Social Inclusion and Access to Basic Services of Third-Country Nationals

Social Inclusion and Access to Basic Services of Third-Country Nationals (AccessIN)

Country report for Hungary

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1. Introduction

Although the Hungarian government has been complaining about the pressure of irregular migration, existing data does not support this argument. For instance, in 2022, there were only 800 cases of ordered expulsions by the Hungarian aliens police; only 678 court-ordered expulsions enforced; 700 persons deported under escort; 195 persons in detention by the aliens police; and 187 persons in a designated place. In the same year, 30 recognised refugees, 923 third-country nationals (TCNs) authorised to stay and 29.847 temporary protected persons were living in Hungary. Since 2015, the number of temporary guest workers employed in Hungary has increased more than fivefold- 80,000 in 2022 (Hungarian Statistical Office) and may increase up to 500,000 at the request of domestic or multinational companies. The number of foreign students from developing countries, family members of workers, and settled migrants has increased, together with the number of ethnic Hungarians from the adjacent states (given the flexible naturalisation procedure of around 1 million persons who are dual nationals).

Rhetorically, the Government has opposed the orderly, humane and legally consistent management of international migration, by focusing on law enforcement and criminal law measures divorced from human rights requirements. It took supportive measures for the benefit of some groups of TCNs in an ad hoc manner, mainly to encourage capital investments and to expand the higher education market. Therefore, the controversial, medium- and long-term goals and methods of the Hungarian migration policy remain unclear. As a result, there has been little debate on migration in the public power forums or in the media. Civil society organizations and academic circles were the ones mostly engaged in such debates, yet oftentimes only between themselves.

This report aims to provide a general overview regarding the access of third-country nationals living in Hungary to basic services. In doing so, the report focuses specifically on the following groups of TCNs: holders of a permit to stay and work in Hungary; seasonal workers; refugees and those benefitting from a protected status; family members of TCNs residing lawfully in Hungary and; long-term residence permit-holders. The report discusses their access to different basic services across five key policy areas: employment, education, healthcare, social assistance and housing.

As a general remark before discussing TCNs' entitlement to these basic services, it is important to keep in mind that, in Hungary, there are no separate ministries for employment/labour, education, health or social welfare (Hungarian Act II of 2022). Since 2011, ex lege, these domains have been divided into sub-fields that were put under the competences of several ministers. The coherence and effectiveness of the policies under study therefore depend on the coordination and balancing of interests between different ministries and on social/professional consultations. Due to the traditions of administrative and political culture, the mixed administrative profile of a single body results in weak

(social) policies in Hungary.

2. Social Inclusion and Access to Basic Services of Third-Country Nationals in Hungary

2.1 Employment

In August 2023, the employment rate in Hungary was 74.6%, while the unemployment rate for the 15-74 age group was 4.1%. In total, there were around 200,000 unemployed people, out of which 43,000 were aged 15–24 years old (thus accounting for 21.5% of the overall number of unemployed) (Központi Statisztikai Hivatal 2023). The average duration of a job search was 9.3 months, 36.6% of the unemployed were looking for a job for at least one year, while unemployment benefits are paid for up to 90 days. As a result, around 40% of the unemployed receive neither unemployment benefits nor social benefits, i.e. they are unprovided. At the same time, the number of registered job seekers reached 229,000.

Although there is still a significant labour reserve in Hungary (including both national citizens and foreign residents), its incorporation into the labour market can only be achieved by spending significant state resources. The government intends to import the missing workforce from abroad in a targeted manner- through intermediary companies, the Guest Workers Act, and relaxed entry and employment regulations. Due to the very low level of short-term unemployment benefits, retraining and social transfers, individuals able to work face an enormous pressure for taking any job. Such pressure is coupled with a reduction in workers' rights and trade union operations. More and more people are also employed through temporary-work agencies, which discourages trade union membership and the enforcement of workers' rights.

In general, the employment of TCNs in the private sector in Hungary is possible for those who hold a residence permit issued on the basis of a consolidated application procedure or on the basis of a residence permit and a work permit issued separately, although TCNs are exempted from the work permit in case of employment with a qualified lender for a maximum of 2 years or in other cases specified in the Government Decree (e.g. in view of international conventions, labour market considerations, family circumstances). The employment of seasonal workers is also possible according to specific rules for seasonal work. The Ministry of National Economy establishes an annual employment quota for TCNs, thus stipulating the maximum annual number of TCNs needed in total and by sector, as well as the types of work for which they are not authorised. For instance, according to the Decree No. 19 of 2015 (July 3) of the Ministry of National Economy, the maximum number of TCNs who can be employed in Hungary with a work permit at the same time was 62,000 for the year 2022. TCNs holding residence permits issued on the basis of a consolidated application

procedure and who have been employed in Hungary for at least 6 months have the same rights as Hungarian citizens with regards to registration as jobseekers and to unemployment benefits.

In October 2023, the government announced that it will not implement the Act on Guest Workers (Act L of 2023) and will instead introduce new legislation to tighten rules on immigration and employment in view of protecting the Hungarian workforce and the Hungarian population. It will revise the existing legislation applicable for foreigners, clarifying that temporary residence and work in Hungary is only allowed for the purpose, title and conditions determined by the Hungarian state- and subject to the state's decision to do so. However, the law explicitly regulates the residence of guest workers in Hungary in a strict manner, as TCN guest workers with a permit to stay and work in Hungary are entitled to reside in the country for a maximum of 2+2 years, and may not apply for any other type of residence permit, nor they can bring their families to Hungary.

2.2 Education

In 2022, a nationwide wave of students, parents and teachers protests was launched against years of underfunding of the public education sector, the worrying shortage of teachers and the removal of professional autonomy from schools. In April 2023, the Hungarian Constitutional Court refused to review the legislation regarding teachers' right to strike on the grounds that it is unconstitutional. The teachers' unions organised different protests and solidarity strike days throughout the spring and summer of 2023, as the government continued to refuse to make an acceptable offer on the unions' labour and wage demands. Instead, the amendment of the Public Education Act and the new Status of Teachers Act from September 2023 have further restricted the powers of teaching staff and made it easier to dismiss dissatisfied teachers. The status of teachers as civil servants has been abolished and the number of compulsory lessons and other school work and administrative burdens have increased, leading to more teachers leaving the profession. The government also made the salaries conditional on the arrival of EU funds- and in the near future, it will give even less than inflationary pay rises to graduate teachers who have been teaching for decades, even well below the average salary in Hungary.

Considering these tensions, the education of TCN students or the school integration of pupils for which Hungarian is not their mother tongue remains a marginal issue. The existing regulations stipulate that TCNs are entitled to kindergarten care (3-6 years old) and compulsory schooling in Hungary (6-16 years old) if the parent and child have permission to stay in Hungary for at least 3 months, or if the TCN arrives with an invitation letter from the minister. Once these conditions are verified upon admission to the educational institution, TCNs can use kindergarten and school education, dormitory care and the assistance of the pedagogical specialist service (e.g. speech therapy,

school leaving examinations, early development) in the same way as Hungarian citizens, until the end of studies started at the time of compulsory schooling, but no later than before the age of 18 (secondary school training). In all other cases, unless there is a law or an international treaty to the contrary, TCNs pay a fee which may not exceed the proportion of expenses per student for the professional task. The director of a public educational institution may reduce or waive the fee based on the rules determined by the maintainer.

Catching up and integrating TCN children into the Hungarian school system remains incidental because its personal and methodological conditions are largely lacking. It is funded up to the mandatory number of hours per week for teachers, as there is no specific financial framework or incentive for catch-up activities (e.g. provision of small groups or individual lessons, specific materials, demonstrations, etc.). Moreover, there are no targeted public programs or schemes in Hungary to help resident TCN youth to continue their studies in higher education institutions in the country- although universities may offer language-vocational preparatory courses on their own initiatives.

2.3 Healthcare

Over the past decade, the public healthcare sector has not been a governmental priority in Hungary. Healthcare spending represented only 7.3% of the GDP in 2020, while 27% of it is financed by clients. Moreover, Hungary's single-payer system ranked 29th in the 2022 World Index of Healthcare Innovation, down from 27th in 2021 and 25th in 2020, respectively. The country is also ranked 15th in Fiscal Sustainability, primarily due to its relatively low healthcare spending.

In general, the following categories of individuals are eligible for healthcare in Hungary: (a) persons who are mandatorily insured; (b) who have a contract with a health insurer; (c) TCNs as defined in international (bilateral) agreements and; (d) who belong to a defined group as designated by law to finance from the municipal/state budget (persons in need). When it comes to TCNs in particular, their access to healthcare is similar to that of Hungarian citizens, with the challenges that this entails in a sector struggling with a serious crisis. The legal regulations provide equality, regardless of individuals' nationality or legal status, in the health insurance/social insurance (mandatory or established by individual contract) legal relationship. Refugees also have the same rights as Hungarian citizens. The procedure for accessing healthcare is based on the verification of the individual's legal status and the verification of the insurance relationship, so in fact, there are individual differences within the categories of TCNs as well. Moreover, there are no specific schemes or programmes to ensure qualified interpretation services in health centres or hospitals and the description of health-related benefits and procedures is available only in Hungarian.

The key principles of the public (single insurance-scheme) healthcare system, which covers almost the entire resident population, are stable: financial benefits can only be obtained based on the social security legal relationship; health insurance/care is basically in kind; the obligation to provide care is territorially based, i.e. charged to the institutions providing primary and specialized care according to the location of the place of residence/workplace/school; benefits of medicine, bandages, medical devices and dental care are operated on co-finance, in which the ratio and selection to be paid by the patient is fixed by the law.

The difficulties in accessing care for TCN persons can be significantly explained by these principles and individual eligibility verification:

- In the absence of a social security identification number, any other documents or explanations do not guarantee the stable access of third-country nationals to healthcare;
- The territorial care obligation does not guarantee stable access if migrants have not registered their place of residence, family documents, and medical history. This hinders access to healthcare especially in municipal areas where TCNs are more demographically concentrated, particularly in some parts of Budapest;
- Neither the regional nor the national health institutions are well prepared to adequately respond to migrants' healthcare needs (especially in particular domains such as paediatrics, gynecology, psychiatric treatment, psychological support, care of infectious diseases, vaccinations not related to age);
- The communication in a foreign language in the healthcare sector remains weak/incomplete. This is often coupled with lack of information, trust or sensitivity in the public administration, healthcare providers, municipalities and also on the part of TCNs.

2.4 Social Assistance

The National Bank of Hungary's household wealth survey helps to map inequalities in the country. It shows that 63% of households receive wages, 46% receive state pensions and 28% receive some kind of social benefits (family allowances, social benefits, state scholarships, etc.).

In Hungary, social benefits in cash may be granted to individuals to supplement or replace their income or personal situation deserving special consideration, following very detailed requirements on monthly income in the family, care for old/disabled family member in the same household, cooperation with social administration, etc. (Act III of 1993, § 25). There are several categories of means-tested cash benefits that can also be accessed by different groups of TCNs:
a) support for long-term care workers in old age- applicable also to refugees or holders of a long-term residence permit (in 2023: up to 50,000 HUF/month);

b) support for the elderly person (without own pension) – applicable also to refugees, TCNs holding a permit to stay and work in Hungary, and long-term residence permit holders (in 2023: 32,785 HUF up to 52,045 HUF/month depending the family income per capita);
c) aid to replace employment in working age – applicable also to refugees and holders of a long-term residence permit (in 2023: 22,800 HUF/month);
d) disability and childcare allowances for persons in working age – applicable also to refugees or holders of a long-term residence permit (in 2023: 27,075 HUF/month);
e) home care benefit for children for persons in working age – applicable also to refugees or holders of a long-term residence permit (in 2023: 232,000 HUF/month);
f) nursing benefit for home care of a relative - applicable also to refugees or holders of a long-term residence permit (in 2023: 45,665 HUF up to 82,200 HUF/month);
g) municipal aid as defined in the municipal decree – applicable to all categories of TCNs analysed in this study, except for refugees.

2.5 Housing

In Hungary, 1% of the population owns 33.5% of the total household wealth, which is an outstanding concentration of private wealth in the world. Typically, residential property is the most valuable household asset, so the degree of inequality is strongly influenced by the proportion of people living in owner-occupied property. According to the wealth survey, 86% of Hungarian households live in owner-occupied property, while 92% of the population are home-owners. However, the prices of real estate and housing rental costs have increased, which created a particularly large housing crisis for both Hungarian citizens as well as the most vulnerable groups of TCNs living in the country.

TCNs may purchase apartments and business premises only with official permission, which effectively precludes them from acquiring housing at a price significantly lower than the market price. In turn, the rental conditions are universally formulated- although several factors may still hinder, in practice, the access of TCNs to rented apartments or houses. For instance, several subsidies and schemes exist in Hungary to stimulate renting and home ownership. The nature of the rules does not formally excludes TCNs, but they often find it more difficult to meet the conditions compared to Hungarian residents (e.g. sufficiently long employment and social security status, marriage/certified partnership, registered address in Hungary, dependent children in their own household in Hungary, credit assessment and sufficiently high lawful monthly income) and a permit to purchase a home from the government office (the time for which and fee are already additional conditions).

From 2008 to 2016, housing allowances also existed specifically for beneficiaries of international protection (subsistence allowances, integration contract), but these ended by 2018, existing places in reception centres were reduced, and EU funds supporting organisations (MMIA) were not made

available by the government. Since 2019, a beneficiary of international protection can stay in the reception centre for 30 days after obtaining the status, and if he/she does not arrange their own housing during that period, there is a good chance that they will be placed in a homeless shelter. On the other hand, there are no specific initiatives or programs in the country to prevent, monitor or fight discrimination of TCNs in the private housing market. Only under the Equal Treatment Act, a department of the Ombudsman's organisation deals with initiating proceedings for discrimination or threat of discrimination in the field of housing (*Egyenlő Bánásmód Főigazgatóság – Alapjogi Biztos Hivatala*).

The quickest solution for dealing with the housing issues faced by third-country nationals would be the creation of social housing agencies to incentivise private, public and municipal owners of vacant, uninhabited houses to rent such houses to foreign residents. This can be achieved by regulating tax and social aspects, providing discounts and ensuring suitably trained staff. Some experiences in the capital/district have only started to take shape. The minister responsible for housing/building issues communicated in July 2023 that the government was working on a suitable bill, but without making references to third-country nationals. Since the development of a comprehensive integration and housing policy by the government is not visible, only small steps can be proposed.

3 Conclusions

Recommendations for ensuring the access of TCNs to high-quality, adequate, predictable healthcare and housing in Hungary:

- Public consensus to increase healthcare spending, including preparing to adequately address migrants' healthcare needs (especially capacity expansion in paediatrics, gynecology, psychiatric treatment, psychological assistance, treatment of infectious diseases, vaccinations not limited to age);
- In the absence of a social security identification number, the clear and simple design of alternative certificates and documents also in the eHealth space would facilitate migrants' access to healthcare;
- Providing care to TCNs in cases when their residence is not registered, the applicants have other identification documents, or lack a medical referral;
- More flexible financing of healthcare providers and replacement of co-finance or flexible financial support for certain groups of TCNs (seasonal workers, refugees, and family members of TCNs legally residing in the country);

- Use of foreign languages and easily understandable signs, distribution of informational materials/leaflets also on websites, and inclusion of the need to protect and support TCNs' rights as part of the continuing education/training of healthcare and administrative workers;
- The plan of the Periphery Centre aims to present immigrant entrepreneurs as a group actively shaping the city and make visible the processes through which migration is closely linked to the redevelopment of 'brown-field' (rust-belt) sites in cities with a typical capital shortage and in some neighbourhoods. This would allow recognising that small-scale local investment and the activities of often stigmatised minority groups are important. Moreover, the moratorium on evictions can be extended, as the Commissioner for Fundamental Rights (Ombudsman) asked for. To use all available resources, it is also necessary to systematically identify and cooperate with immigrant communities, and the informal or formal organisations that have played a role in improving the housing of refugees in Hungary. It also requires institutional cooperation among NGOs, municipalities and social institutions, as already proposed by the Hungarian Association for Migrants.

Beyond the existing dispute on open-gates for guest workers, some aspects deserve attention to improve TCNs' access to the Hungarian labour market:

- In Hungary, the state provides free access to two professions and a vocational qualification for everyone: in the case of the first profession, until the first vocational certificate is obtained; in the case of the second profession, for three academic years; in the case of a vocational qualification, until the first qualifying examination is completed. This means school-based training, i.e. 1-2 years of full-time/part-time training and apprenticeship per profession, usually after upper secondary education. Until then, there is no income and no cover for travel and learning materials for the trainee, so for adults, self-care costs can be covered by credit or family. Many people are therefore unable to make use of this right. The courses are in Hungarian and language training is not covered by the vocational training.
- Employment rates in Hungary are very high, but there is still a spare labour force: Roma, long-term unemployed, unskilled, rural working-age population. The overall domestic adult education and training should receive a much larger share of the labour market fund, fed by contributions from workers and employers and/or through tax incentives. If this adult education were to be developed nationally, it could be relied upon to prepare newcomers and resident TCNs for Hungarian language and vocational training and further profession training/education, i.e. not ghettoised and not just in 1-2 big cities.
- The only way to overcome the Hungarian language isolation is through cooperation between employment centres, municipalities and civil organisations, i.e. to develop appropriate communication skills in the market, public services, NGOs, churches and public authorities to

inform and assist TCN residents. A few websites are not enough: personalised, accessible information is needed, also in foreign languages.

- Half of unemployed people are unskilled in average, so social, employment and training objectives and resources must be coordinated, with non-contributory support being provided for a period of time corresponding to the average time needed to find a new job in a given region.
- The regulations on social benefits in Act III of 1993 and the requirements for entry and residence of TCNs in Hungary (Act II of 2007) are not in harmony. Clear information as to which means-tested benefits TCNs can qualify for and for how long they can receive such benefits, without risks, is needed. Although equal treatment with Hungarian citizens is formally enforced, in reality, many TCNs cannot meet the conditions of the complicated procedure conducted only in Hungarian. Such procedure should be well-communicated to them. The integration of refugees, even if there is no separate integration institutional system and inclusion services are lacking, would be facilitated by the proposed solution. The long-term goal could be to develop an integration policy with a significant increase in the adequate capacity and resources of social services implementing the common EU principles and provisions, too.

The public education system in Hungary is seriously dysfunctional, and only in the long term can the devastating social effects of this crisis be remedied or, at least, mitigated. Several steps could be envisaged for improving the inclusion of migrant children into the Hungarian public education system:

- The collection of data on TCNs (and other foreign) children must be solved, in order to better understand and address their needs. For the moment, it is not known how many refugee children are enrolled in Hungarian kindergartens or schools, nor there is information on which specific languages they speak/understand, their household situation, etc.;
- As there is currently no assessment of migrant children' abilities and needs, individual development plans for TCN children would be required;
- To avoid TCN pupils and students spending too much time in only spontaneously learning different subjects or the Hungarian language, an adequate number of multiculturally trained teaching staff must be ensured. It should include teachers experienced in integration, equal opportunities and personalised methods, able to apply catch-up methodology, and teachers teaching Hungarian as a foreign language;
- The current lack of information, communication and trust between schools and TCN parents and children must also be addressed.

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