

Input by civil society to the 2021 EASO Asylum Report

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C o l l e a g u e s ,

The production of the *EASO Asylum Report 2021* is currently underway. The annual [Asylum Report series](#) present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, UNHCR and researchers. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policy or practice in 2020 (and early 2021) by topic as presented in the online survey.

Please note that the EASO Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

All submissions are publicly accessible. For transparency, 2021 contributions will be published on the EASO webpage. Contributions to the 2020 EASO Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the EASO Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

Nina Gregori - EASO Executive Director

*Please complete the online survey and submit your contribution to the 2021 EASO Asylum Report by **Thursday, 25 February 2021**.*

Instructions

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

- New developments and improvements in 2020 and new or remaining challenges; and
- Changes in policies or practices, transposition of legislation or institutional changes during 2020.

Please ensure that your responses remain within the scope of each section.

Contributions by topic

1. Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

Since 28 March 2017, if and when the Government announces the “state of crisis due to mass migration”, asylum applications can only be lodged at one of the two transit zones located at the Hungarian-Serbian border and accessible only from the Serbian side (Section 80/J. (1) of the Asylum Act) unless the applicant already has a right to stay in Hungary or is being detained. The state of crisis has been continuously in effect since 9 March 2016 and is currently prolonged until March 2021. At the same time, third country nationals staying unlawfully on the territory of Hungary are removed to the Serbian side of the border fence by the Hungarian authorities without the right to seek asylum and without any procedure, registration or identification (Section 5(1b) of the Act on State Borders). According to the official statistics published by the Police on its website, there were 25603 such measures in 2020. (http://www.police.hu/hu/hirek-es-informaciok/hatarinfo/illegalis-migracio-alakulasa?weekly_migration_created%5Bmin%5D=2020-01-01+00%3A00%3A00&weekly_migration_created%5Bmax%5D=2021-01-01+00%3A00%3A00)

The European Commission brought action against Hungary, among others, for this legislation as well at the Court of Justice of the European Union (case no. C-808/18). On 17 December 2020 Court of Justice of the European Union ruled in this case (case no. C-808/18) that these push-backs measure in violation of EU law. (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62018CJ0808>). Despite this ruling, the Hungarian practice of illegal push-backs continues. Only between 18-31 December 2020, following the judgement, more than 1700 cases of push-back were registered according to the Police website.

Access to the two transit zones where asylum can be sought has been continuously reduced by the Hungarian authorities. The Hungarian government announced that no new admittance is allowed in any of the transit zones indefinitely as of 1 March 2020: (<https://www.kormany.hu/en/news/hungary-to-suspend-admission-of-illegal-migrants-to-transit-zone-indefinitely>) thus practically shutting down access to the asylum system.

On 14 May 2020, the CJEU delivered its judgment in the joint cases of C-924/19 PPU and C-925/19 PPU, ruling among others that the automatic and indefinite placement of asylum-seekers in the transit zones at the Hungarian-Serbian border qualifies as unlawful detention. (FMS and Others v. Országos Idegenrendészeti

Főigazgatóság, request for a preliminary ruling from the Szeged Közigazgatási és Munkaügyi Bíróság C-924 /19 PPU and SA and SA junior v Országos Idegenrendészeti Főigazgatóság, request for a preliminary ruling from Szeged Közigazgatási és Munkaügyi Bíróság C-925/19 PPU, see the case file: <https://bit.ly/3grH9tz>, see the summary: <https://www.helsinki.hu/en/hungary-unlawfully-detains-people-in-the-transit-zone/>) On the night of 20 May, the Hungarian authorities decided to release all those unlawfully detained in the transit zones. The almost 300 detainees were transferred to the open reception centres.

Government Decree 233/2020 introduced a new system for seeking asylum in Hungary. (Government Decree 233/2020. (V. 26.) on the rules of the asylum procedure during the state of danger declared for the in Hungarian: http://njt.hu/cgi_bin/njt_doc.cgi?docid=219700.383485. An unofficial English translation: https://www.helsinki.hu/wp-content/uploads/Government-Decree-no.-233_2020-on-the-rules-of-the-asylum-procedure-during-the-state-of-danger.pdf) According to the new system, those wishing to seek asylum in Hungary, except for a few exceptions (Those having subsidiary protection status and are staying in Hungary, Family members of refugees and those having subsidiary protection who are staying in Hungary and Those subject to forced measures, measures or punishment affecting personal liberty, except if they have crossed Hungary in an illegal manner), must personally submit a “statement of intent for the purpose of lodging an asylum application” at the Embassy of Hungary in Belgrade or in Kiev. (Section 1 of Government Decree 292 /2020 (VI. 17.) Those who neither fall under the exempted categories nor are granted the special one-time entry permit at one of the embassies cannot request asylum in Hungary.

Between June and December 2020, according to the information provided by the asylum authority to the HHC in a freedom of information request, 26 statements of intent were submitted at the Belgrade Embassy and 4 applicants received the authorization to travel to Hungary and lodge an asylum application. These severe limitations to access the asylum procedure resulted in an all-time low number of asylum application submitted in 2020, with the overall number being 92 throughout the whole year.

2. Access to information and legal assistance (including counselling and representation)

Information to potential asylum-seekers, especially about the admittance to the transit zones is practically non-existent. This is partly due to the unofficial nature of the order of admittance and partly because of the amendments to the criminal code that entered into force on 1 July 2018, which, among others, specifically prohibits the preparation and distribution of information materials that would allow a person to initiate an asylum procedure who, as a result of the procedure, is not found to be in need of international protection (section 353/A. 1 and 5b of the Criminal Code) (see the English translation of the relevant section: <https://www.helsinki.hu/wp-content/uploads/T333-ENG.pdf>).

HHC's clients regularly complain about the lack of accessible information on the asylum procedure in general and on their individual case in particular. The lack of effectiveness of the authority's information provision is not a new problem, but prior to June 2017, the HHC had access to facilities where asylum seekers were placed to conduct human rights monitoring and to provide general legal counselling and information on the asylum procedure. The HHC is no longer able to conduct such activities (<https://www.helsinki.hu/en/authorities-terminated-cooperation-agreements-with-the-hhc/>) and no other civil society organization was allowed to provide such information, while the authority did not manage to improve the accessibility and/or quality of its own information provision.

The lack of available and accessible information on the asylum procedure has become an even more serious obstacle since the introduction of the new asylum system, whereby a statement of intent needs to be submitted either at the Belgrade or the Kiev Embassy of Hungary (see question 1). Information on the procedure on the respective embassy websites is hard to find and is only available in English and Hungarian. Applicants first need to email the embassy to get an appointment in order to be able to submit their statement of intent. The process lacks transparency and consideration for the situation of migrants, who may not necessarily understand English and could have difficulty with internet access. Filling out the statement of intent questionnaire without assistance can also be difficult due to the absence of interpretation and easily understandable explanation.

3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

In 2020, the HHC lawyers reported that the main problem was the interpretation through a video-conference. The connection was often very bad, sometimes it completely broke down and a decision had to be communicated to the applicant through a phone call. The sound over the video-conference was of very poor quality, almost not audible. The quality of the interpreters proved to be a challenge in cases, where an applicant only spoke one dialect of certain language (e.g. Sorani dialect of Kurdish language). Arabic interpretation can be problematic, when the Arabic national interpreter and the Arabic national applicant are from different countries and use different vocabulary. Certain asylum seekers would also prefer to have a translator that comes from the same country as them, but this was not always possible (e.g. Afghan translator would translate for Iranians). It was also difficult to find an interpreter for Eritrean applicants and it happened that on certain occasions the applicant speaking English would translate to others. (Source: AIDA 2020 Hungary report: <http://www.asylumineurope.org/>)

4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

Since UNHCR's call to suspend all Dublin transfers to Hungary in April 2017 (<https://www.unhcr.org/news/press/2017/4/58eb7e454/unhcr-urges-suspension-transfers-asylum-seekers-hungary-under-dublin.html>), there were only 7 returns. All asylum seekers, including asylum seekers under the Dublin procedure, except minors below 14 years of age were held in transit zones until 21 May 2020, for the whole duration of the asylum procedure. During 2020 only one person was transferred to Hungary under the Dublin procedure. Under the current regulation in place, it is unclear whether a person transferred to Hungary could have access to asylum. If a person, who did not yet apply for asylum in Hungary, would be returned under the Dublin Regulation, he/she would have to apply for asylum upon return, but the current legislation in force does not allow for this possibility. "Dublin returnees" do not figure among the exceptions (stated under question 1), who are allowed to apply for asylum within the territory of Hungarian.

5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

Transit zone

Since 28 March 2017, at times when the “state of crisis due to mass migration” is in effect, all procedures of all asylum applicants are conducted in the transit zone (except of unaccompanied children under the age of 14 and those applicants who already have the right to stay in Hungary) (Sections 80/H-80/K of the Asylum Act and Section 4 (1) c of the Child Protection Act). The border procedure cannot be applied when the “state of crisis due to mass migration” is in effect (80/l (i) of the Asylum Act), meaning that all guarantees of that special procedure are not applicable, but the conducted procedures are in fact conducted at the border in the transit zones. The “state of crisis due to mass migration” has been in effect in Hungary since March 2016 and is currently in effect at least until March 2021 (Government Decree no. 32/2020 (III. 5.)). On 21 May 2020, following the CJEU judgement (C-808/18, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-12/cp200161en.pdf>), the transit zones were closed.

Border procedure

In 2017, the border procedure was used only until the amendments to the Asylum Act entered into force on 28 March 2017. The amendments prescribe that due to the current state of mass migration emergency the provisions on border procedures are no longer applicable, since the procedure in the transit zones became a regular procedure and all asylum seekers have to remain in the transit zone until the end of the procedure. In 2019 and 2020, the use of border procedure was still suspended. However, Hungary had a de facto border procedure: whilst qualified by the Hungarian authorities as a regular procedure, the European Commission in the infringement procedure against Hungary noted that it indeed constitutes a border procedure, which is not in compliance with the EU law. CJEU confirmed that Hungary has failed to fulfil its obligations under EU law by unlawfully detaining applicants of international protection in transit zones. (C-808/18, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-12/cp200161en.pdf>) In practice de facto border procedure is no longer applied, as following the CJEU judgement, the transit zones were closed on 21 May 2020.

Accelerated procedure

The Asylum Act lays down an accelerated procedure, where the NDGAP is expected to pass a decision within the short timeframe of 15 days. (Section 47(2) Asylum Act.) In 2019 and in 2020, the accelerated procedure was not used.

As of 1 January 2021 a Gov decree 570/2020. (XII. 9.) is in force and its Section 5 removes the possibility to ask for interim measure in order to prevent expulsion in case of violation of epidemic rules or when expulsion is ordered based on the risk to national security or public order. This can have serious consequence for people, who have been expelled prior to submitting their asylum application, as in case their asylum application is rejected in an accelerated procedure, the appeal does not have a suspensive effect and even if it is requested, it does not suspend the expulsion that was ordered prior to the asylum procedure. The HHC is so far aware of one such case, where an asylum applicant was rejected in an accelerated asylum procedure and was deported prior his appeal even reached the court.

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

With the sole exception of unaccompanied children under the age of 14, all asylum applicants were placed in one of the transit zones until 21 May 2020. The total capacity of these two transit zones is 700. There is a community shelter, mainly for those under alien policing procedure, in Balassagyarmat with a capacity of 140. An open reception centre operates in Vámosszabadi for asylum-seekers and those who received protection and are thus eligible for free-of-charge stay for 30 days in an open reception facility, with a capacity of 210. Unaccompanied asylum-seeking children under the age of 14 and those unaccompanied children who received protection in the transit zone are placed in Fót in a childcare facility, with a capacity of 130.

Whereas until 21 May 2020 the main form of reception had been detention carried out in the transit zones since 2017, as a consequence of the FMS and Others judgment, open reception centres gained back their significance for a short period of time when all the 280 asylum-seekers had been transferred to Vámosszabadi and Balassagyarmat in May. However, within a few months, the number of residents in both facilities had significantly decreased. Additionally, the new “Embassy procedure” let only four new applicants (one family) to enter Hungary and subsequently be placed in Vámosszabadi.

According to the NDGAP, on 31 December 2020 there were altogether only four asylum seekers in Vámosszabadi and two asylum seekers in Balassagyarmat.

7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

Until 21 May 2020, detention was a frequent practice rather than an exceptional measure in Hungary, although most of asylum seekers were detained in the transit zones and not in officially recognized places of deprivation of liberty – asylum detention centres. (HHC, Statistical Brief Series on formal detention orders vs placement in the transit zones, 3 February 2019, available at: <https://bit.ly/2lbFvNw>.) On 21 May 2020, 280 applicants were released from the transit zones to open reception facilities.

From 28 March 2017 until 21 May 2020, all asylum seekers entering the transit zones of Röszke and Tompa were de facto detained, although the Hungarian authorities refused to recognise that this is detention. The fact that asylum seekers inside the transit zones were deprived of their freedom of movement is also confirmed by the UNWGAD (UNWGAD, 'UN human rights experts suspend Hungary visit after access denied', 15 November 2018, available at: <https://bit.ly/2B7X5Pu>; UNHCR, Hungary as a country of asylum, May 2016.), CPT(CPT, Report on the visit to Hungary from 20 to 26 October 2017, CPT/Inf(2018) 42, 18 September 2018, available at: <https://bit.ly/2TTgsTq>.), UNHCR (UNHCR, 'UNHCR Chief visits Hungary, calls for greater access to asylum, end to detention and more solidarity with refugees', 12 September 2017, available at: <http://bit.ly/2y2BnsC>.), UNHRC (Human Rights Committee, Concluding observations on the sixth periodic report of Hungary, CCPR/C/HUN/CO/6, 9 May 2018, available at: <https://bit.ly/2TWDzWu>.), UN High Commissioner for Human Rights (UN Office of the High Commissioner for Human Rights, Press briefing notes on Iran and Hungary, 3 May 2019, available at: <http://bit.ly/38h8pXr>.), UN Special Rapporteur on the human rights of migrants (OHCHR, End of visit statement of the UN Special Rapporteur on the human rights of migrants, Felipe González Morales, 17 July 2019, available at: <http://bit.ly/2tqOHcX>, the report can be found here: <https://bit.ly/3abY15V>.), European Commission (European Commission, Migration and Asylum: Commission takes further steps in infringement procedures against Hungary, 19 July 2018, available at: <https://bit.ly/2uMEJ2c>.), and Commissioner on Human Rights of the Council of Europe (Commissioner for Human Rights Of The Council Of Europe, Dunja mijatović , Report following her visit to Hungary from 4 to 8 February 2019, 21 May 2019, available at: <http://bit.ly/30upiLp>).

On 14 May 2020, the CJEU delivered its judgment in the joint cases of C-924/19 PPU and C-925/19 PPU, ruling among others that the automatic and indefinite placement of asylum-seekers in the transit zones at the Hungarian-Serbian border qualifies as unlawful detention. A week after the judgment was delivered, the government shut down the transit zones.

Based on the freedom of information request submitted to NDGAP, there were altogether 22 people in formal asylum detention in Nyirbátor during 2020. On 31 December 2020, only 3 asylum-seekers remained in asylum detention.

8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)

As of 1 July 2019, the authority in charge of examining asylum applications is the National Directorate-General for Aliens Policing (NDGAP); its operations and staff are now regulated by the Act on Police. Apart from this, no significant changes were observed in the 2020.

Decision-making in asylum cases remains highly centralized and case workers conducting the interviews are not the ones making the decisions in the asylum applications themselves. Since the introduction of the "Embassy procedure" in June 2020, only 4 people were allowed to submit an asylum application. Due to the extremely low number of people allowed to initiate an asylum procedure, Hungary does not have a significant amount of backlog cases. According to the NDGAP, there were 45 pending asylum cases in December 2020.

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)

The asylum procedure is a single procedure where all claims for international protection are considered. The procedure consists of two instances. The first instance is an administrative procedure carried out by the NDGAP. The second instance is a judicial review procedure carried out by regional Administrative and Labour Courts, which are not specialised in asylum.

The applicant may challenge the negative NDGAP decision by requesting judicial review from the regional Administrative and Labour Court within 8 calendar days and within 3 calendar days in case of inadmissibility and in the accelerated procedure. The judicial review request does not have an automatic suspensive effect on the NDGAP decision in the regular procedure, but in practice the alien policing procedure never starts beforehand. In case of inadmissibility it will only have a suspensive effect if the application is declared inadmissible on “safe third country” grounds. In the accelerated procedure, the judicial review has suspensive effect only if the accelerated procedure is applied because the applicant entered Hungary irregularly or extended his or her stay illegally and did not ask for asylum within reasonable time although he or she would have had the chance to do so.

On 17 December 2020 the CJEU issued a judgement in the infringement case C-808/18 and ruled that Hungary has not respected the right, conferred by the Procedures Directive on any applicant for international protection, to remain in the territory of the Member State concerned after the rejection of his or her application, until the time limit within which to bring an appeal against that rejection or, if an appeal has been brought, until a decision has been taken on it (<https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-12/cp200161en.pdf>).

10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

The NDGAP operates its own country of origin research department. The HHC has no knowledge of fact finding missions conducted by the NDGAP in 2020. Country of origin information is often not shared with legal representatives prior to issuing the first instance decision.

11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

Vulnerable persons (VP) are defined by the Asylum Act as unaccompanied minors (UAMs) and other VP, in particular children, elderly and disabled persons, pregnant women, single parents with children and victims of torture, sexual or other forms of violence, of whom it can be established – following the assessment of their individual situation – that they have special needs (2(k) of the Asylum Act). Since 28 March 2017, VPs were not exempt from the placement in the transit zones which also meant that in practice no vulnerability assessment took place and VPs did not enjoy procedural safeguards. The law does not provide for an identification mechanism for UAMs. The Asylum Act only foresees that an age assessment can be carried out in case there are doubts as to the alleged age of the applicant (44(1) of the Asylum Act). In case of such uncertainty, the asylum officer, without an obligation to inform the applicant of the reasons, may order an age assessment to be conducted. The applicant (or their statutory representative or guardian) has to consent to the age assessment examination. However, upon entry to the transit zone, an age assessment procedure was normally carried out before a guardian can be appointed to the UAM in question. The child was therefore on their own in this process with no adult representing their best interest. The age assessment was conducted by the military doctor in the transit zone. The main method employed was the mere observation of the child's physical appearance, e.g. weight, height etc., and the child's sexual maturity. In the context of age assessment, the NDGAP does not use a psychosocial assessment.

Since the entry into force of the new legal regime in March 2017, age assessment practices became even more important since the law differentiates between UAMs below and above the age of 14. The consequences are severe: erroneous assessment of the applicant's age may result in their detention in the transit zone. The military doctor did not possess any specific professional knowledge that would make him appropriate to assess the age of asylum seekers, let alone differentiate between a 14 and a 15-year-old. The practice of age assessment has been criticized by the CPT as well (see CPT's report <https://bit.ly/2TTgsTq>) Transit zones were not physically equipped for age assessment procedures, standards have therefore fallen even lower.

Up until today, no protocol has been adopted to provide for uniform standards on age assessment examinations carried out by the police and the NDGAP. In September 2019 GRETA in its 2nd evaluation round recommended to the Hungarian authorities, inter alia, to review the age assessment procedures, taking into account the requirements of the UN CRC's General Comment No. 6 and EASO's practical guide on age assessment. To date this hasn't taken place. (<http://bit.ly/364g3D2>). Also, there are no protocols to identify SGBV victims or to provide them with special services or care (IOM SGBV report 2019 <http://bit.ly/39I28KM>).

According to the NDGAP, there was no age assessment procedure conducted in 2020.

On 10 February 2020, the UN Committee on the Rights of the Child published its concluding observations on Hungary, where it recommended that age assessment has to be in line with international standards (<https://bit.ly/3op1QK0>).

12. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

The most dramatic changes in the field of integration include the state's complete withdrawal from the provision of integration assistance as of 1 June 2016. The most concerning modifications in the Asylum Act include (i) terminating the newly introduced integration support scheme facilitating the integration of recognized refugees and beneficiaries of subsidiary protection; (ii) introducing mandatory and automatic revision of the refugee status at minimum 3 year intervals following recognition or if an extradition request was issued; (iii) reducing from 5 to 3 years following recognition the mandatory interval for reviewing the status of beneficiary of international protection beneficiaries; (iv) reducing the maximum period of stay in open reception centres following recognition as beneficiary of international protection from 60 days to 30 days, and (v) decreasing the eligibility period for basic health care services following recognition from 1 year to 6 months.

Following the state's withdrawal from integration assistance, the resources of the European Union's Asylum, Migration and Integration Fund (hereinafter: AMIF) have become the major source for securing the funding for NGOs providing integration assistance. On 24 January 2018, the government withdrew its call relating to 13 areas, several of them related to integration services. These areas include the provision of assistance to unaccompanied minors; legal assistance; psycho-social assistance; housing assistance; training for professionals and the monitoring of returns (see the Ministry of Interior's website: <http://belugyalapok.hu/alapok/menekultugyi-migracios-es-integracios-alap/tajekoztatas-palyazati-kiirasok-visszavonasarol-20180124>). Consequently, AMIF-funded crucial integration and housing services provided by NGOs to refugees stopped in June 2018.

13. Return of former applicants for international protection

The lawful return of rejected asylum applicants to Serbia did not take place in 2020 as Serbia refuses to readmit third-country nationals from Hungary with the exception of citizens of the successor states of former Yugoslavia, and Turkey.

On 19 July 2018, the European Commission decided to refer Hungary to the CJEU for non-compliance of its asylum and return legislation with EU law (European Commission, 'Migration and Asylum: Commission takes further steps in infringement procedures against Hungary', IP 18/4522, 19 July 2018, available at: <https://bit.ly/2uMEJ2c>). The Commission considers that within its territory, Hungary fails to provide effective access to asylum procedures as irregular migrants are escorted back across the border, even if they wish to apply for asylum. On 17 December 2020 the CJEU issued a judgement in the case C-808/18 and ruled that moving illegally staying third-country nationals to a border area, without observing the guarantees surrounding a return procedure constitute infringements of EU law (<https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-12/cp200161en.pdf>). No legislative amendments followed the judgement and the practice still remains the same. Hungary had pushed back over 4,400 people since the CJEU's ruling (<https://bit.ly/39nsxud>).

14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

Hungary does not participate in humanitarian admission programmes or resettlements.

15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

Hungary does not participate in any type of relocation.

16. National jurisprudence on international protection in 2020 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))

17. Other important developments in 2020

References and sources

18. Please provide links to references and sources and/or upload the related material in PDF format

19. Feedback or suggestions about the process or format for submissions to the EASO Asylum Report

It would be easier if participants were allowed to fill in a word document and send it back with footnotes and in-text hyperlinks as an option. Thank you.

Please upload your file

The maximum file size is 1 MB

Contact details

* Name of organisation

Hungarian Helsinki Committee

Name and title of contact person

Aniko Bakonyi, Senior Program Officer

* Email

aniko.bakonyi@helsinki.hu

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[Online database with data and latest asylum trends \(https://easo.europa.eu/asylum-trends-easo-asylum-report-2020\)](https://easo.europa.eu/asylum-trends-easo-asylum-report-2020)

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Contact

ids@easo.europa.eu

