

Plenary Session II: STRATEGIES FOR AND EXAMPLES OF
EFFECTIVE CAPACITY BUILDING

Strategies for Developing Institutional and Operational Capacity to Manage Migration

11:30 – 12:15

Dear Colleagues,

It is my pleasure to say some words on the occasion of this workshop of IOM's International Dialogue on Migration.

With the event bringing together government officials and representatives of international organizations, NGOs and academic institutions, I'm sure that the consultations of the coming two days will surely contribute to a *better understanding of each others' policies and practices* and *can deliver an overall better understanding of the current phenomena* shaping international migration.

Today, when an estimated 175 million persons are international migrants, and when national policies in any area tend to affect entire global phenomena more than ever, national governments have to keep in mind these inter-linkages with a serious emphasis on migration issues.

Hungary strives to promote these important questions to be addressed through many different initiatives, both on the regional intergovernmental level and in connection with our fruitful contacts with international organisations.

Hungary is proud to having participated in the elaboration of the **Berne Initiative's**¹ International Agenda for Migration Management (IAMM) by organising the Regional Consultation for Europe and Central Asia in June 2004.

Our country takes part in further intergovernmental consultation processes and international initiatives such as the **Budapest Process**, the **Central European Initiative**, and the **Söderköping Process**².

Regional co-operation in the field of migration management is also a high priority for us: within the framework of the Visegrád 4 countries and the Salzburg Forum, a regional block based on shared interests of neighbouring countries in Central-Eastern Europe is formulating.

¹ Which is an initiative of the Swiss Government, with IOM providing the Secretariat of the Initiative.

² Which is coordinated by the Swedish Migration Board, with UNHCR and IOM being a partner. The Process convenes the countries of Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Belarus, Moldova, and Ukraine (with the 3 last ones being the beneficiaries). The Process is celebrating its 5th anniversary in 2006.

Hungary is a member of the Core Group of Governments of the **GCIM** (Global Commission on International Migration) and was pleased to host its regional meeting for Europe in November 2004.

Our efforts to keep migration issues high on the agenda of international, EU and national legislation are honoured by the establishment of regional offices in Budapest by international organisations, such as

- the International Organisation for Migration (**IOM**),
- the Office of the United Nations High Commissioner for Refugees (**UNHCR**) and
- the International Labour Organisation (**ILO**).

We are committed to share the experiences we obtained in the course of our preparation to EU accession and during our efforts to soon obtain full Schengen membership, with the countries which are ahead of the relevant harmonisation of laws and practices.

This is pursued in the framework of the abovementioned intergovernmental organisations and in EU programmes such as CARDS.³

We remain convinced that the phenomena of migration and asylum should be viewed and discussed in a comprehensive manner.

Regarding our experiences with respect to the preparations to EU accession, it is needless to say, Hungary's past one and a half decades of legislation and legal practice was seriously affected by its commitment to join the European Union.

Challenges of capacity building

The relevant legal system on migration had to be revised on several levels and on several occasions. Harmonising laws is an ongoing task of all EU Member States, therefore preparing for accession is only a beginning exercise, not an end goal.

NB. After accession, Member States of course face another challenge: finding firm ground for their concepts and coalition partners for their interests. In other words, the new task is to be a well-functioning contributor of the EU's decision –making system, in all its different levels and institutions.

The two main documents orienting legislative work during these years were the ANP (National Programme for the Adoption of the EU *Acquis Communautaire*) and the National Programme for the Harmonisation of Laws. Both instruments were constructed for a 3-year-long period, and the Government had to be briefed on their progress annually.

The harmonisation, or the way we prefer to call it, preparation for “operating as a Member State” required of course not only modifications in several legal acts, but organisational and operational changes. Therefore, while the National Programme for the Harmonisation of

³ “Community Assistance for Reconstruction, Development and Stabilisation”, to support the participation of the countries of the Western Balkans (*Albania, Bosnia and Herzegovina, Croatia, Serbia, Montenegro and the former Yugoslav Republic of Macedonia*) in the Stabilisation and Association Process.

Laws concentrated on the fulfilment of legislative tasks, the ANP focussed on institution building issues.

Approximation of Laws

In May 2001, the Hungarian National Assembly adopted the Aliens Act and modified the Act on Asylum, and thereby harmonised the *acquis* adopted up to 2000.

In the same year, several Government Decrees and Ministerial Decrees were adopted as implementing rules of the two abovementioned acts (on the detailed rules of asylum procedure, documents of persons authorised to stay, organisational structures, tasks of reception centres , etc.)

The definitions and conditions included in the Community legislation were harmonised, including restrictions on the right of entry and stay on grounds of public policy and public security in admission procedures.

Also rules enabling Hungary to (upon accession) issue unified EU visas became part of the Hungarian legal system.

The modification contained more serious rules applicable to those who contributed to the emergence of illegal migration and illegal employment. Also the rules to apply as of accession to the entry and stay of EEA (European Economic Area) citizens were included.

New categories of applications to be regarded as manifestly unfounded were included in the modification of the Asylum Act. Procedure deadlines were shortened, legal remedies became more quick and efficient.

The harmonisation of the *acquis* adopted after 2000 was undertaken with the Act No. XXIX of 2004, modifying and appealing several legal instruments (and also introducing new rules) The Act came into force on 1st May 2004.

Hungary's accession to the EU was announced by Act No. XXX of 2004.

Institution Building

The uniform organisation structure responsible for migration management was established as a central independent office as of 1st January 2001. Besides this central body: the Office of Immigration and Nationality (OIN), 7 regional directorates, 14 customers service and 4 community shelter started operation.

The OIN has competence through the country in citizenship, aliens and asylum cases.

From the starting staff number of **50** in the beginning of 1990's, as of 1st May 2004 **985** people work in the OIN.

EU accession of course meant that trainings relevant to the migration *acquis* were necessary for the officers of the OIN.

The unit responsible for the application of the Dublin II regime had to be established. It became operational as of 1st May 2004.

As new documents were to be drawn up and introduced (EEA residence permit, new visa sticker), printers, scanners and laminating machines were acquired. Also new staff were hired for the relevant tasks.

Besides providing the regional directorates and customers services with necessary technical equipment, direct data transmission system had to be established between the OIN and the border crossing points.

A different programme for the aliens register of EEA citizens was introduced.

Although material expenditure based on the number of recognised refugees accommodated in community shelters dropped, at the same time, the introduction of new documents on time resulted in rising costs.

Key players, “customers” of relevant policies

When assessing the migration flows affecting Hungary, it has to be taken into consideration that a large number of these migrants come from neighbouring countries, and they belong to Hungarian national minorities in neighbouring countries, and they are native speakers of Hungarian. In the Hungarian Constitution, there is an obligation to facilitate their opportunities for keeping up intensive contacts with the “homeland”. Handling of the so-called “Hungarians beyond our borders” is also a highlighted question in Hungarian public life and recent politics.

The Annual Country Reports and in 2003, the Comprehensive Monitoring Report on Hungary's preparations for membership formed the points of reference of our performance of harmonisation and institution building tasks.

This also included assurance of more quick and efficient, and at the same time customer-friendly handling of cases.

Methods, programmes, techniques used

Hungary has benefited from fruitful contacts and cooperation with several partner offices. Valuable experiences were withdrawn from PHARE twinning projects with participation of German, Dutch, Danish, Austrian, French and Swedish experts. Trainings provided by UNHCR also has to be mentioned here.

I'd like to underline our gratitude to our Austrian counterparts for kindly assisting us during the drawing up of our new Aliens Act.

Cooperation with other EU Member States' migration offices with a view to exchanging best practices is ongoing.

It is important to stress that migration management goes beyond the competences of the OIN. The Police, the Border Guard, the Customs and Finance Guard as well as the National Inspectorate of Labour and Labour Safety takes part in complex in-depth checks.

Investments

Thanks to the Accession Partnership and PHARE funds, by 2002, accommodation conditions in reception centres **advanced substantially, and their capacity became bigger. By the end of the relevant PHARE project in 2004**, all Hungarian reception centres and community shelters complied fully with EU standards.

Our experiences in the preparations to EU accession will surely form the basis of our know-how to take up another challenge: getting ready to full Schengen membership.

Hungary looks forward the future cooperation in the field of migration policies of the European states. We lay a serious emphasis on the elaboration of our migration strategy, which is now currently under finalisation in cooperation with other ministries. The strategy is to be ready by the end of 2005.

The Hungarian Government is well aware of the importance of analysis and broad discussion in the domain of migration. Subsequently, we are willing to further continue our efforts to assist any relevant initiatives in the field.

I would like to take this opportunity to express my gratitude for all participants of this workshop for providing their insights and expertise.

Thank you very much for your attention.