in your (Member) State concerning the return of unaccompanied minors. *Please note that, in order to comply with children's rights and EU policy positions,⁶⁴ good practices in return of unaccompanied minors should only include voluntary return following a robust, individual BID procedure with all procedural safeguards, as well as holistic support, preparation and reintegration assistance.*

Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).

The IAO informed us that return of unaccompanied minors had not occurred during the examined period thus it is not possible to name any good practice. However, in theory, the IOM programs could provide good practices.

Section 6: Disappearances of unaccompanied minors from guardianship/ care facilities and/ or following a return decision

Q35. Is the **disappearance of unaccompanied minors** an issue in your (Member) State? If so, can this be linked to i) the decision on their application for asylum/ another status in terms of the point in time, i.e. before/ after a decision on status is issued, and ii) in terms of the outcome of the procedure, i.e. positive/ negative decision?

From the reports of the unaccompanied minors Hungary is considered as a transit country among the asylum seekers, it is really an issue of the disappearance of the unaccompanied minors.

From experiences, there are cases when unaccompanied minors did not feel to have other choices after a negative decision than to run away to another country. According to the statistics,⁶⁵ the last years almost 100% of the target group of this study have disappeared from the Hungarian child care system. Some of the unaccompanied minors have been found and brought back before reaching the border of Austria that is why the number of the attempts of running away is higher than the actual number of missing unaccompanied minors.

Year	Number of receptions	Number of leaving without permission
2014	1072	1072
2015	2422	2536
2016	1431	1408

Q36. If your (Member) State has recorded cases of **unaccompanied minors disappearing from accommodation facilities and/ or guardianship care** following a decision on status, what are the possible **reasons** for such disappearances (e.g. running away from guardianship/ care facilities, expiration of a temporary residence permit,

⁶⁴ For example, the Commission Recommendation on making returns more effective when implementing the Directive 2008/115/EC, C(2017) 1600 final, see above.

⁶⁵ Attila Szarka: Challenges of the Child Protection procedure of the unaccompanied minors – presentation available in manuscript

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etc. as cited in existing evaluations/ studies/ other sources or information received from competent authorities, *please provide references*?)

Also, what are the **consequences** of their disappearance on their permit to stay? For example, can their status and/ or residence permit be withdrawn?

Some of the reasons are⁶⁶:

- they see Hungary as a transit country and do not want to change their point of view.
- diaspora: most of them has family member, relatives or friends in other European countries where they are heading to.
- financial reasons: many of them hope to work and earn money as soon and as much as possible. The Hungarian wages (specially without any degrees) are lower than the EU average⁶⁷.
- negative status decision: as they do not see their future in Hungary with a negative status decision, they expect new asylum procedure in other EU countries.

In the Hungarian system they are treated as any other fostered children thus they are reported to the police and searched in case of their disappearances. Their disappearances do not cause the loss of their status, however (as seen in practice) it is not common that any of them would return to Hungary.

Q37. Does your (Member) State have any procedures/ measures in place to:

- **Prevent and react** to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. support services, national hotlines for missing children, missing persons alerts in the Schengen Information System, Missing Children Europe and its member organisations, fingerprinting/ photographing unaccompanied minors as an aid for tracing, etc.? Yes.

The NGOs, working in the children's home, aimed to prevent disappearances by orientation programs, etc. The goal of these is to draw the possible trajectories in Hungary by giving as much information as possible. Above the methods mentioned before there is no specific service regarding the question.

Reactions for a disappearance of an unaccompanied minor are reported by the children's home as a missing person. Their fingerprints and data are registered however, their aim is to leave Hungary and after that tracing them is not possible for the Hungarian authorities.

- **Report and respond** to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. protocols among authorities, standardised procedure for dealing with disappearances, etc.? Yes

The protocol of the Children's Home after a disappearance is that after 24 hours (under 14 the time is not relevant as they are not allowed to leave the centre without permission and company) the educator reports the disappearance of the minor to the police. The searching for them is regulated the same way as any other Hungarian minor being in the child care system. About the details of the regulation and practises see the following article based on the report of the Commissioner for Fundamental Rights in Hungary (<http://www.csagyi.hu/hirek/item/499-ombudsmani-vizsgalat-az-eltunt-gyermekekrol> Downloaded: 14 January 2017)

Q38. If your (Member) State has cases of **unaccompanied minors disappearing following a return decision**, please describe the actions (if different from the above) taken by your (Member) State to decrease the **risk of such disappearances**, as well as any **follow-up measures** in case of disappearances.

⁶⁶ According to the self reports of the unaccompanied minors

⁶⁷ See: http://www.ksh.hu/docs/hun/xftp/idoszaki/pdf/keresetek_eu.pdf

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The guardians and the carers know about the status of the minors. The negative decision is seen by the workers as a special risk for disappearance. Above the attention and the information about the possibilities given to these unaccompanied minors there are no effective steps to decrease the risk of such disappearances and/ or follow-up measures in case of disappearances.

Q39. Please indicate the main **challenges** associated with the disappearance of unaccompanied minors in your (Member) State for the competent authorities, as well as the minors themselves and the measures (that could be) taken to overcome these challenges. For example, do you have evidence of instances of disappearances of unaccompanied minors linked to any negative consequences for the minors (e.g. exploitation, radicalisation, etc.)? *Please base this information on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc. and provide references.*

Challenges for the competent authorities:

As the Children's Home is not a closed facility and the free movement (within Hungary) of the children must be ensured between the age of 14-18 (in harmony with the relevant international agreements and the law of the European Union) it is not easy to stop the minors from running away from the centre. NGOs, working in cooperation with the authorities, try to orientate and give as much information as possible of the situation, possibilities in Hungary.

Challenges for the minors:

As many of them are already close to the age of 18 at the time of their disappearance it becomes possible that in the other countries they will be treated as grown up, in case they choose apply for status.

On the other hand (as seen in practise) many of them do not have even basic knowledge about the societies in Europe, competencies such writing and reading basic information regarding them which makes the probability of exploitation or any other abuses higher.

Q40. Please describe any examples of **good practice** in your (Member) State concerning the issue of disappearances of unaccompanied minors. *Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).*

There is no such measure to mention.

[Annex 1 National statistics \(in Excel\)](#)

Q41. With reference to **Q5.b.** above, please complete the following table with national statistics on the (estimated) number of unaccompanied minors in your (Member) State, if available.

Please provide here a brief explanation of the metadata, describing for example the population covered, the method used to reach the estimates, any caveats as to their likely accuracy, etc. It should be noted, given the differences in methods used to make the estimates, that it will not be possible to synthesise this information to produce a 'total EU estimate' for the Study.

Numbers of the unaccompanied minors in Hungary are stated by the IAO. The institute has administrative data regarding those who turn to the authorities with asylum seeking application. About the numbers of not asylum seeking unaccompanied minors we do not have any elaborated data. However, those captured by the authorities of Hungary, are accommodated by the Children's Home in Fót, we have not managed to gain more information regarding their numbers, age or sex.

Please provide your answer by completing the Excel document provided below.

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Please do not here include the Eurostat data mentioned above, as this information is available publically and can therefore be analysed centrally for the Synthesis Report.



**EMN-UAMs-
Annex-**