A sensitive and complex challenge
- the growing number of unaccompanied minors in Hungary –

Introduction

In the last years migration situation presents new challenges in Hungary. Especially the growing number of unaccompanied minors as a new phenomenon. One of the most sensitive and most complex challenges of democratic countries to give them the correct answers.

Since 2012, we can observe a significant and steady increase in the number of asylum-seeking and unaccompanied minors. In 2015 the number of unaccompanied minors arrived in Hungary was more than ever. It became ten times more than in the previous years. According to the data of The Office of Immigration and Nationality in 2012 875 unaccompanied minors arrived in Hungary. In 2015 (until September) 8420. 95 percent of the them were between 14 and 18 years old but among them were 421 children under 14 years.

The relevant Committee noted that although the principle of the best interests of the child is consistently demanded by laws, it is not always respected in practice, in particular with regard to decisions affecting children belonging to vulnerable groups, such as refugee and asylum-seeking children and children belonging to ethnic minorities, particularly Roma.

The Fundamental Law of Hungary states that the family is the basis of the nation’s survival and the protection of families is regulated by a cardinal Act. It ensures the rights of migrants and prohibits extradition and expulsion in justified cases, furthermore it states that Hungary adopts special measures to protect children and that every child shall have the right to the protection and care required for his or her proper physical, mental and moral development, and every person shall have the right to physical and mental health.

The Asylum Act defines the criteria, legal status and rights for asylum seekers and refugees, as well as people with temporary or subsidiary protection in terms of receiving legal status and rights. According to the Act, minors are treated as vulnerable persons needing special treatment and it emphasizes the principles of the best interests of a child and the unity of family. It also provides that states should take special account of the needs arising from the situation of children during the enforcement of the provisions.

This presentation will identify the current tendencies, the hungarian responses, included the special treatment as a minor, guardianship system, livelihood support benefits and schooling.

In 2015 the number of unaccompanied minors arrived in Hungary was more than ever. It became ten times more than in the previous years. In 2012 875 unaccompanied minors arrived in Hungary. 70 percent of them were from Afghanistan, 8 percent from Pakistan, 4 percent
from Algeria, 3 percent from Kosovo, 3 percent from Somalia, 2 percent from Morocco, 1 percent from Syria, and the rest were from Bangladesh, Serbia and Libya. Altogether from 28 countries. In 2015 (until September) 8420 unaccompanied minors arrived in Hungary. 95 percent of the them were between 14 and 18 years old, but among them were 421 children under 14 years. 99 percent of them were boys. Surprisingly little different compared to the other refugees (arrived from: 1. Syria 2. Afghanistan 3. Kosovo) in the national distribution of unaccompanied minors: 90 percent coming from Afghanistan, only 4 percent from Syria, 3 percent from Kosovo, 1-1 percent from Somalia and Pakistan, and the rest were from Egypt, Bangladesh, Iraq, Iran and Serbia.

Where they live? - Children’s institutions

An unaccompanied minor is a foreigner under the age of 18 years who entered the territory of Hungary without the company of an adult responsible for his/her supervision on the basis of law or custom, or remained without supervision following entry.¹

The refugee or alien policing authority will place the unaccompanied minor without parental monitoring at a children’s institution temporarily. The Guardian’s Office of Budapest District V. must be notified of the temporary placement of foreign children and the placing organisation ensures the transport of the children to the place of temporary care.²

Asylum seeking unaccompanied minors and unaccompanied minors recognised as refugee or protected person are placed in a separate building in Károlyi István Children’s Home in Fót, which is suitable to accommodate 32 unaccompanied minors and 50 unaccompanied minors entitled to aftercare. Non-asylum seeking unaccompanied minors, unaccompanied minors illegally entering at the border and victims of human trafficking are placed in Szent Ágota Children’s Home in Hódmezővásárhely, the capacity of which is 18 persons. This children’s home is run by the Catholic Church according to the contract concluded with the state. Because of the small capacity other children’s home also receive unaccompanied minors seeking asylum occasionally (Kunfehértó, Szeged, Makó Ópusztaszer, Szentes).³ Food is provided five times a day for all of them (it is mandatory to provide hot food once a day). Should special diet be required at doctor’s order, food will be provided accordingly and in the assigned homes the minors are also allowed to cook for themselves. According the law full board and care also includes a minimum 6 changes of underwear, 3 changes of night clothing and minimum 2 changes of everyday (home and street) overgarments in line with the season as well as casual and sports clothing.⁴

¹ Act LXXX of 2007 on Asylum
⁴ 15/1998. (IV. 30.) NM rendelet a személyes gondoskodást nyújtó gyermekjóléti, gyermekvédelmi intézmények, valamint személyek szakmai feladatairól és működésük feltételeiről. 77. § (1)
Pursuant to Article 24 (2) c) of the new Reception Guidelines and based on the order of the Ministry of Human Resources, as operator, Károlyi István Children’s Centre receives and provides child protection service for the unaccompanied minor refugees, who applied to the Office of Immigration and Nationality during their hearing. The minors applied to the Office of Immigration and Nationality, as authority, in order to be recognized as refugees or protected persons. In their case the provision of a language course to learn Hungarian language as soon as possible, the enrolment to school according to their progress and knowledge and their vocational training are added to the process of child protection care. During their work the employees of the Children’s Centre observe the cultural, religious and other life conduct differences of the minors. At the same time they help mutual acceptance and problem-free integration. They facilitate the management of physical, psychological and sexual traumas suffered earlier and during the escape. They attempt to discover the familiar and other relationships of the minors, they support contact and if there is a real chance and if it serves the interests of the minors they initiate family reunification. According to the experiences of Károlyi István Children’s Centre Hungary is not the destination of many received unaccompanied minors. Many of them only consider the country as a temporary transit station. It also means that they are more difficult to be involved in the community work of the children’s homes, they are not easy to be motivated to be integrated in the society as soon as possible. Subject to the conditions young adults reaching majority are placed in aftercare within institutional frameworks or they are helped by aftercarers to start an independent life.5

Young people in aftercare may be in institutional care for the maximum age of 25. Unaccompanied asylum seekers and unaccompanied minors already enjoying protection are placed together in the home for unaccompanied minors, which is a problem. It carries the risk of the latter also becoming the target of human traffickers, even doubly. As victims on the one hand, and as organisers of human trafficking networks. Joint placement is furthermore adversely influences the fruitfulness of the integration of minors under international protection.6

Although the reception and integration measures specified for unaccompanied minors are appropriate according to the law, the Hungarian child protection system in practice is not ready to receive the increasing number of children. Financial coverage and sufficient number of experts trained for this special purpose are missing. Unaccompanied minors primarily consider Hungary as a transit country and abscond from the children’s home within an average of 10 days to continue their journey, which is not a reason for not receiving and caring for them properly. Moreover, UNHCR and several civil organisations emphasise that prior to absconding from the children’s homes, in addition to other points the children also consider the reception and integration conditions, the opportunities of self-assertion, family

reunification, further studies and employment and all these influence their decision of absconding or staying in the system.\footnote{Kísérő nélküli kiskorúakkal kapcsolatos szakpolitikák, gyakorlatok és adatok (2014). Tagállam: Magyarország. page 17. Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/13b_hungary_unaccompanied_minors_hu.pdf (Accessed 10 August, 2015)}

**Support system**

Those granted international protection will have the same rights as the Hungarian citizens, therefore they are also entitled to receive supports, services and medical treatment specified in the Social Act. These people, however, often do not have precise information about these support opportunities. The Hungarian social welfare system is unfortunately not prepared to manage migrants: the lack of language knowledge, inappropriate knowledge of the law and occasionally prejudice hinder access to the services and supports.\footnote{Az 1698/2013. (X. 4.) Korm. határozattal elfogadott Migrációs Stratégia... ibid page 71. (Accessed 20 August 2015)} Should their minority be established asylum-seeker refugee minors will be fully subjected to the Hungarian child protection system, while refugee minors not seeking asylum shall be partially subjected to the Hungarian child protection system and will be entitled to home-providing services based on the Child Protection Law. Within the framework of the law these refugee minors will be entitled to full care including catering facilitating their bodily, mental, emotional and moral development, health condition and other needs, clothing, mental hygiene and medical treatment, nursing, education, accommodation and full care.\footnote{Article 45 (1) of Act No. XXXI of 1997 on the Protection of Children and the Administration of Guardianship}

The minors will receive pocket money monthly; they will not be entitled to allowance for orphans and other financial benefits until their legal age. Family allowance, from which they can save a small amount, will be available to them until the maximum age of 20. After reaching the age of 18 they will be entitled to monthly aftercare benefit; they will have to be responsible for their own catering and clothing and the home will only provide accommodation free of charge. Based on the child protection law only the minors receiving aftercare benefit, who were in temporary or permanent care for minimum 3 years, will receive homemaking support. There are only a few refugees meeting this condition. Only young refugees educated in school-system education institutions can stay in homes after reaching the age of 21. The children’s home will provide full board, accommodation and care, therefore they, as minors, will not be entitled to the benefits provided by the refugee law. As persons of full age they will not be entitled because of the aftercare benefit and family allowance. When family allowance is not provided any longer they lose entitledness because of the time effect of the supports. All in all the success of starting a life outside an institution is subject to qualifications the young people under international protection may obtain, with the help of which they will have better chances on the labour market. The other factors are whether they could save money, and if they could, what amount, during their life in the institution and how well they were prepared to independent life in the outside world. From the beginning of their
independent life they can apply to the local government of the district or settlement they live in for support.\textsuperscript{10}

Unaccompanied refugee minors applying for asylum under the age of 18 but recognised as refugee or protected person after their legal age are in a special situation. Only the recognised refugees and protected persons may be taken into temporary or permanent care before reaching the age of 18, therefore they lose all entitledness, which are provided by a home. According to the practice they receive the same services as any other – not vulnerable – refugee or protected person.\textsuperscript{11}

During reception the person seeking recognition is entitled to the following care and support: meeting the financial conditions of the reception, medical treatment, meeting the costs of education and upbringing, financial support. Forms of meeting the financial conditions of the reception: accommodation and board at the reception station, monthly free-use spending money, entitledness to travel discounts and the cost of the public funeral of the recognition seekers. Financial support: schooling support, support for leaving the country permanently.\textsuperscript{12}

Refugees and protected persons staying in the reception stations are entitled to the following care and support: further provision of the financial conditions of the reception, medical treatment, meeting the costs of education and upbringing, schooling support and support for leaving the country permanently. Forms of meeting the financial conditions of the reception: accommodation and board at the reception station, monthly free-use spending money, entitledness to travel discounts. Refugees and protected persons staying at private accommodation are entitled to the following care and support: medical treatment, support for leaving the country permanently, supplementary support of refugees and protected persons, housing benefit of the refugees and protected persons, support services provided on the basis of the integration contract and integration support.\textsuperscript{13}

Beneficiaries of temporary protection are entitled to the following care and supports: further provision of the financial conditions of the reception, medical treatment, meeting the costs of education and upbringing, financial supports, supports facilitating social integration. Forms of meeting the financial conditions of the reception: accommodation and board at the reception station, monthly free-use spending money, entitledness to travel discounts. Financial support: supporting the enrolment to school, meeting the costs of translating the documents and support for leaving the country permanently. Support facilitating social integration: free-of-charge Hungarian language training and regular subsistence support.\textsuperscript{14}

\textsuperscript{10} Az 1698/2013. (X. 4.) Korm. határozattal elfogadott Migrációs Stratégia... ibid page 73 (Accessed 20 August 2015)
\textsuperscript{11} Az 1698/2013. (X. 4.) Korm. határozattal elfogadott Migrációs Stratégia... ibid page 73 (Accessed 20 August 2015)
\textsuperscript{12} 301/2007. (XI. 9.) Korm. rendelet a menedékjogról szóló 2007. évi LXXX. törvény végrehajtásáról 15. § (1)
\textsuperscript{13} 301/2007. (XI. 9.) Korm. rendelet a menedékjogról szóló 2007. évi LXXX. törvény végrehajtásáról 37. § (1) (2) (3)
\textsuperscript{14} 301/2007. (XI. 9.) Korm. rendelet a menedékjogról szóló 2007. évi LXXX. törvény végrehajtásáról 37/A. § (1) (2) (3) (4)
There is no formal procedure for specifying the utmost interest of children in Hungary, which results in the competent authorities making discretionary decisions about the solution serving the utmost interest of children in case of unaccompanied minors. UNHCR cooperates with civil and government organisations in the interest of establishing the UNHCR-UNICEF BID (Best Interest Determination) procedure. The guidelines are expected to be issued and formalised practice will be introduced in Hungary in 2015.15

Right to education

The Fundamental Law of Hungary constitutes a key foundation for the protection of the children on the move. It ensures the harmony16 of the Hungarian and international law, guarantees the rights of migrants, forbids refoulement and extradition in specified cases and ensures asylum.17 Right to education, as a fundamental right however, is only granted to Hungarian citizens by Section XI of the Fundamental Law.18

The utmost interest of children observed, education is compulsory for every migrant of school-age. These migrants are granted international protection and have the same rights as Hungarian citizens, based on which they may participate in both public education and higher education. Non-Hungarian citizen minors in Hungary will be entitled to kindergarten care and compulsory education if based on the refugee act they have equal rights to the Hungarian citizens, if as persons exercising the right of freedom of movement and stay in Hungary or if third country citizens have residence permit to stay in the territory of Hungary and if the parent holds a residence permit valid for more than three months and is gainfully employed. Children applying for recognition as refugees may exercise this right from the date of submitting the application for recognition.19

According to the Act on Public Education the provision of access to education is the task of the state. In the field of free-of-charge kindergarten and primary education unaccompanied asylum seeking minors and minors recognised as refugees or protected persons have the same rights as Hungarian children. They can exercise these rights from the date of submitting the application for recognition. At the same time, however, unaccompanied non-asylum seeker minors, minors entering at the border illegally and minors victimized by human traffickers are only entitled to primary education free of charge pursuant to the UN Convention on the Rights of the Child.20 Unaccompanied non-asylum seeker minors, minors entering at the border illegally and minors victimized by human traffickers holding humanitarian residence permit

15 Kísérő nélküli kiskorúakkal kapcsolatos szakpolitikák, gyakorlatok... ibid page 18
16 Magyarország Alaptörvénye 2011. április 25. Q cikk 3. pont
17 Magyarország Alaptörvénye 2011. április 25. XIV. cikk
19 Az 1698/2013. (X. 4.) Korm. határozattal elfogadott Migrációs Stratégia... ibid page 71 (accessed 20 August 2015)
20 2011. évi CXC. törvény a nemzeti köznevelésről 92. § (1) (3) (4) (7)
can be enrolled to school, however the majority of the non-asylum seekers leave for unknown destinations before enrolment could take place. Furthermore, enrolment may take days or even weeks, in which the capacity of the receiving schools, and the motivation, attitude of the children also take a role. Unaccompanied minors placed in the Children’s Home in Fót are mainly enrolled to Budapest Technical Vocation Centre Than Károly Eco-School, Secondary School, Technical College and Vocational School but two other schools also accept migrant pupils.\textsuperscript{21} Primary education is provided for the unaccompanied minors placed in the Hódmezővásárhely Home at József Attila Vocational School in the town of Szeged. Minors enrolled to Than Károly school in Budapest attend integrated classes of 15 pupils and follow and intercultural timetable according to their needs. They have the opportunity to attend weekly 20 hours of practical work and language course and often have common programmes with Hungarian children. Asylum seekers placed in the Children’s Home in Fót are prepared for school integration within the framework of a separate project.

In addition to above the Refugee Mission of the Protestant Mission Centre civil organisation operates a school integration programme for unaccompanied minors recognised as refugees or protected persons financed by the European Refugee Fund. Teachers teaching Hungarian as a foreign language and social workers assist approximately 30 children for 1-3 years including the processes of enrolment to school, development, talent care and career orientation, during which period the assisted children receive a monthly grant and may participate in drama pedagogical and art programmes. A separate programme is run for unaccompanied minors facing aftercare.\textsuperscript{22}

**Summary**

Looking around in the world, in our smaller or wider environment, we have to face the fact that more and more minor children have to flee their home, their country. We are responsible for searching for answers and find the right way to solve the problem in a short time in accordance with the requirements of democracy. The fear from persecution, the breaches of human rights, armed struggle, disturbances, just as sexual and other exploitation, domestic violence, abuse or the “escape” from the military service are belonging to the main reasons for flight. Most of the children are motivated by the hope for new opportunities or the chance to meet their family members who are living in Europe already. In the last years, the growing number of unaccompanied minors is a new phenomenon and challenge in Hungary. Giving them the correct answer is one of the most sensitive and most complex challenge, including the educational system, the support system and accommodation system.

The conditions for refugee and asylum-seeking children have been improved by guaranteeing their legal right to education, involving psychologists in the determination of refugee status and through the establishment of a special residential facility for separated children but it has

\textsuperscript{21} Bródy Imre Vocational School, „Ésély” (Opportunity) Kövess Erzsébet Vocational School

\textsuperscript{22} Kísérő nélküli kiskorúakkal kapcsolatos szakpolitikák, gyakorlatok ... ibid page 25
been pointed out that the obstacles hindering family reunification among refugees could be improved by refraining from the application of financial conditions.