



European Migration Network (EMN)

EMN Focussed Study 2014

Hungary

Good Practices in the return and reintegration of irregular migrants: Member States' entry bans policy & use of readmission agreements between Member States and third countries

Top-line 'factsheet'/Executive summary

National contribution

Migration challenges in Europe have reached a scale and complexity that can only be addressed by countries concerted action. Indeed, return migration is a key issue on the agenda of national and international policymakers around the world because of its impact on all countries. This paper provides an opportunity to explore and discuss the means by which return can be managed focusing on entry ban.

The immigration authority, if it finds that a third-country national who has lawfully resided in the territory of Hungary no longer has the right of residence, shall adopt a decision to refuse his/her application for a residence permit or to withdraw the permit evidencing right of residence of the third-country national in question, and - with the exceptions set out in law - shall order him/her to leave the territory of the Members States of the European Union. This can be accompanied by an EU-wide entry ban. In some cases, the entry ban covers the national territory of Hungary (in those cases not covered by the Return Directive).

The immigration authority shall independently order the forced return of a third-country national whose whereabouts are unknown or who resides outside the territory of Hungary, and who has failed to pay any instant fine or a fine imposed in conclusion of a misdemeanour proceeding within the prescribed deadline, and it cannot be recovered or collected.

There are two authorities in relation to the imposition of entry ban: territorial bodies of the Office of Immigration and Nationality (i.e. its regional directorates), and the territorial bodies of the Police (i.e. county police departments).

Information is given by the institution responsible for issuing the decision. Decision shall also be conveyed verbally to the third-country national attending in his/her native language or in another language he/she understands. The decision is imparted in written. The data of impartment shall be recorded; and signed by the third-country national.

If the third-country national's whereabouts is unknown, the decision or ruling shall be conveyed by way of a posted notice. An administrator for service of process shall not be appointed.

The operative part of a decision ordering exclusion independently shall be displayed on the website of the Immigration and Nationality.

Inputs and data are gathered from the Hungarian National Police Headquarters and from the Office of

Immigration and Nationality.

Readmission agreements provide for clear, transparent and fair well-established rules for the return and removal.

The Hungarian practice is in line with EU-wide developments having the specific features of an external border transit country with high migratory pressure.

Section 1 Entry bans

SECTION 1.1 NATIONAL LEGAL FRAMEWORK ON ENTRY BANS: GROUNDS FOR IMPOSITION OF ENTRY BANS AND CATEGORIES OF THIRD-COUNTRY NATIONAL SUBJECT TO ENTRY BANS

Q1. In your Member State, which scenario applies to the imposition of entry bans?

- a) Entry bans are automatically imposed in case the return obligation has not been complied with OR no period of voluntary departure has been granted

Yes¹

- b) Entry-bans are automatically imposed on all return decisions other than under a)

No

- c) Entry bans are issued on a case by case basis on all return decisions other than a)

Yes²

Q2a. What are according to national legislation in your Member State the grounds for imposing entry bans? Please answer this question by indicating whether the grounds defined in national law include the following listed in the table 1.1 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:

Table 1.1: Grounds for imposing entry bans

Grounds for imposing entry bans	Yes/No	Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual cases
Risk of absconding ³	Yes	Art. 42(6)c of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (hereinafter: RRTN). I.e. (during his/her interview) the third-country national has expressly refused to leave the territory of the Member

¹ Cf. Art.47(1)-(2) and 65(1)d of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (hereinafter: RRTN).

² Note: „Unless otherwise prescribed in this Act, entry ban shall be ordered in conjunction with expulsion ordered under immigration laws, if the immigration authority has ordered the deportation of the third-country national concerned.” (Art. 47(1) of RRTN).

³ As stipulated in the Return Directive Article 11 (1) (a) in combination with Article 7(4).

		States of the European Union voluntarily, or, based on other substantiated reasons, is not expected to abide by the decision for his/her expulsion.
The third-country national concerned poses a risk to public policy, public security or national security ⁴ .	Yes	Law enforcement, border guard and counter terrorism organisations may propose (on the basis conditions set up by them) to the Office of Immigration and Nationality to impose entry ban. ⁵
The application for legal stay was dismissed as manifestly unfounded or fraudulent ⁶	Yes	In case of obtaining the right to stay is granted on the basis of false data, invalid fact or established family relationship for the purpose of obtaining a residence permit on the grounds of family reunification. ⁷
The obligation to return has not been complied with ⁸	Yes	If failed to leave the territory of the Member States of the European Union by the day following the deadline prescribed in the decision for expulsion, the Office of Immigration and Nationality carries out the decision by forced return. ⁹ The generally imposed entry ban is one year. ¹⁰
Other		
The immigration authority shall independently order entry ban for third-country nationals whose whereabouts are unknown or who resides outside the territory of Hungary, and who must not be allowed to enter the territory of Hungary under international commitment. ¹¹	Yes	
The immigration authority shall independently order the entry ban for a third-country national whose whereabouts are unknown or who resides outside the territory of Hungary, and who is to be excluded by decision of the Council of the European Union. ¹²	Yes	

⁴ As stipulated in the Return Directive Art. 11 (1) (a) in combination with Art. 7(4).

⁵ Art. 42(6)d and Art. 43(3) as well as Art. 47(4) of RRTN.

⁶ As stipulated in the Return Directive in Art. 11(1)(a) in combination with Art. 7(4).

⁷ Art. 42(6)b and Art. 18(1)b and d of RRTN.

⁸ As stipulated in the Return Directive Art. 11(1)(b).

⁹ Art. 46(1)e of RRTN.

¹⁰ Art. 65(1)d and Art. 47(2) of RRTN.

¹¹ Art. 43(1)a of RRTN.

¹² Art. 43(1)b of RRTN.

The immigration authority shall independently order entry ban for a third-country national whose whereabouts are unknown or who resides outside the territory of Hungary, and who has failed to repay any refundable financial aid received from the State of Hungary. ¹³	Yes	Refundable financial aid may be e.g. costs occurred at detention centre or community shelter, traveling costs occurred carrying out escorted returns.
The immigration authority shall independently order the exclusion of a third-country national whose whereabouts are unknown or who resides outside the territory of Hungary, and who has failed to pay any instant fine or a fine imposed in conclusion of a misdemeanour proceeding within the prescribed deadline, and it cannot be recovered or collected. ¹⁴ (stand-alone entry ban, not falling under the scope of the RD)	Yes	The Police initiates misdemeanour proceeding. Unless having address or place of residence in Hungary the Police proposes at the Office of Immigration and Nationality the imposition of entry ban. (Predominantly fines imposed in relation to public road misdemeanour proceedings.)

Q2b. What are the national grounds based upon which your Member State can decide **not** to issue an entry ban? Please answer this question by indicating whether the grounds defined in national law include the following listed in the table 1.2 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:

Table 1.2: Grounds for not imposing entry bans

Grounds for not imposing entry bans	Yes/No	Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual cases
Humanitarian reasons	No	
Right to family life (Article 8 ECHR)	Yes	The immigration authority shall have regard for the following factors before adopting a return decision under immigration laws concerning a third-country national who is holding a residence permit issued on the grounds of family reunification: <ul style="list-style-type: none"> a) the duration of stay; b) the age and family status of the third-country national affected, possible consequences of his/her expulsion on his/her family members; c) links of the third-country national to Hungary, or the absence of links with the country of origin.¹⁵
Health reasons	No	

¹³ Art. 43(1)d of RRTN.

¹⁴ Art. 43(1)e of RRTN.

¹⁵ Art. 45(1)a-c of RRTN.

Q3. Please provide a short overview of the categories of third-country national that can be issued an entry ban by completing the table 1.3 below:

Table 1.3: Categories of third-country national who can be issued an entry ban

Categories of third-country national who can be issued an entry ban¹⁶	Who comply voluntarily with return decision (Y/N)	Who do not cooperate with return decision (Y/N)
Third-country nationals staying illegally on the territory of a Member State (including residence/visa over-stayers, rejected applicants for international protection, third-country nationals who entered the territory illegally)	No	Yes
Third-country nationals who are subject to a refusal of entry in accordance with Article 13 of the Schengen Borders Code	No	Yes ¹⁷
Third-country nationals who are apprehended or intercepted by the competent authorities in connection with the irregular crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State	No	Yes
Third-country nationals who are subject to return as a criminal law sanction or as a consequence of a criminal law sanction	Yes	Yes
Other (please indicate and add rows as appropriate)	n.a.	n.a.

Q4. Specify the territorial scope of entry bans that are imposed by your Member State, i.e. do they apply to the entire EU territory or do they only cover the national territory of the Member State? If both types of entry bans can be imposed, please indicate that this is the case.

Art.42(1) of RRTN stipulates that the immigration authority, if it finds that a third-country national who has lawfully resided in the territory of Hungary no longer has the right of residence, shall adopt a decision to refuse his/her application for a residence permit or to withdraw the permit evidencing right of residence of the third-country national in question, and - with the exceptions set out in RRTN - shall order him/her to leave the territory of the Members States of the European Union.

The imposed entry ban (including stand-alone entry bans, not falling under the scope of the RD¹⁸) covers the national territory of Hungary in the following cases.

If refugee status or subsidiary protection of the person affected still exist, the immigration authority shall expel the third-country national holding an EC residence permit certifying long-term residence status from the

¹⁶ Based on Art. 2 Return Directive

¹⁷ Non-cooperation as set out in Art. 41(2) of RRTN.

¹⁸ Art. 43(1) of RRTN.

territory of Hungary to the Member State where refugee status or subsidiary protection exist.¹⁹

The immigration authority shall have powers to expel a third-country national holding an authorization issued by a Member State of the European Union offering a right to stay in the territory of that Member State from the territory of Hungary, primarily to the Member State that has issued the residence permit authorizing the third-country national to stay legally on its territory.²⁰

A third-country national holding an EU Blue Card issued by any Member State of the European Union shall be expelled to the Member State having issued the EU Blue Card, even if the EU Blue Card has expired during the third-country national's stay in Hungary.²¹

The immigration authority shall independently order the exclusion of a third-country national whose whereabouts are unknown or who resides outside the territory of Hungary, and who has failed to repay any refundable financial aid received from Hungary.²²

The immigration authority shall independently order the exclusion of a third-country national whose whereabouts are unknown or who resides outside the territory of Hungary, and who has failed to pay any instant fine or a fine imposed in conclusion of a misdemeanour proceeding within the prescribed deadline, and it cannot be recovered or collected.²³

Q5. Which institution(s) in your Member State decides whether or not to issue an entry ban on third-country nationals who are the subject of a return decision? Please specify whether this concerns for example the police, border police, immigration service, asylum agency etc.

There are two authorities in the referred case: territorial bodies of the Office of Immigration and Nationality (i.e. its regional directorates), and the territorial bodies of the Police (i.e. county police departments).

SECTION 1.2 PRACTICAL APPLICATION OF ENTRY BANS

Q6. Who informs third-country nationals of the imposition of the entry ban and what procedure is used to convey this information? Please specify

Information is given by the institution responsible for issuing the return decision (see Q5). Decision shall also be conveyed verbally to the third-country national attending in his/her native language or in another language he/she understands.²⁴ The decision is imparted in written. The data of impartment shall be recorded; and signed by the third-country national.

If the third-country national's whereabouts is unknown, the decision or ruling shall be conveyed by way of a posted notice. An administrator for service of process shall not be appointed.²⁵

The operative part of a decision ordering a self-standing entry ban independently shall be displayed on the website of the Immigration and Nationality.²⁶

¹⁹ Art. 45(2c) of RRTN.

²⁰ Art. 45(8a) of RRTN.

²¹ Art. 45(8b) of RRTN.

²² Art. 43(1)d of RRTN.

²³ Art. 43(1)e of RRTN.

²⁴ Art. 89(2)a of RRTN.

²⁵ Art. 89(4) of RRTN.

²⁶ Art. 89(5) of RRTN.

Q7. Do third-country nationals who have been imposed an entry ban have the possibility to appeal the decision?
Yes

Specify whether this is laid down in national law (make reference to the national legislation and the provision) and specify the concerned court of appeal

In case of the entry ban is ordered parallel to forced return in the return decision, Art. 46(2) of RRTN is applied. I.e. "return decision may not be appealed; however, a petition for judicial review may be lodged within eight days of the date when the decision was delivered. The court shall adopt a decision within fifteen days upon receipt of the petition."

In case of a third country national is not complying with voluntary return and forced return is ordered, Art. 47(3) of RRTN shall be applied. I.e. she/he shall have the right to appeal the decision adopted separately on entry ban. There shall be no further appeal against the decision. The appeal shall be submitted within twenty-four hours from the time of delivery of the decision to the same immigration authority that has ordered it. The immigration authority shall forward the appeal, together with the documents of the case, to the authority of competent jurisdiction, which shall render a decision within eight days."

In case of the self-standing entry bans,²⁷ the decision might be challenged before the court directly referred to breach of law according to the general provisions of Act CXL of 2004 on the General Rules of Administrative Proceedings and Services.

Q8. Please indicate whether entry bans can be withdrawn or suspended in your Member State, specifying the categories of third country national who may be withdrawn/suspended from an entry ban, and explain the circumstances or reasons for this by filling out the table 1.4 below:

Table 1.4: withdrawal and suspension of entry bans

Categories of third-country national who can be exempted from an entry ban	Entry ban can be withdrawn or suspended (Y/N)	If yes, please provide information on the criteria/indicators used
Third-country nationals who can demonstrate that they have left the territory of the Member State in full compliance with a return decision	Yes	The immigration authority may withdraw - upon request or on its own motion - the entry ban if it was ordered in conjunction with expulsion against a third-country national who is able to demonstrate that she/he has left the territory of a Member State in full compliance with the return decision. ²⁸

²⁷ On the basis of Art. 44(3) of RRTN.

²⁸ Art. 47(9)a of RRTN.

Victims of trafficking in human beings who have been granted a residence permit pursuant to Council Directive 2004/81/EC (provided they do not represent a threat to public policy, public security or national security)	Yes	Third-country nationals who are victims of trafficking in human beings may be expelled during the time of deliberation they are afforded only if their residence in the territory of Hungary constitutes any threat to national security, public security or public policy. ²⁹ The immigration authority may withdraw - upon request or on its own motion - the entry ban if continued enforcement is no longer justified due to major changes in the underlying circumstances ³⁰ (hereinafter referred as 47(9)b of RRTN).
Minors	Yes	Art. 47(9)b of RRTN is applicable. Nevertheless, the minor accompanied with his/her parent shares the status of the parent.
Unaccompanied Minors	Yes	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. ³¹
Disabled people	Yes	In case of voluntary return, its deadline for vulnerable persons shall be set in line with their special needs. Art. 47(9)b of RRTN is applicable.
Elderly people	Yes	See above.
Pregnant women	Yes	See above.
Single parents with minor children	Yes	See above.
Persons with serious illness	Yes	See above.
Persons with mental disorders	Yes	See above.
Persons who have been subjected to torture, rape, or other serious forms of psychological, physical or sexual violence (e.g. victims of female genital mutilation)	Yes	See above.

²⁹ Art. 45(4) of RRTN.

³⁰ Art. 47(9)b of RRTN.

³¹ Art. 45(5) of RRTN.

Other humanitarian reasons, (please indicate and add rows as appropriate)	n.a.	n.a.
Other individual cases or certain categories of cases for other reasons (please indicate and add rows as appropriate)	n.a.	n.a.

Q9. Is the institution responsible for the imposition of the entry ban the same as the authority that is competent to decide on withdrawal/suspension? **Yes**

If not, or in case other actors are involved, please specify which ones and comment on the cooperation between the two actors.

There is one exception. If the Police imposes entry ban during border check of a third country national because of unpaid administrative fine or of on-the-spot fine, the Police shall inform the third country national that she/he may pay the debit later. If the third country national has paid the debit later in cash or having the payment recipient, the Police shall delete the entry ban and authorises the entry or the exit. In this case, the Police shall inform the imposing immigration authority about the fact deleting the entry ban.

SECTION 1.3 COOPERATION BETWEEN MEMBER STATES

Q10. Does your Member State enter an alert into the SIS when an entry ban has been imposed on a third-country national? (e.g. see Article 24 (3) of Regulation No 1987/2006 – SIS)? **Yes**

Please specify whether;

- a) **Alerts are entered into the SIS as standard practice**
- b) Alerts are entered into the SIS on a regular basis
- c) Alerts are entered into the SIS on a case-by-case basis

According to our national legislation, if an entry ban has been imposed concerning a third-country national it is compulsory to enter an alert in the cases of Art. 24 (2) of the Regulation No 1987/2006. In any other case an Article 24 alert is entered in the SIS after a consideration in conformity of Art. 24 (3) of the Regulation No 1987/2006.

Q11a. Does your Member State share information on the use of entry bans with other Member States? **Yes**

- a) **Your Member State exchanges information as a standard practice**
- b) Your Member State exchanges information on a regular basis
- c) Your Member State exchanges information on a case-by-case basis

Nothing to report.

Q11b. What type of information is shared with other Member States? Please indicate whether any or all of the following types of information are shared:

- a) Number of entry bans imposed **Yes**

- b) Identity of the individuals who have been imposed an entry bans **Yes**
- c) Reasons for imposing the entry bans **Yes**
- d) Decision to withdraw an entry ban and reasons for this **Yes**
- e) Decision to suspend an entry ban and reasons for this **No**
- f) Any other information (please specify)

Modus operandi.

Q11c. How is information shared with other Member States? Please provide an overview of the existing mechanisms to share information (e.g. via the Schengen Information System, bilateral exchange of information either face-to-face, over the telephone, via e-mail, other?)

Via DEBS forms or via SIRENE specified email according to the SIRENE Manual.

Q12a. Article 11 (4) stipulates that “where a Member State is considering issuing a residence permit or other authorisation offering a right to stay to a third-country national who is the subject of an entry ban issued by another Member State, it shall first consult the Member State having issued the entry ban and shall take account of its interests in accordance with Article 25 of the Convention implementing the Schengen Agreement”. Please describe the processes how these consultations take place; indicate which authorities are involved as well as the method of consultation.

If an entry ban is imposed on a third country national due to SIS alert, territorial bodies of the Office of Immigration and Nationality (i.e. its regional directorates) may issue visa valid for exceeding 90 days or residence permit³² only after the consultation with the imposing authority of another Member State via the SIRENE Bureau.

Q12b. Has your Member State ever issued a residence permit or any other authorisation offering a right to stay to a third-country national who is the subject of an entry ban imposed by another Member State? **No**

If yes, please indicate the number of residence permits issued to third-country nationals in these circumstances.

Not relevant.

Q12c. In case your Member State has issued a residence permit or any other authorisation offering a right to stay to a third-country national who is the subject of an entry ban imposed by another Member State, please specify the circumstances based on which such decisions were taken.

Not relevant.

³² Art. 18(2) and Art. 54 of RRTN.

SECTION 1.4 EFFECTIVENESS OF ENTRY BANS

Q13. Has your Member State conducted any evaluations of the effectiveness of entry bans? **No**

If yes, please provide any results pertaining to the issues listed in the table 1.5 below. The full bibliographical references of the evaluations can be included in an Annex to the national report.

1.5: Entry ban’s effectiveness

Aspects of the effectiveness of entry bans	Explored in national evaluations (Y/N)	Main findings
Contribute to preventing re-entry	n.a.	
Contribute to ensuring compliance with voluntary return ³³	n.a.	
Cost-effectiveness of entry bans	n.a.	
Other aspects of effectiveness (please specify)	n.a.	

Q14. The following indicators have been developed in order to measure the effectiveness of entry bans as a means for enhancing the ability of (Member) States to carry out sustainable returns, or provide proxy measures of their effectiveness. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years. The statistics should be provided as a total number from January 1st until December 31st of each year.

Table 1.6: National statistics on entry bans

Indicators (refer to 12 month period, if possible data should be disaggregated by category of third-country national)	Y/N	2009	2010	2011	2012	2013

³³ i.e. to what extent does the graduated approach (withdrawal or suspension of the entry ban) contribute to encouraging third country nationals to return voluntarily?

Number of entry bans imposed ³⁴	Yes	N/D 883	2 740 1008	5 203 1246	4 770 1381	5 892 105
Number of decisions to withdraw an entry ban ³⁵	Yes	N/D	515	1 367	1 070	1 109
Number of decisions to suspend an entry ban	No					
Number of persons who are the subject of an entry ban who have been re-apprehended inside the territory (not at the border)	No					
Proportion of persons issued an entry ban who have returned voluntarily – out of the total number of persons that were issued an entry ban	No					
Proportion of persons who were not issued an entry ban who have returned voluntarily – out of the total number of persons that were imposed a return decision	No					

Q15. Please indicate whether your Member State has encountered any of the following challenges in the implementation of entry bans and briefly explain how they affect the ability of entry bans to contribute to effective returns.

Table 1.7: Practical challenges for the implementation of entry bans

Challenges associated with entry bans	Y/N	Reasons
It is difficult to ensure compliance with entry bans on the part of the third-country national concerned	Yes	Third country nationals imposed entry ban attempt enter legally at border crossing points or illegally through the green (blue) border.
It is difficult to monitor compliance with entry bans	No	It can be ensured via database queries.

³⁴ First data: entry ban issued by the Office of Immigration and Nationality; the second one: entry ban issued by the Police. Cf. Q5.

³⁵ Data provided by the Police.

It is difficult to secure the cooperation of other MS in the implementation of entry bans ³⁶	Nothing to report.	
It is difficult to secure the cooperation of the country of origin in the implementation of entry bans		
Other challenges (please specify and add rows as necessary)	n.a.	n.a.

Q16. Please describe any examples of good practice in your (Member) State's implementation of entry bans, identifying as far as possible the reasons why the practice in question is considered successful.

Nothing to report.

Section 2.³⁷ Readmission agreements³⁸

SECTION 2.1 INSTITUTIONAL SET-UP

Q17. Which authority is responsible for making applications for readmission to third countries in individual cases of forced and or voluntary return?

Border Policing Department, Hungarian National Police Headquarters
Unit for Coercive Measures and Return, Aliens Policing Directorate, Office for Migration and Nationality

SECTION 2.2 EU READMISSION AGREEMENTS

Q18. Please provide any available statistics on the number of readmission applications that your Member State has submitted on the basis of **EU readmission agreements**. In Table 2.1 you are required to provide statistics on the total number of all readmission applications made based on EURAs. In table 2.2, 2.3 and 2.4 you are required to only provide statistics for the three third countries to which most readmission applications are made. These statistics are to be provided separately for each third country by filling out table 2.2, 2.3 and 2.4, below. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons.

Table 2.1: National Statistics on the total number of readmission applications under EU Readmission Agreements

³⁶ This could for example relate to problems in the use of the Schengen Information System, and/or the lack of a common system.

³⁷ In this section, data is provided by the Hungarian National Police Headquarters.

³⁸ Please note that this Section only concerns readmission agreements with third countries and that any other readmission agreements with EEA countries are outside the scope.

	Total number of readmission applications made based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	368	601	870	307	N/D	N/D	N/D	N/D
Own nationals	163	193	195	144	N/D	N/D	N/D	N/D
Third-country nationals (including stateless persons)	205	408	675	163	N/D	N/D	N/D	N/D

Table 2.2: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 1 (specify the concerned third country)

	Number of readmission applications made to third country 1 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	971	2669	3154	2753	N/D	N/D	N/D	N/D
Own nationals	403	516	611	645	N/D	N/D	N/D	N/D
Third-country nationals (including stateless persons)	568	2153	2543	2108	N/D	N/D	N/D	N/D

Table 2.3: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 2 (specify the concerned third country)

	Number of readmission applications made to third country 2 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	358	159	141	183	N/D	N/D	N/D	N/D
Own nationals	328	123	102	173	N/D	N/D	N/D	N/D
Third-country nationals (including stateless persons)	30	36	39	10	N/D	N/D	N/D	N/D

Table 2.4: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 3 (specify the concerned third country)

	Number of readmission applications made to third country 3 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	0	0	154	283	N/D	N/D	N/D	N/D
Own nationals	0	0	154	283	N/D	N/D	N/D	N/D
Third-country nationals (including stateless persons)	0	0	0	0	N/D	N/D	N/D	N/D

Q19. Has your (Member) State experienced any practical obstacles when implementing EU Readmission Agreements? Please answer this question by filling in the table below. Please specify in your answer whether problems are of a general nature and/or only experienced in relation to certain third countries. In case particular problems are experienced only in relation to specific third countries, please indicate which third countries these are (the latter is optional).

Table 2.5: Practical obstacles for the implementation of EU Readmission Agreements

Practical obstacles associated with EU readmission agreements	Yes/No	If yes, please specify whether only in relation to a specific third country, or more of general nature. Also illustrate the obstacle with an example in this column
Countries of origin do not cooperate in general	Yes	Afghanistan, Pakistan and Iraq do not cooperate.
Countries do not respect the deadlines	Yes	Russia
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)	No	
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)	No	
Countries do not issue travel document to enable readmission/return	Yes	Afghanistan, Pakistan and Iraq happen to issue travel documents solely for voluntary returnees.
Gaps in own (Member) State's administrative capacity to implement readmission agreement	No	
Other obstacles (please add columns as necessary)		

Q20. Has your (Member) State conducted any evaluations of the effectiveness of EU and/or its bilateral readmission agreements?

No

If yes, what issues have the evaluations covered? Please provide any results pertaining to:

Table 2.6: Findings of the evaluations of EU Readmission Agreements carried out by your MS (if applicable)

Aspects of effectiveness	Covered in national evaluations (Y/N)	Main findings
Recognition rates of readmission applications		
Other (please indicate and add rows as necessary)		

Q21. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of EU and bilateral readmission agreements. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years

Table 2.7: Indicators measuring the effectiveness of EU Readmission Agreements

Indicators (refer to 12 month period, if possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent	330	368	601	870	307
Number of readmission applications that received a positive reply	316	342	567	841	293
Number of requests for travel documents in the context of a readmission application	0	0	0	0	0
Number of travel documents issued by third country after the positive reply	0	0	0	0	0
Number of persons who were effectively returned	316	342	567	841	293

Q22. Please provide an assessment of the added value of the EU Readmission Agreements in facilitating the effective returns in comparison with the period before the EU Readmission Agreements were concluded.

No changes are observed in relation to the application of previously concluded bilateral readmission agreements. Readmission agreements concluded with non-neighbouring countries facilitate return effectively (since their scope is own nationals). The much stronger bargaining power established new relations covered by EU Readmission Agreements – such as concerning Russia, Pakistan, Caucasian republics. Due to the agreements and their implementing protocols a better and more efficient cooperation can be observed, since partners take this obligation more seriously. In this context, the Serbian practice shall be underlined. Overall, the increased rate of successful readmissions is indicative.

SECTION 2.3 SEPARATE BILATERAL READMISSION AGREEMENTS

Q23. Does your Member State have any separate bilateral readmission agreements in place with third countries? (Yes/No) If yes, please indicate the number of agreements, the third countries concerned, the date of the agreement, and the date of its entry into force

The Agreement between the Government of Hungary and the Government of the Republic of Kosovo on the readmission of people residing illegally in each other's territories was signed and then promulgated by the Act LXXXVII. 2012. The Protocol about the implementation of the Agreement was promulgated by the Government Decree No. 153/2012. (VII.12.).

Agreement signed: 15 May, 2012.

Agreement in force: 9 August, 2012.

Protocol signed and in force simultaneously.

There is a single bilateral Readmission Agreement with other non-EU Schengen State Switzerland promulgated by Act IV of 1996. Agreement signed: 4 February, 1994. Agreement in force: 10 March, 1996. Applicable since 8 July, 1995.

Q24. Please provide any available statistics on the number of readmission applications that your Member State has submitted on the basis of separate **bilateral readmission agreements**. Please only provide such statistics for the three third countries to which most readmission applications are made. The statistics are to be provided separately for each third country by filling out tables 2.8, 2.9, and 2.10. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons. If there have been any instances of voluntary return under the separate bilateral readmission agreements, please indicate this in the last column of the tables:

Table 2.8: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 1 (specify the country concerned).

National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 2 (specify the country concerned).	Number of readmission applications made to third country 1 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	0	0	154	283	N/D	N/D	N/D	N/D
Own nationals	0	0	154	283	N/D	N/D	N/D	N/D
Third-country nationals (including stateless persons)	0	0	0	0	N/D	N/D	N/D	N/D

Table 2.9: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 2 (specify the country concerned).

National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 2 (specify the country concerned).	Number of readmission applications made to third country 2 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	N/D	N/D	N/D	N/D	N/D	N/D	N/D	N/D
Own nationals	N/D	N/D	N/D	N/D	N/D	N/D	N/D	N/D
Third-country nationals (including stateless persons)	N/D	N/D	N/D	N/D	N/D	N/D	N/D	N/D

Table 2.10: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 3 (specify the country concerned).

National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 3 (specify the country concerned).	Number of readmission applications made to third country 3 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	N/D	N/D	N/D	N/D	N/D	N/D	N/D	N/D
Own nationals	N/D	N/D	N/D	N/D	N/D	N/D	N/D	N/D
Third-country nationals (including stateless persons)	N/D	N/D	N/D	N/D	N/D	N/D	N/D	N/D

Q25. Please indicate the most common problems encountered in the implementation of separate bilateral readmission agreements by filling in the table 2.11 below. Please indicate whether problems are of general nature or whether these are only experienced in relation to specific third countries. In case particular problems are experienced only in relation to specific third countries, please indicate which third countries these are (the latter is optional).

Table 2.11: Practical obstacles experienced under separate bilateral readmission agreements

Practical obstacles associated with separate bilateral readmission agreements	Yes/No	If yes, please specify whether only in relation to a specific third country, or more of general nature. Also illustrate the obstacle with an example in this column
Countries of origin do not cooperate in general	No	
Countries do not respect the deadlines	No	
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own	Nothing to report.	

nationals)		
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)		
Countries do not issue travel document to enable readmission/return	No	
Gaps in own (Member) State's administrative capacity to implement readmission agreement	No	
Other obstacles (please add columns as necessary)		

Q26. Do any of the separate bilateral readmission agreements signed by your (Member) State include an article encouraging both Parties to promote the use of voluntary return? If yes, please indicate with which countries these agreements have been signed. If no, please confirm whether the agreements focus exclusively on readmission cases involving forced returns.

The Agreement signed with Kosovo³⁹ do not foster voluntary return or incentive of return. (No specific provision.) Yes, it focuses exclusively on readmission cases involving forced returns.

Q27. Does your Member State prefer to use separate bilateral readmission agreements instead of EU Readmission agreements with particular third countries? **No**

If yes, please indicate with which third countries and the reasons for this.

n.a.

Q28. Has your (Member) State conducted any evaluations of the effectiveness of separate bi-lateral readmission agreements?

No

If yes, what issues have the evaluations covered? Please provide any results pertaining to:

Table 2.12: Evaluations on separate bilateral readmission agreements

Aspects of effectiveness	Covered in national evaluations (Y/N)	Main findings
Recognition rates of readmission applications	n.a.	n.a.

³⁹ See: Q.23.

Other (please indicate and add rows as necessary)	n.a.	n.a.
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Q29. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of separate bilateral readmission agreements. Please provide the statistics for the three third countries to which most readmission applications are made on the basis of such agreements – these should be provided in a separate table for each of the third countries concerned (third country 1 in table 2.13; third country 2 in table 2.14; and third country 3 in table 2.15). If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years.

Table 2.13: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 1 (specify the country concerned)

Indicators (Refer to 12 month period for readmission applications made to third country 1. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent	-	-	-	154	283
Number of readmission applications that received a positive reply	-	-	-	154	279
Number of requests for travel documents in the context of a readmission application ⁴⁰	-	-	-	N/D	N/D
Number of travel documents issued by third country after the positive reply	-	-	-	231	482
Number of persons who were effectively returned	-	-	-	154	279

Table 2.14: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 2 (specify the country concerned)

Indicators (Refer to 12 month period for readmission applications made to third country 2. If possible data	2009	2010	2011	2012	2013
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⁴⁰ No specific data to readmission agreements. Number of requests for travel documents submitted by the Hungarian National Police Headquarters (in total): 269 in 2012 and 546 in 2013.

should be disaggregated by own nationals and third country nationals, including stateless persons)					
Number of readmission applications sent	-	-	-	N/D	N/D
Number of readmission applications that received a positive reply	-	-	-	N/D	N/D
Number of requests for travel documents in the context of a readmission application	-	-	-	N/D	N/D
Number of travel documents issued by third country after the positive reply	-	-	-	N/D	N/D
Number of persons who were effectively returned	-	-	-	N/D	N/D

Table 2.15: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 3 (specify the country concerned)

Indicators (Refer to 12 month period for readmission applications made to third country 3. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent	-	-	-	N/D	N/D
Number of readmission applications that received a positive reply	-	-	-	N/D	N/D
Number of requests for travel documents in the context of a readmission application	-	-	-	N/D	N/D
Number of travel documents issued by third country after the positive reply	-	-	-	N/D	N/D
Number of persons who were effectively returned	-	-	-	N/D	N/D

Q30. Please provide an assessment of the added value of the separate bilateral readmission agreements in facilitating effective returns in comparison with the period before the separate bilateral readmission agreements were concluded. Please only provide this assessment for the separate bilateral

readmission agreements conducted with the three third countries to which most readmission applications are made.

Before the conclusion of separate bilateral readmission agreement with Kosovo, the Kosovar diplomatic mission effectively assisted in proceedings of own nationals. The agreement functions very well due to the legally set rules of procedure, i.e. interagency interactions with deadlines.

Section 3. Entry bans and readmission agreements: understanding the synergies with reintegration assistance

Q31. Do the authorities in charge of imposing an entry ban subsequently consult with and/or inform the authorities in the concerned third country to which the individual is to be returned? If yes, at which stage in the process of imposing an entry ban is the third country consulted/informed? And if yes, do third countries subsequently impose travel bans on third-country nationals who were imposed an entry ban?

No.

Q32. Is it possible in your (Member) State for returnees who have been the subject of an entry ban to apply for re-integration assistance? (Yes/No) If yes, please indicate in which circumstances.

Yes.

However, no time limit for voluntary departure shall be specified, or the immigration authority may set the deadline for leaving the territory of the Member States of the European Union before the seventh day following the time of issuance of the return decision if the third-country national's right of residence was terminated due to his/her expulsion or entry and stay ban, or for whom an alert has been issued in the SIS imposing entry and stay ban.⁴¹

Q33. (If answered yes to question 32), are the competent authorities involved in making decisions about the use of entry bans and granting of re-integration assistance the same? **Yes.**⁴²

Q34. (If answered no to question 33), have any formal cooperation mechanisms been set up to facilitate coordination? (e.g. Protocols, contracts, conventions, working arrangements, etc.). Yes/No. If yes, please describe.

Not relevant.

Q35. (If answered no to question 34), do the competent authorities consult with each other when making decisions? If yes, do these consultations take place on a regular basis as a standard practice, or are consultations only made on very few / exceptional occasions?

Not relevant.

⁴¹ Art. 42(6)a of RRTN.

⁴² Only if the Office of Immigration and Nationality imposed the entry ban. In case of the Police: No. Cf. Q.5.

Q36. Does your (Member) State offer re-integration assistance to returnees who have been removed on the basis of a readmission agreement? Yes/No. If yes, please indicate in which circumstances.

Yes. I.e. reintegration assistance is available for third country nationals who do not, or no longer comply with the conditions of entry and/or stay in Hungary.

However, for now, two European Return Fund supported projects are running (Hungarian Assisted Voluntary Return and Reintegration Project; and Reintegration Assistance for Assisted Voluntary Returnees to UNSC 1244 Kosovo). Participants in these cases shall return voluntarily (no removal) for getting reintegration assistance.

Q37. (If answered yes to question 36), are the competent authorities involved in making readmission applications and granting re-integration assistance the same? Yes/No.

The same is applicable as in case of Q.33.

Q38. (If answered no to question 37), have any formal cooperation mechanisms been set up to facilitate coordination? (e.g. Protocols, contracts, conventions, working arrangements, etc.). Yes/No. If yes, please describe.

Not relevant.

Q.39 (If answered no to question 38), do the competent authorities consult with each other when making decisions? If yes, do these consultations take place on a regular basis as a standard practice, or are consultations only made on very few / exceptional occasions?

Not relevant.