

# CASE STUDY ON A DEDICATED RECEPTION CENTRE WITH A RANGE OF INTEGRATED SERVICES IN HUNGARY

This case study is part of a series of in-depth reports into five reception models/practices and a range of policy areas relating to the reception, protection and integration of unaccompanied children in different countries, as part of the project, “No longer Alone: Advancing Reception Standards for Unaccompanied Children”.

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## LIST OF ABBREVIATIONS

<b>ECRE</b>	European Council on Refugees and Exiles
<b>ERF</b>	The European Refugee Fund (ERF).
<b>HHC</b>	Hungarian Helsinki Committee
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>NGO(s)</b>	Non-governmental organisation(s)
<b>OIN</b>	Office for Immigration and Nationality
<b>Mol</b>	Ministry of Justice
<b>MHR</b>	Ministry of Human Resources ( social affairs)
<b>KICC</b>	Károlyi István Children's Centre in Fót
<b>UAM</b>	Unaccompanied Minor
<b>UAMAS</b>	Unaccompanied Minor Asylum-seekers
<b>UACS</b>	Unaccompanied asylum seeking children
<b>SWOT</b>	Strength, Weakness, Opportunities Threats

1. [http://www.ecre.org/wp-content/uploads/2016/10/Hungary\\_Study\\_Visit.pdf](http://www.ecre.org/wp-content/uploads/2016/10/Hungary_Study_Visit.pdf)

2. <http://www.asylumineurope.org/reports/country/hungary>

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## CONTEXT

The “No Longer Alone” project focuses on several aspects of five reception models to consider whether they are good practice amongst EU member states. This was assessed through field visits to develop an in-depth study of each of the reception models listed below to identify key challenges and solutions for improvement. The reception models/practices chosen to be part of this project were as follows:

- Dedicated facilities for trafficked children (the Netherlands)
- Dedicated reception centre with a range of integrated services (Hungary)
- Reception and durable solutions through apprenticeship (France)
- The role of guardians in ensuring appropriate reception (Scotland)
- Youth empowerment in relation to reception conditions (Sweden)

The project created a space for discussion and information-sharing amongst different stakeholders, both at the national and local level through five study visits for European state officials, decision-makers and other experts involved in the protection and integration of unaccompanied minor asylum seekers and refugees. These study visits offered the possibility to directly exchange experience and information on existing practices and concrete ways to adapt them in other national contexts. In addition, they were an opportunity for participants to visit specific sites and interact with the different stakeholders involved. Another objective was to develop common findings and recommendations through feedback from the participants to provide national policy makers with a set of suggestions to further improve particular systems.

The case studies studied five reception models/practices to underline key challenges and solutions for improvement. Each case study includes qualitative and quantitative research into a particular range of policy areas relating to the reception, protection and integration of unaccompanied children in different countries. The case studies looked at the organization of reception and care, including additional support provided to children through the models (the appointment of and relations with guardians, legal advice, psychological support, etc.)

Through desk research and interviews the aim of this analysis was twofold:

- to help other Member States identify opportunities and challenges related to the potential implementation of one reception model/practice, so that it could be taken into account when working in their own national context,
- to help the Member State already applying these reception models/practices to improve their implementation.

Interviews, which were a crucial part of the research, complemented the information that was gathered through the desk research and contributed to the content of the case studies.

Other outputs of the project were a compendium of the five selected practices (including the case studies and the reports from the study visits) and a toolkit on empowering children and young people themselves to evaluate and take part in policy and decision-making processes.

The project was carried out from November 2014 to July 2016. It was coordinated by ECRE, in partnership with Nidos in the Netherlands, the Hungarian Helsinki Committee, Save the Children Sweden, the Scottish Refugee Council in cooperation with the Scottish Government and France terre d’asile in cooperation with the Directorate for Juvenile Justice Protection of the French Ministry of Justice and the Groupement d’intérêt public ‘Justice Coopération International’ (GIP JCI).

Detailed findings on each model can be found in the both the case study and the study visit project reports and accompanying presentations. The background and analytical research in the case studies reflects the rapidly changing situation in many countries due to the unprecedented increase in the number of unaccompanied children arriving in 2015 to seek protection. Individual case studies and feedback from participants showed that there is room for improvement in each model. Recommendations have been included for stakeholders at the national level to reflect this.

Key learning from the project

EU countries faced and are facing high levels of refugees seeking protection including many unaccompanied children. Therefore, identifying and sharing promising practices has never been more important than today for humane and effective reception models. However, the high number of children arriving in some countries has also made reflection on current practices and their improvement more difficult in some ways due to capacity. Nevertheless, the opportunity for MS and other stakeholders to exchange information and discuss best practice during this project was useful for all who participated.

The main findings from the project include:

- The five reception models that are the subject of this project vary from one country to another and have emerged within, and in part reflect, different legal and socio-economic traditions and contexts. This means that even if an aspect of practice is considered promising it may not be directly replicable in another country. Some of the differences that were found in the project countries are:
  - Different reception structures/models;
  - Different national legislative and policy frameworks;
  - The fact that some countries are transit countries, and others destination countries; and
  - Different levels of national funds to provide better reception facilities and services for unaccompanied children.
- An 18-month project is too short a time-frame to witness which elements of good practice can be taken on board by others as this is inevitably a complex undertaking, however, elements of interest were found in each of reception models in the five countries studied.
- Even though common EU legislation is in place, and EU member states are subject to the same international legislation, reception practices for unaccompanied children do not always meet the same standards across the EU. The study visits involving cross-European delegations enabled to all participants to better understand these disparities.

Nevertheless, the study visits proved effective as, in general, participants felt that as a result they were better able to:

- critically assess their own system by comparing it to the reception model visited and to appreciate its relative strengths and weaknesses more clearly;
- interact with host member state authorities and learn about the recent, current, and future situation relating to unaccompanied children, in each country;
- Collect information and ideas useful for the development of their current and future work; and
- Build a network of practitioners and get to know their counter-parts in other countries.

## METHODOLOGY

The research was based on a common methodology developed by ECRE in consultation with the project partners. However, within the common terms of reference, some adjustments were made in order to take into account the specific nature of each practice.

The report synthesises information gathered by both national experts and the ECRE researcher through an analysis of the existing national policy and legal framework on asylum and immigration. The researcher was assisted by Julia Ivan, expert and project partner working for the Hungarian Helsinki Committee, who carried out initial desk research, including statistical research, which was then completed by the project researcher at ECRE. Furthermore, in the course of an on-site visit in Hungary on 26-28 June 2015 the researcher carried out face-to-face interviews with stakeholders working on different aspects of reception conditions in Hungary. These interviews were based on a semi-structured questionnaire. The report also presents and reflects the findings of the interviews.

By using a holistic approach and a Strength, Weaknesses, Opportunities and Threats (SWOT) analysis the case study investigation report analyzed the quality indicators of the Károlyi István Children's Centre in Fót (hereinafter as 'Fót KIGYK Children's Home') and the quality of life experienced by UAMs. Furthermore, the report summarises the national framework of primary and secondary legislation, its implementation and to what extent it is in compliance with international and regional instruments (eg. UN Convention on the Rights of the Child {the CRC} and the EU legal framework). During the interviews the main areas of focus were the responsibilities and role of each stakeholder interviewed, the nature of the interviewees' work with unaccompanied children, experiences with Guardianship Services, experiences and examples from the Fót KIGYK **Children's Home**, difficulties and weak-

nesses of the system, and potential ways to improve the system.

### **Stakeholders interviewed**

A total of six interviews were undertaken. The following individual stakeholders and organizational representatives were interviewed at the national level as part of the case study visit:

- Budapest: the Director of Immigration and Nationality (OIN) (Árpád Szép), the UNHCR Regional Representative for Central Europe, head of the child Protection Department of the Ministry of Human Resources (Csilla Lantai), head of the 5th District Guardianship Office (Róbert Kunszt), and the following civil society organisations: Cordelia Foundation
- Fot Home for Unaccompanied Minors: Head of the Home for Unaccompanied Minors, Fatana Jananné Raoufi.

# BACKGROUND INFORMATION ON THE HUNGARIAN RECEPTION SYSTEM FOR UAMS

## General Introduction

With the high number of people travelling to Hungary through Greece and the Western Balkan route in 2015, the number of UAMs also increased. This situation tested the limits of the country's readiness to accommodate and afford protection to those in need. The increasing pressure has triggered a series of changes in the Hungarian asylum system, which raised multiple legal and policy concerns. At the same time, Hungary appeared to be a transit country for a large number, if not most, of the refugees and asylum seekers and unaccompanied asylum seeking children arriving there, who sought to continue their journey towards other European countries.<sup>3</sup>

Furthermore, the Hungarian asylum system was overhauled through a series of substantial legislative reforms over the summer of 2015, which affected unaccompanied minors as well as others seeking international protection. During the same period, the treatment of refugees and asylum seekers, including unaccompanied minors in Hungary became problematic from various perspectives.

The United Nations High Commissioner for Refugees (UNHCR) and non-governmental organizations (NGOs) have expressed deep concerns around the insufficiency of Hungary's reception conditions in properly accommodating arriving refugees, as well as an ever-tightening asylum procedure which shrinks protection opportunities in the country to dangerous levels.

In light of its precarious situation and increasingly hostile measures taken against protection seekers, in the course of 2015, the Hungarian asylum system attracted considerable attention from EU institutions and other stakeholders taking part in this project.

With regards to the national context in Hungary this report highlights a number of elements that may constitute good practice. In particular participants found that **the relatively long after-care arrangements for children up to the age of 25, may serve as a good practice and this may be replicated in other countries and be part of future advocacy when it comes to children "ageing out" of specific care programmes for children, and to the integration of UAMs.** There is a need to allocate more funding for reception facilities and care services. The findings also demonstrate that there is room for improvement in terms of human resources and a need for tailored training. The report provides recommendations for the Hungarian Government in this regard.

## Policy and legislative background: the current changes, identified issues and room for improvement

The main legislative and policy framework in Hungary relating to unaccompanied minors should be read in conjunction with international instruments and the EU asylum acquis as listed below. Moreover, in applying the domestic legislation, the Hungarian Government should seek to ensure full compliance with the principles of the best interest of the child and of family unity, in accordance with the United Nations Convention on the Rights of the Child (the UNCRC) and the Charter of the Fundamental Rights of the European Union (the Charter) and the European Convention on Human rights respectively.

- UN Convention on the Rights of the Child (the UNCRC),
- the 1951 Geneva Convention,
- the Charter of the Fundamental Rights of the European Union (the Charter),
- the European Convention on Human Rights (ECHR),
- the EU's recast Reception Conditions Directive (2013/33/EU),
- the EU's recast Asylum Procedures Directive (2013/32/EU)

3. AIDA Crossing Boundaries Report, October 2015, pg. 11 Accessible at: [http://www.asylumineurope.org/sites/default/files/re-sources/crossing\\_boundaries\\_october\\_2015.pdf](http://www.asylumineurope.org/sites/default/files/re-sources/crossing_boundaries_october_2015.pdf)



Until May 2011 unaccompanied minor asylum-seekers (hereinafter, 'UAMAS') had been accommodated on the premises of an adult asylum seeker reception facility in Bicske without direct access to the Hungarian child protection system. The Ombudsman concluded in its report from January 2010<sup>4</sup> that unaccompanied asylum seeking children (UASC) were basically excluded from the country's child protection system and institutions, and that they were compelled to live within the refugee reception facility in Bicske (in the Unaccompanied Minors' Home) almost throughout their entire stay in Hungary, which was not the ideal environment for integration and adaptation to the host society.

As result since May 2011, following the recommendations set out in a report of the Parliamentary Commissioner for Fundamental Rights (the Ombudsman), UAMs, including the beneficiaries of international protection have **fallen within the scope of the general child protection regime** and a designated child protection facility; Fót KIGYK.

The change was welcomed by most stakeholders since it gave the UAMAS an opportunity to have better chances to integrate through meeting Hungarian children more often. In addition, the staff members from the facility in Fót had significant experience in child protection and providing reception conditions for Hungarian children in state custody. **As a result, the stakeholders hoped that the best interest of these children would become a primary consideration rather than their immigration or asylum status.** However, despite the favorable change in the setup it became clear that the necessary intercultural, asylum and language skills remained to be obtained by the staff, which is the major challenge the present structure faces.

In contrast to the situation until 2011 (when UAMAS were accommodated in a refugee reception centre in Bicske) the integration of UAMs in the mainstream child care system resulted in UAMs primarily being seen as children and only secondarily as migrants<sup>5</sup> (asylum seekers or refugees), which **may be considered as a significant step forward.** Along with their inclusion under the Child Protection Act<sup>6</sup>, since late 2010/2011, UAMs have to be appointed a guardian, who is legally responsible for the care, property management and legal representation of the minor. A permanent guardian is assigned after they are recognized as refugees. Previously, their legal representation had not been properly ensured because they were only appointed a temporary guardian and were only assigned a permanent guardian after they had been recognized as refugees. (For more detailed information on Guardianship please read section III.2. below.)

Under domestic legislation, provisions related to the rights of UAMS and UAMAS are provided in the following legal instruments:

- Act no. LXXX of 2007 on asylum (hereinafter referred to as Asylum Act)<sup>7</sup>,
- Government Decree no 301/2007 (XI.9.) (only the 2014 version is available in English)<sup>8</sup>,
- Act no. XXXI of 1997 on Child Protection (since 2011 only),
- Government Decree no. 149/1997 (IX.10) on the implementation of the Child Protection Act.

In Hungarian legislation the Act on Asylum (§ 2 lit. f) provides that an unaccompanied minor (UAM) is legally defined in Hungary as a foreigner who is not yet aged 18 who has entered the territory of Hungary without the company of an adult responsible for his/her supervision on the basis of law or custom, or who has remained without supervision following entry. According to the UNCRC, "a child means every human being below the age of eighteen"<sup>9</sup>.

Since the inclusion of UAMs under the Child Protection Act, unaccompanied minor asylum seekers and (to a limited extent) non-asylum seeking UAMs are included under the general child protection system and benefit from "home care arrangements". As a result, UAMAS and UAM beneficiaries of international protection fall under the personal scope of the Child Protection Act (Section 4 (1) c)) and are entitled to the same reception and care arrangements as Hungarian children. **However, non-asylum seeking UAMs are not fully included in the scope of the Child Protection Act (Section 4 (3)) since only specific provisions apply in relation to them.**

Section 45 (1) of the Child Protection Act requires that a child taken into care has to be provided with adequate

4. Report no. AJB 7120/2009 (not available on the Commissioner's official website)

5. This factor was also emphasised by the Parliamentary Commissioner for Fundamental Rights in its report no. AJB-733/2012., accessible at: <http://www.ajbh.hu/documents/14315/131278/The+follow-up+investigation+of+the+ombudsman+in+the+Home+of+Unaccompanied+Minors/8d9b65b2-ea22-4e39-96ce-97b2e2034bf1;jsessionid=135ED-75C36C579E4FE7C447BFCD7755?version=1.1>

6. Act no. XXXI of 1997, only available in Hungarian at: [http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=99700031.TV](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99700031.TV)

7. <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=55f6c9cb4>

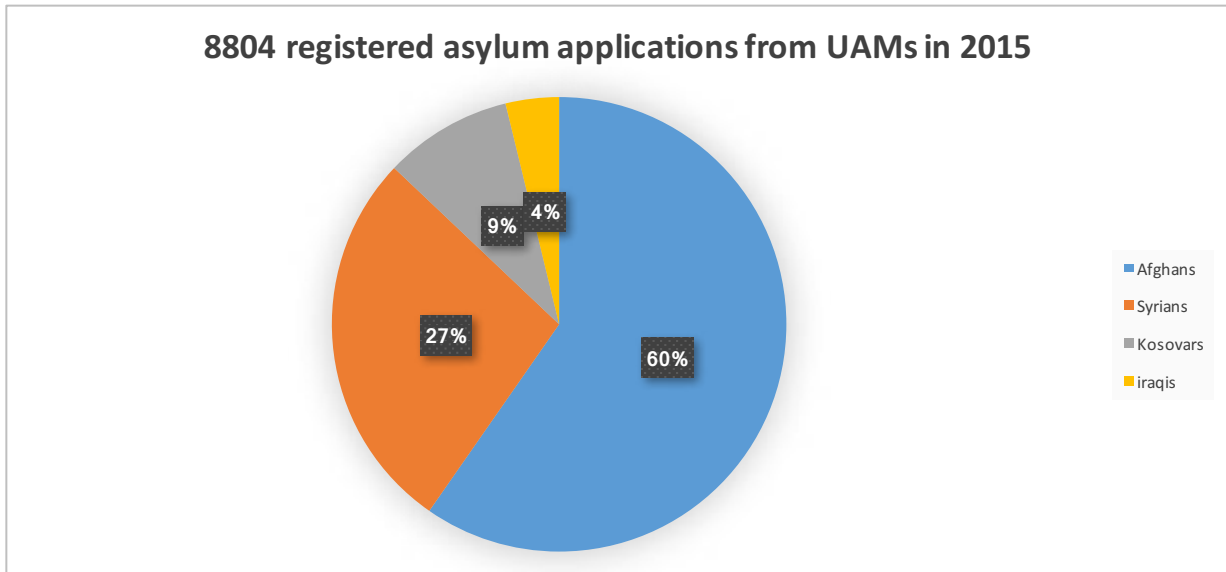
8. <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=55c9c3fe4>

9. UNCRC, Article 1 <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

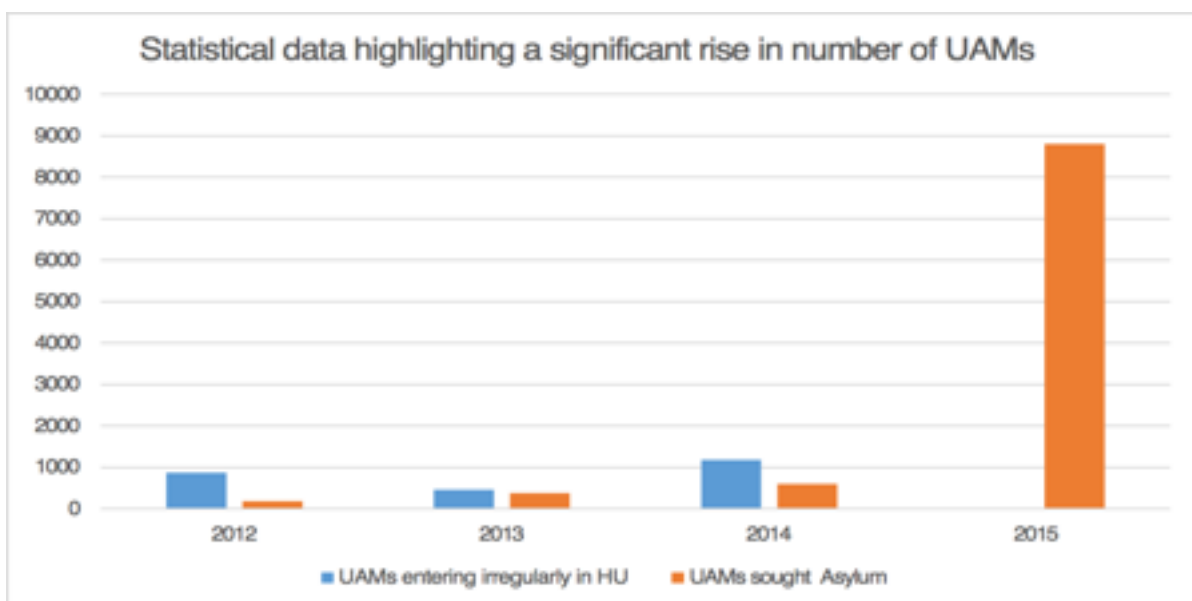
food, clothing, mental-hygienic care and healthcare, education and housing arrangements adequate for his/her age, medical state and other needs, which should also be suitable for the development of his/her physical, mental, emotional state. Special provisions regarding the reception of UAMs are determined in the Government Decree no 301/2007. Due to their specific situation the best interests of the child must be taken into account in connection with their reception, e.g. accommodation in a child protection institution, accommodation with adult relatives and change of accommodation only in exceptional cases. **There have not been any best interest determination procedures or mechanisms developed**<sup>10</sup>.

- **Key statistical figures for unaccompanied children**

As for 2015, the OIN registered 8804 asylum applications altogether from unaccompanied minors.<sup>11</sup> According to the UNHCR 865 UAMAS sought asylum in Hungary between 1 January and 30 June 2016.



As already mentioned above, there was a significant rise in the number of UAMs irregularly entering Hungary from 2012 (874) compared to previous years. This phenomenon has continued over the past three years. However, compared to 2012 when only 185 UAMs sought asylum out of a total of 874 UAMs entering Hungary irregularly, in 2013 the number of asylum-seeking UAMs amounted to 380 out of a total of 464 UAMs entering Hungary irregularly. In 2014 the number of apprehended third-country national unaccompanied minors amounted to 1179 out of which 603 UAMs applied for asylum.



10. EASO Country report on Hungary, June 2015 Available at <https://www.easo.europa.eu/sites/default/files/public/Description-of-the-Hungarian-asylum-system-18-May-final.pdf>

11. At the time of the study visit according to the publicly available statistics until 30 June 2015, 3779 applications were officially registered from UAMs.

Only 7 (!) UAM applicants were granted refugee status (1 Palestinian and 6 of unknown nationality), while 9 (!) were granted subsidiary protection (6 Somalis, 2 Afghans and 1 Sudanese). One minor from Togo was granted tolerated status. An explanation for this extremely low recognition rate is that the vast majority of UAMs decide to leave before their case has been assessed therefore the majority of the procedures are discontinued without an in-merit decision on the protection claim.

## The Guardianship system in Hungary and its legislative changes

Under Hungarian law all children must be under the custody and care of an adult, typically these are the parents (parental authority) but in cases this is not possible another family member may be appointed by the Guardianship Office, e.g. grandparents.

In case the child cannot stay within his/her own family due to a serious crisis or emergency situation (if it endangers the physical and psychological development of the child) the child may be taken in temporary care and removed from the family. A professional child-care guardian is appointed when the child is in temporary care. **All UAMs are considered to be in an emergency situation because they lack the care and protection of their own families, therefore, they are under temporary care by law.**

In addition, the law provides for the appointment of a legal representative upon identification of unaccompanied children. In all phases of the asylum procedure, the OIN has to appoint **a guardian without delay to represent the unaccompanied child**, unless it is likely that the applicant will turn 18 before an in-merit decision is taken on the asylum application.<sup>12</sup> Until recently, a temporary guardian was appointed by the competent Guardianship Authority to unaccompanied children<sup>13</sup>, who was not only responsible for their legal representation in the asylum procedure but also the child's overall care and property management.

Prior to 2011 this guardian used to be a member of the locally competent bar association (an attorney-at-law), which was only followed by a professional guardian once the child was granted international protection. As mentioned above, along with their inclusion under the Child Protection Act, since 2011, **UAMs have to be appointed a guardian, who is legally responsible for the care, property management and legal representation of the minor.** This can be considered as a big step forward as previously, their legal representation had not been properly ensured in various situations, for example when a medical question had to be decided.

It has to be noted that before the new legislation was adopted in 2014, for unaccompanied minors asking for asylum, a 'case guardian' was appointed before the first hearing to assist the minor through the asylum procedure. This temporary guardian was previously someone working for the Karolyi Istvan Children's Center in Fót. This enabled the temporary guardian to have daily contact with the child. However this changed in 2014, when it was decided that the 'case guardian' would be someone from outside the children's home. **This may be a cause for some concern since he or she may not have experience of working with this group of children and might not speak other languages.**<sup>14</sup>

As of 1 January 2014, there has been a legislative change in the general child protection scheme which affects UAMs as well. In terms of the appointment of guardians for children without parental care, the child protection guardian has taken over the guardianship, in order to prevent eventual conflicts of interests between the child and the head of the child protection facility previously appointed as guardian.<sup>15</sup>

Due to the legislative changes above, a child protection guardian has to be appointed to unaccompanied children by the Guardianship Authority, who is legally responsible for the overall care, property management and legal representation of the child. The child protection guardian is employed by the Department of Child Protection Services (TEGYESZ) and can ensure the guardianship of a maximum of 30 children.<sup>16</sup> The child protection guardians (gyermekvédelmi gyám) (as of 1 January 2014) are public servants, who are professionals, employed by the regional child protection services full-time and cannot undertake other duties related to the accommodation of the child being taken care of.

12. Section 35(6) Asylum Act.

13. Section 136(1) Decree 149/1997 and Section 98(1) Family Code.

14. Reception and Living in Families Report, Nidos, SALAR, CHTB 2015: Hungary, pg. 49

15. EMN: POLICIES, PRACTICES AND DATA ON UNACCOMPANIED MINORS IN 2014 HUNGARY 2014, page 4, available: [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/unaccompanied-minors/13a\\_hungary\\_unaccompanied\\_minors\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/13a_hungary_unaccompanied_minors_en.pdf)

16. As stated in Section 84(6) of the Child Protection Act sets forth.

In general, the procedure to appoint a guardian is very complex. As of 1 August 2015 the guardianship services are obliged to appoint the child protection guardian for the asylum seeking unaccompanied minor within 8 days following the notice of the Office of Immigration and Nationality (the asylum authority). **This may be a major improvement in providing these children with access to a responsible adult assisting them and to prevent procedural delays which resulted from the lack of a guardian (interviews were not scheduled, age assessment examinations were postponed).** In practice, even after 1 August unaccompanied children were provided with a guardian after an extensive delay that can even amount to 3 to 6 months. This was the case for instance, for an unaccompanied child represented by HHC, who was transferred to a protection shelter in June 2015 and whose guardian was not appointed until October. Delays in the appointment of guardians in the asylum procedure result in lengthy asylum procedures which hinder the efficient implementation of the legal obligation stating that asylum applications by unaccompanied children have to be treated as a matter of priority<sup>17,18</sup>. **As a result it can occur that a confirmed asylum seeking unaccompanied child becomes 18 before a decision regarding their asylum claim has been taken. In such cases they will be excluded from after-care arrangements according to existing legislation<sup>19</sup>. Lengthy procedures may also contribute to the child's decision to leave Hungary before a decision is taken on the application<sup>20</sup>.**

### ***The role of the guardian***

As mentioned above, the role of the child protection guardian consists of supervising the care of the child, following and monitoring his/her physical, mental and emotional development (Section 86 of the Child Protection Act).

In order to fulfill his/her duties, the child protection guardian has a mandate to generally substitute the absent parents and in addition:

- is obliged to keep in regular personal contact with the child,
- provides the child with his/her contact details so the child can reach him/her,
- if necessary supervises and facilitates the relationship and contact with the parents,
- participates in drafting the child care plan with other child protection officials around the child,
- participates in various crime prevention measures if the child is a juvenile offender,
- assists the child in choosing a life-path, schooling and profession,
- represents the interests of the child in any official proceedings,
- gives consent when required in medical interventions,
- takes care of the child's schooling (enrolment, contact with the school and teachers etc.)
- handles/manages the properties of the child and reports on this to the guardianship services,
- reports on his/her activities every 6 months.

The child care guardian cannot give his/her consent to the child's adoption. The child protection guardian may give consent to a trained legal representative to participate in the asylum procedure. Both the guardian and the legal representative participate in the asylum procedure. Both the guardian and the legal representative are entitled to submit motions and evidence on behalf of the applicant and they may ask the asylum seeker questions during the interview<sup>21</sup>.

A guardian reports twice a year to the Guardianship Office on the situation of the child and the activities undertaken. In addition, the guardian has to report regularly on the administration of the child's property. Information from the guardian is to be included in the assessment conducted by the Regional Child Protection Service to review the placement and situation of the child in collaboration with other relevant agencies. Guardians of unaccompanied children can seek support and advice from the Regional Child Protection Services, while the Guardianship Office is responsible for the supervision of guardians.

17. Section 136(1) Decree 149/1997 and Section 98(1) Family Code.

18. AIDA Country Report Hungary: Fourth update, November 2015, pg.41. Accessible at : [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_hu\\_update.iv\\_\\_0.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_hu_update.iv__0.pdf)

19. EMN: POLICIES, PRACTICES AND DATA ON UNACCOMPANIED MINORS IN 2014: HUNGARY 2014, available: [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/unaccompanied-minors/13a\\_hungary\\_unaccompanied\\_minors\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/13a_hungary_unaccompanied_minors_en.pdf)

20. AIDA Country Report Hungary: Fourth update, November 2015, pg.42

21. AIDA Country Report Hungary: Fourth update, November 2015, pg.41

**Guardians usually have a professional background in childcare and social work. In matters of immigration and asylum law, the guardians have often very limited knowledge and little access to free legal advice, assistance and qualified legal representation.** As a result, there is currently no standardized approach to the training and qualification of guardians. From the interviews some contradictory information was provided regarding the need for training for guardians on immigration and asylum law and procedures. While interviewing the representative of the OIN it was stated that the guardianship office does not require any training regarding asylum procedures. The opposite was stated while interviewing the representative<sup>22</sup> of the Budapest 5th District Guardianship Office and Budapest Child Protection Services, TEGYESZ, when the particular need for the OIN office to provide training to the guardians was highlighted.

Other evidence from the interviews was the fact that in recent years trainings on asylum law and the treatment of unaccompanied children was delivered to case guardians by UNHCR, Menedék Migrant Association, the Cordelia Foundation and HHC and other foundations working in this field in Hungary. The Helsinki Committee, for instance, provided legal advice to asylum seekers, including unaccompanied children, and offered information sessions for the child together with her or his lawyer and guardian, with the involvement of interpreters where necessary. **These sessions were important in order to listen to the child and inform her or him about the asylum procedure. They were likewise important to enhance the guardian's knowledge and understanding of the rights of the child in the asylum procedure and to strengthen the cooperation and trust between the child, the guardian and the lawyer.** Despite those trainings being provided, it is evident that the guardians in general still lack the necessary legal expertise with regard to asylum and immigration law. This became clear also through the series of interviews. In conclusion, **more training for guardians is needed in particular with regard to immigration and asylum law and the relevant procedures as well as the rights and entitlements of unaccompanied children.**

Another important fact to be stressed is that for guardians it is not common to seek the support of specialist lawyers to assist the child with the asylum application or other immigration matters. Although guardians should be responsible to support unaccompanied children in family tracing, they are rarely prepared or supported to do so effectively. In addition to training and capacity building, the supervision and monitoring of guardianship services need to be strengthened.

Furthermore, as guardianship services for national and non-national children are integrated into the same institutional structure, **specialized training is needed to sensitize and prepare guardians of unaccompanied children in matters of intercultural communication and mediation, communicating through an interpreter, identifying trauma and meeting the special needs of the unaccompanied child.**

22. Róbert Kunszt and Lászlóné Nagy Budapest 5th District Guardianship Office and Budapest Child Protection Services, TEGYESZ



*SWOT analyses of the domestic legislation related to sections III.2. and III.3. as per the table below:*

SWOT analyses: national legislative evidence	Guidance / Reflections / Key points of legislation in line with international and EU acquis.
<p><b>Strengths:</b> Section 2 k) of the Act on Asylum stipulates that UAMs are considered to be persons in need of special treatment. (2011)</p> <p>Due to legislative changes introduced in child protection as of January 2014, UACS are to be appointed a child protection Guardian by the Guardianship Authority, who is legally responsible for the overall care, property management and legal representation of the child.</p> <p>1 August 2015 the guardianship services are obliged to appoint the child protection guardian for the asylum seeking unaccompanied minor within 8 days following the notice of the Office of Immigration and Nationality (asylum authority).</p>	<p>Positive development and in line with RC Article 21, General principle: “Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation, in the national law implementing this Directive.”</p> <p>It is an important step forwards to the improvement of the legislation with regards to the child protection guardianship. The UN Committee on the Rights of the Child called for the establishment of a system of guardianship in its General Comment No. 6. It says a guardian should be present in “all planning and decision-making processes”, to provide “the continuum of care required by the child”.</p> <p>This may be a major improvement in providing these children with access to a responsible adult assisting them and to prevent procedural delays which resulted from the lack of a guardian (interviews were not scheduled, age assessment examinations were postponed).</p> <p>Within the international legal framework, the CRC is paramount and makes explicit reference to the role and responsibilities of legal guardians. In fact The Committee on the right of the child has further developed the Convention provision and set standards in this regard, prescribing as a key procedural safeguard the “appointment of a competent guardian as expeditiously as possible” as to say as soon as the unaccompanied or separated child is identified.</p> <p>It is interesting to note that the new proposal of the Asylum Procedures Regulation (proposal) article 22(1) proposes: “The responsible authorities shall, as soon as possible and not later than five working days from the moment when an unaccompanied minor makes an application, appoint a person or an organisation as a guardian. Where an organisation is appointed as a representative, it shall designate a person responsible for carrying out the duties of a guardian. The determining authority shall inform the unaccompanied minor immediately of the appointment of his or her guardian”.</p> <p>With regards to guardians, there is no definition available within EU legislation, even though the term has been introduced in the EU Anti Trafficking Directive. EU law mostly refers either to “legal representative” or “special representative” to describe a person supporting and assisting an unaccompanied child.</p> <p>In the current EU asylum acquis: In the Qualifications Directive (2011/95/EC), Article 31 establishes the duty to ensure that unaccompanied children granted international status are represented by a legal guardian or, when necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.”</p> <p>Article 24 of the Reception Conditions Directive (2013/33/EU) and article 25 of the Asylum Procedures Directives provide for the appointment of a “representative” to unaccompanied children (without referring to a “guardian” specifically); to enables these children to benefit from the rights and comply with the obligations provided in these directives. So the unaccompanied minor’s representative should be appointed by member states as soon as possible.</p> <p>Also in article 2(n) of the Asylum Procedures Directive: ‘representative’ means a person or an organisation appointed by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Directive with a view to ensuring the best interests of the child and exercising legal capacity for the minor where necessary. Where an organisation is appointed as a representative, it shall designate a person responsible for carrying out the duties of representative in respect of the unaccompanied minor, in accordance with this Directive;</p>

<p>Guardianship falling under the Child protection Directorate ( under the Ministry of Human Resources)</p> <p>Act no. XXXI of 1997 on Child Protection (since 2011 only),</p> <p>Section 45 (1) of Child Protection Act requires that a child taken into care has to be provided with adequate food, clothing, mental-hygienic care and healthcare, education and housing arrangements adequate for his/her age, medical state and other needs, which should also be suitable for the development of his/her physical, mental, emotional state.</p> <p>According to Section 87 (3) of Child Protection Act, the child protection guardian appointed to the recognized UAM has the duty to inform him/her about the possibility of applying for after-care support and to facilitate the filing of such an application.</p> <p>Section 48 (1a) of the Asylum Act foresees that unaccompanied minors are accommodated in a childcare reception facility, which means that they are accommodated within the mainstream childcare framework. This is then confirmed by the implementing decree of the Asylum Act, Government Decree no 301/2007 (XI.9.) in section 33 (4): "If the person seeking recognition is an unaccompanied minor, in accordance with the child protection legislation, s/ he shall be placed in a child protection institution, provided that the refugee authority has determined the minor status of the child concerned. Provision on education according to the National Public Education Act</p> <p>Section 45(3) Act CXC of 2011 on public education. provides for compulsory education (kindergarten or school) to asylum seeker and refugee children under the age of 16 staying or residing in Hungary. Children have access to kindergarten and school education under the same conditions as Hungarian children. Schooling is only compulsory until the age of 16, according to a recent legislation change.</p>	<p>The independence of guardians from immigration policies: The legal guardians fall under the authority of the Ministry of Human Resources and not under the Ministry of Justice. This is crucial and it is foreseen in the 2005 Council of Europe Convention on Action Against Trafficking Human Beings (Art. 29 (1) (3) General provisions and UN Alternative Care guidelines A/HRC/11/L.13 ( Paragraph 103)</p> <p>Since the inclusion of UAMs under the Child Protection Act, unaccompanied minor asylum seekers and (to a limited extent) non-asylum seeking UAMs are included under the general child protection system and benefit from "home care arrangements". As a result, UAMAS and UAM beneficiaries of international protection fall under the personal scope of the Child Protection Act (Section 4 (1) c)) and are entitled to the same reception and care arrangements as Hungarian children. It is a positive development to be fully included under the personal scope of the child protection act and enjoy the same rights as Hungarian children.</p> <p>Since 2011, the Child Protection Act has been extended to also apply to migrant unaccompanied children and asylum seeking children so that these children have formally the same rights and entitlements to protection and care as Hungarian children.</p> <p>This is in line with access to basic rights as foreseen in UN CRC clusters V and IV and other parts of the EU legislation as per the table below.</p> <p>This should be considered as a strength provided that it is also supported by good practice.</p> <p>Reference could be made to the following articles of EU acquis.  Art. 24.2 of the Reception Conditions Directive: Unaccompanied minors who make an application for international protection shall, from the moment they are admitted to the territory until the moment when they are obliged to leave the Member State in which the application for international protection was made or is being examined, be placed  With adult relatives;  With a foster family;  In accommodation centres with special provisions for minors;  In other accommodation suitable for minors</p> <p>Article 31(3) of the Qualification Directive: Member States shall ensure that unaccompanied minors are placed either:  with adult relatives; or  with a foster family; or  in centres specialised in accommodation for minors: or  in other accommodation suitable for minors</p> <p>Education is an obligation to be provided by the Hungarian State.</p> <p>Providing schooling and education, including for asylum seeking children, is an obligation of all states sanctioned by a number of International and European instruments, namely Article 28 of the UNCRC, the International Covenant on Economic, Social and Cultural Rights (ICESCR) (Article 13), the European convention on Human Rights, ( Article 2). The last paragraph of article 14 of the Recast Reception Directive is also relevant in this context, which foresees that where children cannot access the education system due to their specific situation, other education arrangements shall be offered in accordance with national law and practice. This is particularly important in the case of children with special needs, who shall always be offered the same assistance and special support that are available to nationals of the Members of State concerned.</p>
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<p><b>Weakness:</b> Concerns about the effective implementation of article 14 (1) of the recast Reception Conditions Directive</p> <p>UAMAS and UAM beneficiaries of international protection fall under the scope of the Child Protection Act (Section 4 (1) c)) and are entitled to the same reception and care arrangements as Hungarian children.</p> <p>While previously the head of the Department of the child protection facility where the child was placed, acted as a guardian, the revised Act foresees the appointment of professional guardians who are employed by the Department of Child Protection Services.</p> <p>The appointment of the guardian is a precondition for the child to access the asylum procedure as the asylum interview can be conducted only in the presence of the guardian.</p>	<p>This has hindered access to education.</p> <p>However, non-asylum seeking UAMs are not fully included in the scope of the Child Protection Act (Section 4 (3)) since only specific provisions apply in relation to them.</p> <p>The law reform aimed to prevent conflicts of interest between the mandates of the child protection services, the facility responsible for childcare and the child represented by his or her guardian. The reform has led to cases where guardians have supported children in complaining about matters of accommodation and care and thereby fulfil an important function to promote the child's interest vis-a vis the childcare facility.</p> <p>This can be considered generally as a positive step but it is a weakness if the guardian is not appointed on time.</p>
<p><b>Opportunities:</b> A reception centre is legally defined as a facility operated by the refugee authority in order to accommodate and care for persons seeking recognition, refugees and beneficiaries of subsidiary or temporary protection (§ 12 par. 3 Government Decree 301/2007).</p>	<p>In accordance with Article 24(3) of the recast Asylum Procedures Directive, the Asylum Act provides that applicants with special reception and procedural needs such as unaccompanied children or vulnerable persons are exempted from the border procedure in the transit zone.</p> <p>Accordingly, once they enter the transit zone, these applicants are transferred out and admitted to the territory and undergo registration and the asylum procedure in one of the open reception centres or detention centres in the country. Under Article 2(k) of the Asylum Act, this would include children, elderly and disabled persons, pregnant women, single parents with children, as well as victims of torture, sexual or other forms of violence, insofar as they are deemed to have special needs following an individual assessment.</p> <p>It is seen as an opportunity as they are exempted from border procedures.</p>
<p><b>Threats:</b> Special provisions regarding the reception of UAMs are determined in Government Decree 301/2007 (§ 33). Due to their specific situation the best interests of the child must be taken into account in connection with their reception, e.g. accommodation in a child protection institution, accommodation with adult relatives and change of accommodation only in exceptional cases.</p>	<p>There have not been any best interest determination procedures or mechanisms developed.</p>



The table provides a useful framework of the different types of guarantees for UAMs. It serves as a check-list to identify key points of legislation in line with international and EU acquis.

UN CRC Cluster	Rights	CRC	Recast reception conditions	Anti- trafficking directive	Recast Asylum procedure	Hungarian legislation
II General Principles	Best interest of the child	Art 3.1	Preamble 9 (22), Arts 2 (j), II. 2.23.24	Preamble 8 and 22 Art 13		Section 2 (1) of the Act XXXI of 1997 on the Protection of Children and Guardianship (CP Act)
	Right to information, Right to be heard/ Right to participation	Art. 12.	Art. 23.2			Section 8 of the CP Act
	Right to life, survival and development		Art. 23		Preamble 33	Section 6 of the CP Act, right to life= Article II of the Fundamental Law ("constitution")
III Civil rights and freedom	Identification as a child		Arts 21,22	Preamble 23	Preamble (22) Art. 25.5	
	Registration and documentation	Arts. 7,8		Art.6		Section 73 of Act I of 2010 on Civil Registration
IV. family environment and alternative care	Rehabilitation and reintegration of victims of violence	Art, 19,39	Art.23.4	Preamble 18,22		Section 33 (8) of Gov. Decree 301/2007
	Assistance of victims of trafficking/violence	Art, 19,39	Arts 23.4,25.1	Art. 13,14,17		Section 34 of Gov. Decree 301/2007
	Reception staff specific training		Art. 18.7,24.4,25.2	Preamble 25		-
V. Basic health and welfare	Access to health services	Art. 24	Art; 19	Art. 11.5		Section 12 of Gov. Decree 301/2007
	Accommodation	Art. 27.1-3	Art.24.2	Art. 11.5		Section 15 (2) of Gov. Decree 301/2007
	Right to social security	Art 26.				Section 15 (1) b) of Gov. Decree 301/2007
	Right to adequate standards of living/material support	Art. 27.1-3	Art. 17,18,20,23.1	Art. 11.5		Section 12 of Gov. Decree 301/2007
VI Education, leisure and cultural activities	Right to education	Art. 28	Art. 14	Art.14.1		Section 26 of the Asylum Act, Section 15 (1) c) of Gov. Decree 301/2007
	Right to rest, play and participate in artistic and cultural activities	Art.31	Arts. 11.2,23.3			Section 33 (3) of the Gov. Decree 301/2007

VII. Special protection measures	Guardianship/ representation	Arts 18.1, 20	Art. 24.1	Preamble (23), (24), art. 16.3	Art.25	Section 35 (6) of Asylum Act
	Legal information, assistance and representation	Arts 37 (d), 40.2 (ii)	Arts. 9.6,26.2-3-6	Art.15.2	Arts. 19,20,21,22,23,25.4	Section 37 (3) of the Asylum Act, Section 5 of the Act LXXX of 2003 on Legal Aid
	Durable solutions			Preamble 23, arts/ 14,16.2		-
	Access to protection procedures			Arts. II.5-6,12.3	Art. 7.3-4	-
	Child sensitive procedural measures	Art,3, 12,19		Art. 8,15.3,12.3		-
VIII General measures of implementation (GMI)	Actors training and qualifications		Arts, 29.1	Preamble 15, 25, Arts, 9.3, 15.3,18.3	Preamble 16,26 arts, 4.3, 6.1,14.1, 25.3,34.2,	-
	Monitoring and review		Preamble 30, arts 28, 30	Art. 23	Preamble (55), art.50	-
	Complaints					-

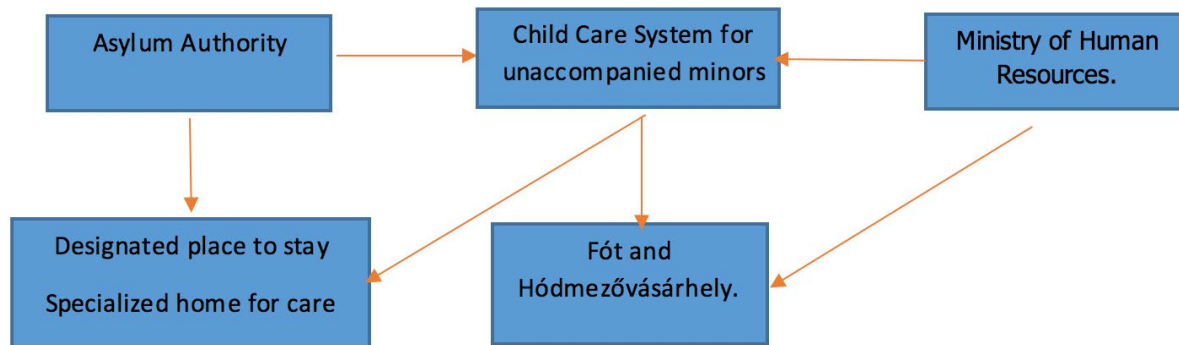
## **The organization of Reception arrangements in Hungary and the Fót Children's Home**

Reception and care arrangements have to be provided to UAMs by the Hungarian state. The national authority responsible for the reception and care of UAMs is the Ministry of Human Resources (Child Protection and Social Directorate), which supervises all child protection facilities. In practice the main responsibility for organizing guardianship services rests with the District Guardianship Office. As of 2014, the guardianship provisions were strengthened by a reform of the Child Protection Act as highlighted in the first part of this report. **The district Guardianship Office of the 5th district in Budapest has been designated as the single competent body in charge of appointing guardians for non-national children and more specifically unaccompanied minors. For this purpose the district receives special funds from the Ministry of National Resources.**

As is also mentioned in the section III.2., UAMs seeking international protection are usually placed in Fót Children's Home for UAMAS and UAMs granted international protection. Another facility where UAMs have been placed is Hódmezővásárhely. This is a Children's Home designated by law to accommodate non-asylum seeking UAMs, although practice shows that UAMAS have also been accommodated there regularly. The center is managed by Szent Ágota Foundation, a contracted service provider with the Ministry of Human Resources. Unfortunately, the capacity is limited (max. 18 children) therefore other child protection facilities in Kunfehértó, Szeged, Makó, Ópusztaszer, Szentes have accommodated UAMs occasionally when available. However, Hódmezővásárhely was closed on 1 April 2016 and all UAMAS were transferred to Fót. This is the only facility accommodating UAMAS now in Hungary.

There are two other post-care homes for young adults in Budapest and Mogyoród. Interviews highlighted that these places provide higher opportunities for integration as the facilities also accommodate Hungarian citizens. The possibility to stay in the post-care homes depends exclusively on the progress of their education. In theory, they can stay until the age of 24, providing they complete higher education. UASASC reaching the age of majority may also move to the post-care home until a decision is made on their status.

There are plans to open a new reception facility with a maximum capacity of 36.



There are other actors involved, as with training of the guardians, such as NGOs and international organisations working in the field of migration and asylum who provide several services and technical assistance as per below:

- Reformed Mission Centre's Refugee Mission – educational support, support in transition to adulthood; Cordelia Foundation for Torture Survivors – psychological assistance;
- Menedék Association for Migrants – assistance in finding employment, housing;
- Hungarian Helsinki Committee: provision of free legal aid to UAMs;
- IOM: assistance in family reunification and voluntary return;
- UNHCR: assistance in family reunification and facilitation of the UAM's best interests, plays a significant role in the provision of reception and integration arrangements for UAMs.

*Most of these services were projects partially financed under the ERF.*

It has to be noted that unaccompanied children who are identified by the police at the border or in the country without valid travel or residence permits are taken in by the police and kept in police custody at the police station for the first 12 hours, extendable to 24 hours. If the age assessment concludes that the person is a child, the police transport UAMs to the designated facility. Generally upon arrival at the facility a medical check is done and the UAMs are accommodated. It became evident through the interviews that the age assessment procedure is a fundamental problem because there are severe consequences when the police decision about the age of an applicant is disputed. The age assessment came up as a problematic question during the roundtable of the study visit held on 26-28 October 2015 too.

### Fót Children's HOME

*Fót Children's Home (25 km north of Budapest), is a general and mainstream child care facility designated to accommodate UAMAS and UAMs **who are beneficiaries of international protection**. It has been granted additional funds under the European Refugee Fund (ERF) to complement the reception conditions special funds provided by the Hungarian state.*

In Fót the UAMs are accommodated in a separate building for UAMs within a children's home. The reception center has the capacity to host 34 unaccompanied and separated children and 50 young adults in transition, including those seeking asylum. In theory, the centre could host even more people but the human resources to do so are lacking although recently new staff members have been hired. Interestingly, the facility for unaccompanied and separated children is close to a post-care home for young adults in transition. Therefore, once they turn 18, young people can easily move from one to the other. *(for more information please read the section III. 5. After-care arrangements).*

From the data gathered from the EASO country report on Hungary, 1072 UAMs were placed there in 2014, and 358 UAMs were placed there between January and May 2015<sup>23</sup>.

Fót Center gives asylum seeking UAMs an opportunity **to have better chances to integrate through meeting Hungarian children more often and this should be considered as a good practice**. Also the staff members of the facility in Fót have significant experience in child protection and providing reception conditions for Hungarian

23. EASO, Description of the Hungarian asylum system, May 2015, pg.16 accessible at: <https://www.easo.europa.eu/sites/default/files/public/Description-of-the-Hungarian-asylum-system-18-May-final.pdf>

children in state custody. **However, it has become clear that the necessary intercultural, asylum and language skills remain to be obtained by the staff, which is the major challenge the present structure faces.**

In a normal situation, within the Fót Children's Home UAMs are provided with educational monitoring (follow-up on their educational/employment pathway), lifestyle monitoring (assistance for children to gain general knowledge on how to live together) and economic monitoring (how to manage personal finances) provided by the educators working in the UAM home. For the UAMs a daily routine, which covers different courses including language lessons, is provided at the facility. Additionally, UAMs are entitled to compulsory education (kindergarten and school) within the public school system. **However, challenges still exist to find schools for UAMs in this context as described in the last section.**

**In addition, unaccompanied minors who reach the age of 18 before a decision on the protection claim has been made are not eligible for after care.**

The Károlyi Istvan Children's Centre provides space for the following three homes:

- 1) A home for boys suffering from severe psychological disorders;
- 2) A special children's home for children with chronic diseases;
- 3) A home for unaccompanied asylum seeking and refugee children

### *Legal status of the shelter for unaccompanied foreign minors*

The shelter is an autonomous unit of the Károlyi István Children's Centre. The shelter operates according to the Constitution of Hungary, specific international conventions and Hungarian laws, but it has its own Rules of Operation and Charter of Foundation.

#### *Target group of the shelter for unaccompanied foreign minors*

- Those minors who have been granted refugee status, subsidiary protection or tolerated status in Hungary or who have been recognised as stateless persons
- Those foreign minors who are underage (under 18) and have arrived in Hungary without being accompanied by an adult person responsible for their custody; or those minors who have been left unaccompanied following their entry into Hungary - provided that the Office of Immigration and Nationality has recognised them as minors.

### *Methodology of the centre*

The Home elaborates a specific "professional programme" each year, which is reviewed and approved by the Directorate. The methodological programme of the centre is based on the basic principles of the CRC and their interpretation is as below:

- **Respect for the best interest of the child:** it is of great importance that the child gets all the help they need to deploy his or her talent and skills, to develop his or her personality and to continue studying. It is vital that all factors are considered in order to arrive at the optimal decision. **(However, no formalized BID procedure is foreseen in any Hungarian law!)**
- **Principle of equal treatment:** According to the Constitution, the shelter provides fundamental rights for everyone without discrimination. Free practice of religion is ensured. During the first period of the integration process, it is stressed that the principle of equal treatment can be best applied if the children actively co-operate during the integration process. Respect for the rules of coexistence and permanent engagement in learning Hungarian are upheld.
- **Normalization:** according to the centre's pedagogical programme: "It is important that their environment and equipment resemble their average socio-cultural milieu. The shelter recognises the fact that the average items in a Hungarian room are different from what the majority of these minors have had in their country of origin. Traditions and religious customs must be respected in a material way as well."
- **Integration:** for unaccompanied minors living in child protection care, integration means integration into mainstream society. During the integration process, it is necessary for these minors to gain knowledge about the traditions and norms of their close and the more general environment and learn about the dangers they could face so they can avoid ending up a victim. In addition, it is vital to help develop their social skills and knowledge since these are essential for their security and their ability to make contact with their environment.

- **Preparation for independent lifestyle:** foreign minors require great support in the area of official administration, financial and economic management. Learning about environmental issues and the economical use of resources need extra attention. They are encouraged to make their own decisions and be responsible for themselves. The shelter organises daily self-service tasks building on the minors' autonomy. Working together with adults, the minors can gain knowledge in indirect ways.
- **Gradualism and foreseeability:** Any re-socialization program should be formed individually, according to the minor's abilities and skills respecting the principle of gradualism. This principle is meant to address the problems of cultural shock, and previous experiences (PTSD, depression).

### *Tasks of the shelter for unaccompanied foreign minors in education and care*

- **Care:** It is essential that the children are aware of how much things cost and the whereabouts of everyday products. The educator and children do the shopping together. It is the educator's job to teach the minors good financial management and an economic lifestyle. The minors are also taught to do the housework. Both the adults and minors care for their environment.
- Clear boundaries are really important for refugee minors and their sense of security can be increased by the following measures:
  - o A regulated order of the day
  - o developing their own lifestyle by organizing self-sufficient work
  - o discussion of particular situations together with other minors
  - o interpretation, processing and raising awareness of situations
- **Education:** to develop a self-conscious personality and adjust any personality development disorder. This type of education also has a therapeutic effect. During development, different levels of education and different socio-cultural standards are all taken into consideration.
- The shelter offers:
  - o emotional and social security
  - o the right course of physical, emotional, moral and spiritual development
  - o help with professional orientation and preparation for a self-sustaining lifestyle
- **Reception in the shelter:** The assigned minor is accommodated in the shelter's medical isolation unit. The newly arrived minor goes under compulsory tests conducted by the institution's paediatrician. The screening of contagious diseases is taken very seriously. The staff of the shelter receives the documentation justifying their inclusion in the shelter from the official responsible for the delivery of the minor. A photo is taken of the assigned minor. The minor is told the Rules of Order and customs by the education staff who also provide information about the asylum procedure. During the inclusion process, the shelter provides a translator so that the minor can speak in his or her native language.
- **After care arrangements:** After care arrangements can be requested upon reaching the age of 18. The director of the shelter takes the request into consideration. The decision is made by the competent child welfare agency.

A young adult is entitled to after care arrangements if:

- he or she is not able to take care of him or herself
  - he or she is participating in day-time education
  - he or she is expecting the results of an application to a social, residential institution
  - A written agreement is signed by the director of the shelter and the young adult.
- **Exit of minors from care:** Minors living in the shelter for a considerable period of time receive a personal gift from their group and from the staff upon leaving the shelter. The shelter ensures that the minor who is leaving receives his or her personal documents, belongings and copies of his or her medical documentation. The competent child welfare agency and the Office of Immigration and Nationality are informed that they have left.

## Provision of full-scale services

**Handling money, economizing:** The purpose of economizing is so refugee children can learn the value of and how to handle Forint in everyday life situations, especially in regard to running a household and family life. Accordingly, minors are involved in housekeeping and they participate in the activities such as shopping, cooking and cleaning. They are also involved in financial planning and they are taught to be economically conscious. They have the chance to take part in determining the weekly menu and even prepare food resembling their national cuisine.

Apart from pocket money, food and clothing, the educators can freely manage finances and relocate resources. They are obliged to account for finances at the end of each month to the economic administrator in charge.

**Education:** Any tuition, textbooks, school tools and other costs of school are provided for minors who are still in primary and secondary school or doing vocational training. Refugee children mainly attend schools in Budapest where they learn Hungarian as a second language. The Child Centre strives for minors to achieve the best possible qualification.

**Food:** Meals are provided five times a day (a hot meal once a day) respecting aspects of age, religious traditions and health. Food for special needs can be requested.

**Clothing:** Basic clothing is provided for minors. As part of the full-scale services, at least six sets of underwear, three pairs of pyjamas, two sets of everyday clothes and shoes, and occasional and sport clothes are also provided. Cleaning the clothes is the responsibility of the educators but the minors are also involved to a reasonable degree. Clothing traditions and customs are respected, however, in the case of radical dress minors are oriented towards European standards.

**Personal hygiene:** Conditions for personal hygiene and care are provided by the staff of the shelter. The minors receive towels and a hygiene pack. Furthermore, they are informed of the use of a European bathroom.

**Leisure time:** Adults and minors plan and organize leisure time activities together with particular regard to regular sport activities and activities that are individually preferred (musical education, creative activities). The shelter ensures participation in cultural events such as theatres, concerts, exhibitions and libraries. Trips and hiking are organized upon demand. The Child Centre promotes sensitivity towards social problems and opportunities for self-education.

**Pocket money:** Minors receive pocket money on a monthly basis and they can decide what they do with it. The monthly amount of pocket money cannot be less than 5% of the prevailing minimum amount of benefits for three to ten year olds, 13% for 10-14 year olds and 18% for those over 14 years old. Minors can be rewarded with extra money if they are behaving exceptionally well or doing well in school.

## Personal development, therapies, correctional procedures

**Psychotherapy:** Refugee children living in care often suffer from PTSD. They are treated in individual psychotherapy sessions aiming to work out strategies for solving conflict situations and aggression. The therapies also focus on the development of communication and social skills.

**Development programme:** Setbacks and failures in school can often be observed among refugee children living in care. These are primarily due to the shortages of language, the different cultural background and differences in the school system. Linguistic development programmes and other social therapy programmes are vital for the minors to learn cultural techniques.

**Special needs education:** The special needs educator is responsible for developing the minors' capabilities and skills. Special needs education aims to support minors towards their optimal performance according to their age and abilities. The methods of development are correction, compensation and re-education.

**Formulating future visions:** Children who have been forced to flee their country of origin often have a completely uncertain vision of their future. It is the task of the shelter to help them to formulate a realistic vision of the future. This requires developed self-recognition and a more realistic recognition of possibilities. The shelter also supports minors to learn about their family, their roots and their past. It is extremely important



to ensure they maintain aspects of their cultural or national identity.

In addition to this, the methodology provides specific tasks with refugee children in care and education as per below:

- Recognise that the unaccompanied minors' cultural and religious customs are significantly different from Hungarian and European norms
- Minors should be considered as partners and they should be involved in the decision-making that concerns them
- It needs to be ensured that they can integrate in their wider environment and learn about its customs and norms
- They need to be supported with maintaining their own cultural traditions and identity
- A motivation system needs to be developed that challenges minors to make their own decision, act, take responsibility and overcome obstacles
- The adult community should contribute to the development of a positive value system through personal guidance. Tolerant and accepting behaviour, a healthy lifestyle and an appreciation of work should be encouraged
- Clarification of gender roles and sexual education in accordance with age
- The determination of co-existential rules between boys and girls

Furthermore complex assistance tailored for the needs of unaccompanied minors is also part of the methodology such as: case management activities and individual care plans. The main characteristics are below:

- Exploration of cultural differences, viewpoint analysis: the difference between the assessments of specific topics
- Religious determination
- Evaluation of family, sexual roles and assisting relationships
- Assisting in processing past traumas
- Promotion of getting to know other children and the educators
- Assisting in building positive relationships

Psychologists, and special needs educators consult with guardians to prepare a psycho-social diagnosis of the newly arrived minor which makes it possible to plan a complex development and therapy programme and draw up an individual care plan.

- **Individual care plans:** When a child is taken into care, an individual care plan is drawn up. The purpose is to help the educator in their role as parent-replacement by determining daily tasks step by step. The individual care plan should be prepared within 30 days of the receipt of the individual placement plan. The manager and administrator of the care plan is the child welfare official who involves other experts in its preparation. In accordance with his or her age, the minor concerned is also involved in the preparation of the care plan.

Throughout the preparation, particular attention is paid to the following:

- The lifestyle and habits of the minor
- Mental health and any psychiatric treatment of the minor
- The health care of the minor
- The minor's personality
- Individual needs (clothing, dining and religious customs)
- The state of the minor's socialization and development (social values, learning of customs, shaping moral values, education to self-determination and family life)
- The minor's studies
- National, ethnic and religious affiliations of the minor
- Leisure time and sport activities
- Keeping contact with relatives
- Planning predictable guardian tasks

- Experiences gained by personal conversations
- The individual placement plan made by the regional child welfare services

**Case management and the principle of complex approach:** Minors in the shelter often need psychotherapy, social and mental health assistance, since they find themselves in a completely new cultural environment after a very particular situation has happened to them. To guarantee quality work there should be cooperation between experts, sequential developments and the application of correction. The forms of case management are the case introduction, the case discussion and the crisis discussion. The case introduction is a brief information note about the concerned minor's life and story for the staff of the shelter. The case discussion is meant to evaluate the current state of the minor and takes place every 6 months. In a crisis discussion the cause of the problem is analysed and possibilities for solution are drawn up.

**Relationship amongst colleagues:** During a staff meeting the performance of each minor is discussed and evaluated according to his or her capability. The method of learning, the possibilities of developing, the supervision and how to reward them are determined.

**Team meetings:** A team meeting is held on a monthly basis. Its purpose is to solve current problems and system failures. A diary of events is drawn up as an information sharing tool. The professional leader is responsible for passing on daily information to the concerned parties personally or by phone. The most important information can be found in the institution's diary of events. The diary also contains the summaries of staff meetings, current tasks and practical information.

## After-care arrangements

**After-care is available up to the age of 21, or 24 if the former UAM is still studying in secondary education (grammar school, high school) and up to 25 years of age for those participating in higher education (college, university).**

After-care measures are provided upon the request of the young adult. The opinion of the child protection guardian is taken into account.

The same rules apply for all children in state care. UAMs who are beneficiaries of international protection (who were granted refugee status or subsidiary protection) may enjoy after-care arrangements under the same rules as Hungarian children. According to Section 87 (3) of Child Protection Act, the **child protection guardian** appointed to the recognized UAM has the duty to inform him/her about the possibility of applying for after-care support and to facilitate his/her application.

The necessary conditions to have access to after-care are as follows (Section 93 of the Child Protection Act):

- if the child or young adult is unable to provide for him/herself independently and needs further assistance in establishing his/her own life (if he/she has less than 100 EUR income per month)
- if the child is still studying (secondary or higher education both qualify)
- if the child is waiting for his/her admission to a social institution (e.g. a child or young adult with mental challenges)



## FINDINGS: ASSESSMENT, QUALITY INDICATORS AND SWOT ANALYSES OF THE HUNGARIAN RECEPTION ARRANGEMENTS (INCLUDING FÓT CHILDREN'S HOME)

Evidence was gathered to evaluate if unaccompanied children in need of protection have full access to the child protection system in Hungary or not. Overall, the evidence showed that despite the adoption of higher EU standards in June 2013, UAMs and UAMAS in Hungary still face a bleak situation and the ongoing crisis especially in 2015, has exacerbated protection gaps.

In general, quality indicators can be impacted by different factors, such as funding, and more internal factors like the qualifications of the staff or their involvement with unaccompanied children. With regard to the quality of life experienced by UAMs in the Fót Children's home, this is affected not only by having access to basic material conditions, but also by the amount of living space they have, the number of staff supervising them, access to support (e.g. counsellors, medical support and psychological support) and access to leisure activities.

The main legal basis for this section is the recast RCD read in conjunction with the EU charter, which further clarifies the notion of "dignified standards of living". It should be read in conjunction with the UNCRC to ensure full compliance with the principles of the best interest of the child.

This section will try to evaluate at how the Fót Children's home (reception centre) conforms with the standards and indicators in the relevant instruments, including on the following specific aspects:

- Identification, assessment and response to special needs
- Housing in the centre,
- Clothing and other non – food items
- Quality of legal assistance, information and counselling
- Daily expenses
- Integration measures such as access to healthcare, education and leisure activities and employment ( vocational training)
- Staff training

### *General assessment*

In general, it can be concluded that during 2015 the Hungarian reception system could not function properly for various reasons. According to all the interviewees children considered Hungary as a transit country because they are not offered a positive vision for their future there.

There has been significant pressure on child protection systems in Hungary. The rising numbers of unaccompanied minors, the lack of financial resources and capacity allocated in this regard have led to deficiencies in Hungary's ability to assess children's needs, make referrals, appoint guardians, conduct age assessments, and provide assistance for family reunification. As a result, in response to the intensified migration flow of UAMs to Hungary in recent years, policy and legislative changes have been introduced in connection with the identification, reception, and guardianship of asylum-seeking and non-asylum seeking UAMs.

As concluded also in the study visit report, the general finding is that although legislation is elaborated, practical arrangements sometimes lack safeguards and there are not enough channels for evaluation of feed-back regarding the functioning of the child protections system, and cooperation between stakeholders. Child protection solutions are elaborated and exist in legislation but in practice do not provide sufficient effective protection for children on many occasions.

Despite the number of trainings conducted for the professionals involved in the procedures dealing with UAMs as well as working directly with them, by NGOs and different international organisations (UNHCR and IOM) it became clear that more training is needed for all the actors involved. As suggested in the EMN report on Hungary in 2014, there is a need to introduce a regular complete training curriculum (including intercultural, legal, psychological aspects) for every professional working with UAMs to be provided before they start working with UAMs. More training and capacity are necessary to have a better system in terms of individualized care for UAMs. The need for training was identified also for other stakeholders such officers working in the OIN, asylum legal practitioners and guardians to address the following challenges:

- The lack of training and qualifications on children's rights in general for asylum legal professionals;
- Limited knowledge as to how to effectively use international children's rights instruments;
- Lack of understanding of complex asylum and migration law, as well as of children's rights, child development, and child specific persecution;
- Lack of skills in child-friendly and intercultural communication;

As mentioned above, more training for guardians is needed in particular with regard to immigration and asylum law and the relevant procedures as well as the rights and entitlements of unaccompanied children. They are likewise important to enhance the guardian's knowledge and understanding of the rights of the child in the asylum procedure and to strengthen the cooperation and trust between the child, the guardian and the lawyer.

The limited participation by the children themselves in a manner consistent with their evolving capacities during the relevant legal procedures was also identified as an issue that needs to be addressed.

Furthermore, age assessment remains a critical issue since there is no protocol or legally binding norms regulating the methodology of age assessment. In addition, the growing number of disappearances not only from the facility, but also from Hungary was a major concern for the interviewees. This was also the case for the delegates from other EU MS who participated in the study visit. Last but not least, the extreme delays in the appointment of child protection guardians and protracted asylum procedures<sup>24</sup> lead to UASC leaving Hungary after 2 weeks on average. If procedures had been quicker, more children could have been expected to stay in Hungary.

Likewise, the unavailability of a standard operating procedure for a formal Best Interest Determination (not only in the asylum procedure but also in mainstream child protection procedures) makes it difficult to identify durable solutions for UAMs in Hungary.

### **As a result, there is still room for improvement as the analyses show.**

However, despite the various challenges the Hungarian asylum and child care system faces at the moment, the provision of a durable solution by means of after-care arrangements can be considered as a positive element of the system. **The delegates from other EU MS participating in the study visit also saw the long after-care arrangements as good practice**<sup>25</sup>. Another positive element is that the after-care is not only undertaken by NGOs as practice shows in some other MS, **but it is a State obligation enshrined in law** (the Child Care Act).

Another positive aspect of the Hungarian system is that **a child protection guardian is automatically appointed to replace the parents**, however, practice shows that these guardians are often appointed with significant delays and their preparedness to assist foreign, asylum seeking children may vary a lot. In addition, the change in the legislation related to the appointment of a guardian within 8 days [following the notice of the Office of Immigration and Nationality \(asylum authority\)](#) is **another major improvement of the system**. As stated in the above SWOT analyses, the new proposal of the EU Asylum Procedures Regulation (article 22(1)) envisages that the guardian should be appointed as soon as possible and no later than five working days from the moment when an unaccompanied minor makes an application.

### *Fót Children's Home*

Based on the analytical research and the findings of the interviews (at the time of the visit held on 24-26 of June 2015), the following observations can be extracted as the main points:

- The facility was extremely overcrowded. Against a capacity of 34, it hosted up to 175<sup>26</sup> unaccompanied children and separated children mainly from Afghanistan, Pakistan and Syria.
  - The main preoccupation of the management of the Centre was to provide the basics: shelter and meals, no capacity or resources were left to provide more sophisticated services such organised community activity. There was some internet access though.

24. Evidence gathered from the on site visit on 24-26 of June 2015

25. Hungary Study Visit Report, 25-28 October 2015

26. Interview with Fatana Jananné Raoufi, Head of the Home for Unaccompanied Minors

- At the time of the field visit basic services were provided: food (five times per day) and accommodation (the rooms were set up to accommodate as many as 16 children in a room)
- Pocket money: very limited amount (7-14000 HUN/month which is equal to 25-45 euros) which constantly causes difficulties.
- Access to education was restricted (see the chapter below)
- A shortage of material resources hinders the operation of the children's home. The facility strongly relies on donations in order to satisfy the children's basic needs, mainly clothing and hygiene.
- The fluctuation of children is high; children usually abscond the facility within a week following their arrival. Nevertheless, there was a group of 20 children who had been residing in the facility for a while, and who were planning to remain in the country until international protection was provided to them.
- Cordelia and HHC were the two main NGOs providing services in the Centre though recently with very limited access:
  - HHC to provide legal assistance;
  - Cordelia to provide psych-social assistance and services.

- Staff responsible for reception and care:

*Standard: Qualified, trained and independent staff and interpreters should be available for effective communication between the child and their legal advisors.*

Staff members of the facility in Fót have significant experience in child protection and providing reception conditions for Hungarian children in state custody. However, the necessary intercultural, asylum and language skills remain to be acquired by the staff, which is the major challenge the structure faces for the moment.

- The Home for UACS has a new head, who is a psychologist by profession. This could be considered as a positive development considering the approach and knowledge needed for effective communication with UAMs. Prior to that, the UAM Home in Fót was run by a former refugee of Afghan nationality, which was also considered as a positive development as communication with Afghani UAMs (the majority of UAMs in Hungary) was easier;
- At peak times there are challenges in terms of identifying appropriate staff and dealing with the workload.
- There is a lack of human capacity: As a response to the increased arrivals the Directorate has requested staff from children's homes in Budapest and Pest County to work in the home during their free time (through individual service contracts). Several temporary reception arrangements have been introduced with additional child protection staff contracted to take care of new arrivals. This new staff has not been properly trained to work with this particular group in this situation.
- There is only limited specific training available for the staff members and a request for additional training was expressed.

- *Standard: Sufficient funding is provided to ensure good quality standards for the reception centre.*

- There is a lack of funds allocated from both the national central budget and from EU. Two projects financed through ERF funding had just finished. At the time of the visit, interviewees from different ministries highlighted the fact that the main target of the Hungarian Government was to provide the children with effective tools that facilitate integration and to improve reception conditions for asylum seeking unaccompanied minors and those recognized as refugees. In order to achieve this, an appeal was made for supplementary EU funds as the share from EU funds allocated until then had not taken into account the current refugee crisis. The EU funds on integration, return and ERF were considered as insufficient.

*Two projects financed by ERF preparing the UACS for the labour market, including gardening, car-*

*penter activities, vocational training, psychological support, Hungarian language training, individual support training and information provided on child trafficking ended on 30 June 2015.*

**Last but not least, although its use was restricted due to lack of funds, the methodology of the Fót Children's Home should be considered as a good model that could be replicated in other countries. One of the findings of the study visits was that the methodologies of the reception centres should be translated in English in order to be widely disseminated so other MS could replicate them or adapt them accordingly.**

**A monitoring mechanism should be in place for the development of the child.**

### *Fót Children's Home: Access to Education and leisure activities*

As mentioned above, providing schooling and education, including for asylum seeking children, is an obligation of all States that is included in a number of International and European instruments. In addition, in the framework of the Equal Initiative financed by the European Social Fund (ESF), education is "an essential part of the socio-vocational integration process of asylum seekers. Missed opportunities and inconsistencies in the provision of education for asylum seekers lead to dependence and as a result, to high costs to support and host asylum seekers"<sup>27</sup>.

Under national law, the Public Education Act provides compulsory education (kindergarten or school) to asylum seeker and refugee children under the age of 16, according to a recent legislative change<sup>28</sup>. As a consequence, asylum seeking children above the age of 16 are not offered the possibility to attend school. This means that until they receive a protection status they have to stay in the reception centre the entire day without any education-related opportunities<sup>29</sup>.

It is evident that **school enrolment remained a major problem** throughout 2015. There are only a few schools in Budapest that provide education for UAMs and there is no school curriculum or special measures for UAMs. Often, the older children leave school as they do not receive support from their teachers or the school administration.

As school is only compulsory for children between the ages of six and sixteen years, certain schools do not accept children above this age. This may cause further complications regarding entitlements to the aftercare scheme available (which sets school enrolment as a pre-condition to after-care entitlements). In addition, a lack of a residence permit had hindered access to education.

**Language barriers** strongly hindered protection work with children. The facility has limited access to intercultural mediators, therefore, they mainly rely on cross-interpretation. As such, information is not always correctly disseminated and/or there is a delay in the circulation of information.

In 2016, the personnel of the Fót Children's Home expressed willingness to improve this in order to create more flexibility in schools. Therefore several steps were taken including the increased presence of NGOs in the centre, who are currently providing educational initiatives that **may be considered as a major improvement**. In line with the growing number of children, the facility also started recruiting more care workers as currently, **the shortage of human capacity** makes it challenging to pay individual attention to children.

The role of nonprofit organizations and other civil society actors has been crucial in providing good quality services in the Centre. The increased presence of NGOs in the Centre should be considered as a major improvement. **At the moment, a strong network of nonprofit organizations and other civil actors are present in the facility. This has meant that the facility managed to fill up the children's summer timetable with various activities.**

**For example, the Menedék Foundation** launched a Preparatory School project to create a school-like routine (from 9:00-12:00 every weekday) for those not yet enrolled in school and to gain basic Hungarian language skills and cultural awareness. The **Jesuit Refugee Service and Open Doors** provide Hungarian language courses. Currently, **Farsi, Arabic, Somali and Urdu interpreters are available**. The **Cordelia Foundation** visits the facility weekly in order to provide children with individual counseling and art therapy sessions. A joint project of **Menedék** and **SOS Children's Villages** provides intercultural mediators. The **Artemisszió Foundation is in the preparatory phase of organizing recreational activities for children residing in the facility. At the moment it organizes** creative play and music. With the support of the **Hungarian Caritas Foundation** a gym and an education room have been established. The Hungarian Helsinki Committee continues to provide legal counselling on a weekly basis.

**There is a need for vocational training programmes as currently UASC and young adults cannot comply with the entry criteria (due to a lack of school qualifications).**

27. European Commission, Equal « Advice, education and training for asylum seekers', 2007

28. Section 45(3) act CXC of 2011 on public education.

29. AIDA Country Report Hungary: Fourth update, November 2015, pg.

Recognition and the granting of a status before UASC turn 18 has become all the more important in the context of the termination of the State integration support as entitlement to after-care services is only available to those who have been granted international protection as children.

As mentioned above, the allocation of the adequate funds is crucial to provide children with access to integration services.

## SWOT analyses

SWOT: documentary evidence	Reflections
<p><b>Strengths:</b></p> <p><b>Guardian:</b> a child protection guardian is automatically appointed to replace the parents</p> <p>the appointment of a guardian within 8 days following the notice of the Office of Immigration and Nationality (asylum authority)</p> <p><b>Fót Children's Home:</b> The home for UACS has a new head who is a psychologist by profession.</p> <p>The Fót Centre gives asylum-seeking UAMs an opportunity to have better chances to integrate through meeting Hungarian children more often.</p> <p>The staff members at the facility in Fót have significant experience in child protection and providing reception conditions for Hungarian children in state custody.</p> <p><b>After care arrangements:</b></p> <p>After-care is available up to the age of 21, or 24 if the former UAM is still studying in secondary education (grammar school, high school) or 25 for those participating in higher education (college, university).</p> <p>After-care is not only provided by NGOs as practice shows in some other MS, but it is a state obligation enshrined in the law (the child Care Act).</p> <p>There is a possibility to work during studies</p>	<p>However, practice shows that these guardians are often appointed with significant delays and their skills and preparedness to assist foreign, asylum seeking children vary a lot.</p> <p>This qualification is relevant.</p> <p>The necessary intercultural, asylum and language skills remain to be obtained by the staff, which is the major challenge the present structure faces</p> <p>The after-care arrangements provide long term solutions and better opportunities for integration. The relatively long after-care arrangements may be part of future advocacy when it comes to the integration of UAMs.</p> <p>Considered to be a sustainable solution.</p>

<p><b>Weakness:</b> Lack of funding from both the national budget and the EU for the reception and integration of UAMs</p> <p>There is a need for training for the different actors involved in the protection and integration of unaccompanied minor asylum seekers and refugees.</p> <p>All UAMs are considered to be in an emergency situation because they lack the care and protection of their own families therefore they are under temporary care by law.</p> <p>The facility has limited access to intercultural mediators, therefore, they mainly rely on cross-interpretation. As such, information is not always correctly disseminated and/or there is a delay in the circulation of information</p> <p>Lack of relationship of trust with children</p> <p>There have been reports of restricted access to education on different occasions. This was also reported during the study visit.</p> <p>The national child protection regime (the Child Protection Act) does not treat UACS as a specific category – as a result of which they are entitled to the same care and support as Hungarian children – hindering access to specific services, such as Hungarian language courses or interpretation.</p> <p>There is a need for vocational training programmes</p> <p>Language barriers strongly hinder the protection of children at work</p>	<p>There is only limited specific training for the staff members of the Centre. Several trainings have been provided in the past but by NGOs or international organizations.</p> <p>More should be done to build a relationship of trust so children would be better informed regarding the risks they face by moving onwards to the other Western European Member States and also their opportunities by staying in Hungary.</p> <p>Difficulties in enrollment to school. Education is a pre-condition for smooth integration.</p> <p>There are many illiterate children who have been out of school for a prolonged period and face difficulties when placed into Hungarian schools. Specific needs are only addressed in the annual professional programme.</p> <p>Currently UASC and young adults cannot comply with the entry criteria (lack of school qualifications).</p>
<p><b>Opportunities:</b> The increased presence of different NGOs in the facility to provide different services for UAMs.</p> <p>In line with the growing number of children arriving, the facility has started to recruit more case workers.</p>	<p>The role of nonprofit organizations and other civil society actors has always been crucial in providing good quality services in the centre.</p> <p>The facility managed to fill up the children's summer timetable with various activities.</p> <p>Currently, the shortage of human capacity makes it challenging to pay individual attention to children.</p>



**Threats:**

The unavailability of a standard operating procedure for a formal Best Interest Determination (not only in the asylum procedure but also in the mainstream child protection procedures)

Unaccompanied minors who reach 18 before having a decision on the protection claim are not eligible for after-care.

The shortage of material of resources

The fluctuation of children is high; children usually abscond the facility within a week of their arrival

It was evident that during the crisis that the Hungarian authorities failed to ensure that these children were safely accommodated and that there is no follow up system in place to retrace them.

Family reunification remains a prolonged process.

Portraying UASC as a threat may have contributed to increased xenophobia among the Hungarian population.

As a result it is difficult to identify durable solutions for UAMs in Hungary. Placing them in the facility is not always the best solution. Other alternative care options should be considered based on the individual child's special needs.

According to the interviewees legislation should be amended in order to remove UACS from the Hungarian Child Protection Regime as their needs cannot be recognized. Due to unduly prolonged RSD procedures, UASC applicants often reach the age of 18 years before a final decision is issued on their case. As a result, they lose important legal guarantees that are attached to children. This delay also hinders children from benefiting from after-care services provided under the national child protection system.

The facility strongly relies on donations in order to satisfy children's basic needs.

The biggest concern and challenge is the extremely high number of children absconding from the reception stage and the shelter in general.

The infrastructure of the system should be improved in order to avoid mismanagement of the refugee crisis.

Children are not provided with precise information regarding the family reunification procedure, therefore they find it difficult to understand the reason for delay.

The Hungarian government should change their approach towards refugees and migrants.

## RECOMMENDATIONS

1. The best interests of the child should be a guiding principle at all stages of the migration process.
2. Quality legal assistance should be provided to all UAC as it is vital for ensuring overall respect for the child's rights.
3. A standard operating procedure for a formal Best Interest Determination should be put in place (not only in the asylum procedure but also in the mainstream child protection procedures)
4. A follow-up system should be established to retrace UAMs who abscond from care.
5. Collaboration should be enhanced between all the actors involved at governmental and local level to improve the reception arrangements for UAMs.
6. The Hungarian Government should enhance its collaboration with civil society actors. According to NGOs it is essential to have more programmes aimed at integration and a coordinated approach between the various agencies so the participating children benefit as much as possible.
7. Political willingness should be the driving force in providing a welcoming environment for unaccompanied children seeking asylum.
8. The necessary and appropriate training should be provided, including training and guidance on the rights of the child, on child protection law and procedures (including asylum procedures), and more generally on questions of child development.
9. Staff working with UAMs in the reception context (reception officers) should be equipped with the relevant knowledge and competences.
10. The facility should establish a system in order to find a way to fulfil children's needs in a culturally sensitive way.
11. The facility should have more access to intercultural mediators.
12. A special curriculum at school should be provided for migrant/refugee children. Teachers at school should be trained in this special curriculum.
13. Sufficient resources should be allocated to identify, access and monitor special needs. The necessary special reception guarantees should be put in place in a timely manner.
14. There should be more flexibility for school enrolment.
15. There should be a better system in terms of individualized care for UAMs.
16. Continuous mentoring and assistance is necessary for successful integration as well as peer relationships and schooling with local (Hungarian) children.



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1950 European Convention for the Protection of Human Rights and Fundamental Freedoms

#### - *European Instruments*

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