

Country Report Hungary

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The INTEC project:

*Integration and Naturalisation tests: the new way to
European Citizenship*

This report is part of a comparative study in nine Member States on the national policies concerning integration and naturalisation tests and their effects on integration.

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Introduction

1. There are three different ways to legally test the level of integration in Hungary:

- a) Adult refugees must participate in a Hungarian language course (520 hours) and optionally in an integration course as a precondition for receipt of the monthly 100 € per capita welfare benefit (Act LXXX of 2007 on asylum) but its result and evaluation have not been defined. Furthermore, these provisions are under modification, proving the absence of a consolidated refugee and integration policy. It should be added that the instruments of integration for refugees and internationally protected persons are intended to directly target these groups. But its practice has been ineffective. For instance, the OIN started a pilot project providing vocational training for 30 refugees but their Hungarian language knowledge was below the required level, so the first period of the training consisted of an additional 500 hours of language training for the extremely motivated participants. (2011-2012, EIF funded project).
- b) The integration of long-term migrants (settlement residence permit holders) is inherently evaluated by the authorisation of permission, its withdrawal or expulsion process but there has been no formal testing method since 2007 (Act II of 2007 on entry and residence of third- country nationals in Hungary). This assessment covers the migrant and his/her family members' self-subsistence in Hungary, and in the case of removal whether complete integration into Hungarian society would hinder his/her expulsion based on the principle of proportionality. The personal and family conditions – indirectly the level of the migrant's integration – must be evaluated in the procedure for expulsion or removal by the police and the court but they are far from being testing methods. The practice and interpretation of integration cannot be researched without information on decisions and the inspection of the files of individual cases. However, the confidentiality of migrants' personal data must be respected and their consent as well as the consent of the proceeding authority is required prior to investigation and analysis. This research came within this framework. Below is a summary of the major substance of the long-term migrant's status compared to the temporary residence permit holders (TCN) that might explain the concept of integration:
 - the temporary permit holder has to obtain a work permit unless s/he is an employee. In other words, the purpose and length of residence are strictly controlled and limited. Moreover, permission issued on the grounds of residence for family reunification or studies does not give entitlement to employment, while the long-term migrant is eligible for employment without a work permit, or to *invest* or to study without permission;

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- the temporary permit holder is not eligible for family care and social benefits (e.g. child benefit, handicapped person's benefit) but a long-term migrant is eligible;
 - if the temporary permit holder is a minor s/he is not eligible for free schooling (if s/he has lived in the country for less than one year) but in practice elementary and secondary schools are flexible; vocational training is more restrictive and temporary permit holders are not eligible for this training;
 - if the temporary permit holder has no voting rights at local elections and referendums while refugees and long-term migrants are eligible to vote.
- c) There is a formal examination on constitutional basics as part of naturalisation. This research covers only the practice and policy of this testing method.

2. The test of integration for applicants of naturalisation was introduced by the Act on Hungarian Nationality in 1993. Implemented since October 1993 it has not been researched in details, and the meaning of the test is analyzed in some publications (Tóth, J.) dealing with the integration of migrants. It means neither governmental evaluation nor assessment of NGOs, other academics has been released on integration test in practice. The statistical data can be used only in part in this context because collection of information are based on age groups, nationality or sex of migrants while number of tested persons or examination takers is not gathered by the Central Statistical Office (KSH, Budapest). Its yearly Statistical Book (2007/2008) was the main source for statistical analysis beyond the expert estimations.

3. There were no surveys on naturalization but certain secondary analysis of existing data is going on that is financed by the European Integration Fund (Hungarian Academy of Sciences – ICCR, 2010) taking into accounts my prior publications and results. Moreover, in May-June 2010, I conducted 12 interviews with public officials at central and regional level, examiners and representatives from two very active NGOs. Furthermore, I contacted by phone or spoke personally with 15 migrants taking the examination or participating in the preparatory courses. Five immigrants had taken the examination successfully. Altogether the opinions of 25 migrants were gathered.

In April of 2010, I investigated 100 files on naturalisation in the Office for Immigration and Nationality Affairs (OIN). This office now belongs again to the Ministry of the Interior (as it did in 1993-2006 but in 2006-May 2010 it was subordinated by the Justice and Law Enforcement). The OIN in June 2010 was divided into two units, and immigration belongs to the re-established Ministry of the Interior and the nationality affairs to the competence of the Ministry of Justice and Public Administration. These files of ongoing cases prove well the ambiguities of testing method and can give a precise picture of applicants' ratio (citizenship, life carrier, language, examination obliga-

tions) in the context of integration. Naturally, it was a fast picture but in absence of statistics and surveys this randomly selected files of individual cases provide good basis for further researching direction and conclusions, too. I must emphasise that there was a shortage of available information and statistics on the level of integration of migrants. The implemented sources are listed in detail at the end of the report.

4. In this report, the analysis of *legal regulation* is based on the Act LV of 1993 on Hungarian Nationality with numerous amendments, and its Governmental Decree No. 125 of September 22 1993, on implementation of the Act as well as its modifications. These legal rules have, of course, been implemented for years in the OIN. There are some references to regional differences in the examination method set up by the *internal rules* of the Regional Public Administration Offices that have been investigated in interviews and via various websites. However, these offices as well as the OIN are in the middle of changes due to the reforms in public administration by the new government (since June 2010). On the other hand, the new Parliament adopted a modification to the Act 1993 in May 2010 (Act XLIV of 2010 amending the Act LV of 1993 on Hungarian Nationality):

- providing an accelerated and simplified naturalisation procedure for all applicants who can speak Hungarian and are of Hungarian origin but who have no residence, settlement in or contacts with Hungary. This new version of ethnic preference replaces the current one, and these applicants do not have to take the examination on constitutional basics; and
- requiring all applicants for re-naturalisation (expatriates who have previously had Hungarian citizenship) to have the ability to speak the Hungarian language.

The modification of the executive Government Decree (No.224 of 2010, August 4) entitles the officials in the OIN and local areas (registry office) to attest to the Hungarian language knowledge of the applicant for naturalisation or re-naturalisation by giving a signature on the lodged format. In this way the method of language testing is totally at the discretion of the official without any formal requirements for control or proof of linguistic competence. These amendments enter into force in January 2011 and thus we have no practical information on implementation. In future:

- *all applicants in the non-preferential naturalisation must take an examination on constitutional basics in Hungarian unless they obtained elementary/secondary/tertiary education certificates in Hungarian (elsewhere);*
- *all applicants in ethnically based preferential naturalisation and re-naturalisation have to prove language knowledge without formal requirements and formal testing methods.*

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Consequently, *two separate 'testing systems' will be set up in 2011: one for ethnic Hungarians without objective testing method in language ability and one for others with formal exam including the linguistic ability, cultural and constitutional knowledge discriminating the non-native applicants. The double standards would be strongly criticised for exclusion effect.*

Chapter 1: On the test and debates

1. The Act on Hungarian Nationality (1993) introduced the examination of constitutional issues that have to be taken in the Hungarian language by applicants for naturalisation. The executive rules governing the Act regulate procedural issues, including the topics of the oral and written tests and the examination competence of county administrative offices. Although this idea or requirement was an entirely new concept in naturalisation in 1993, the Explanatory Report to the Bill gives a short reasoning for its introduction:

‘The obligation to take the examination in fundamental historical and constitutional knowledge based on the language competence of applicant for naturalisation is known in international practice. It is a legitimate expectation that applicants of majority age should be in possession of this knowledge by passing an examination demonstrating their attachment to Hungary.’

2. In 1993, following the growth in migration pressure, all political parties supported some restrictions on the acquisition of Hungarian nationality, including the examination requirement. However, the liberals and socialists urged regulation (in the Act or in the executive decree) on the substance of the examination and procedural rules. For instance,

‘It is crucial to define which body is entitled to evaluate the examination and how the examination shall be taken, because these conditions shall not be so difficult that ordinary people are unable to give answers’ (Szigehy, I. – MP of Free Democratic Alliance, 6 April 1993).

On behalf of the Government, the state secretary summarised the response to the criticism:

‘Despite the discussion on the name and substance of the examination, the Government intends to keep the original proposal in the Bill because the examination on constitutional basics taken in the Hungarian language would best serve our aim through the introduction of this novelty. However, the government accepts the proposal from opponents, specifically that the examination also be required of ethnic Hungarian applicants, thus they would have to demonstrate their knowledge of Hungary and our constitutional system’ (Dr. Fabian Józsa, State Secretary in the Ministry of the Interior, 1 June 1993).

Summing up, in the absence of past experience, the examination is based on two pillars: the linguistic ability of the applicant and his or her knowledge of the constitutional, cultural and historical heritage of Hungarians.

3. The integration test is applicable in the naturalisation procedure. The successful examination must be taken on basic constitutional knowledge and it is a precondition to the submission of the application for naturalization. Within the classical meaning of the test, the level of integration has not been formally measured in other migrant groups. Moreover, there is no interaction or formal connection between the preconditions of residence, settlement or integration and the test (examination) for naturalisation. For example, the level of Hungarian knowledge has been determined in the test (for refugee/long-term applicant's language) neither by the nomenclature of the Council of Europe (A1, A2, B1...) nor by a threshold of competences.

4. The introduction of the examination on constitutional basics has been neither discussed nor evaluated in a comprehensive way since 1993. Public dialogue has been limited, involving only OIN clients, some MPs and journals. However, two aspects were discussed in a wider publicity, including the plenary session of the parliament:

4.1. The fee for the examination was fixed in 1993–2001 at 50 percent of the legal minimum monthly salary. Following complaints from the press and some MPs – not directly from the applicants – the power to grant a fee reduction or exemption was given to the leader of the regional administrative office. His discretionary power was based on equality at the request of the applicant in the naturalisation procedure and the Code of Public Administration Process (1957) had to be implemented, taking into account individual conditions. This may represent a controversial migration and kin-minority policy. On the one hand, means of subsistence are required of an immigrant, but ethnic Hungarians, as the most typical applicants for naturalisation from poorer adjacent states, are exempt from the reasonable examination fee. Secondly the fee was fixed at HUF 28,000 (approx. € 120) in 2003, maintaining the possibility of reduction or exemption upon request. And thirdly, under political pressure from a failed referendum (5 December 2004) on *ex lege* acquisition for ethnic Hungarians living in an adjacent state (dual citizenship), the examination fee was reduced for all to € 20 without a deeper analysis of the real management cost of the examination or the financial threshold for applicants. This symbolic amount has been criticised by the regional administrative offices organising the examination. It should be noted that the naturalisation procedure has been free of charge only for all kin-minority applicants for naturalisation – while non kin-minority applicants are subject to the payment fee.

4.2. The personal scope of whom shall take examination and what will be the conditions of exemption. Between 1993 and 2001, only minors were exempt from taking the constitutional examination. Further reasons related to mental and physical conditions were tacitly applied without formal exemption (e.g.

an applicant suffering from dementia was only formally examined) because the regulation was incomplete. The main reason for public debate was the exception made for immigrant students studying for a certificate in Hungary. Naturally, they have strong linguistic skills in Hungarian and are familiar with daily life, are settled and have family here. This amendment, together with the exemption on health grounds and legal incapacity, was adopted by the Parliament without oppositions in 2001. A new exemption from the constitutional examination was introduced in 2006, when it was decided that the examination was not required for *'persons who graduated in the Hungarian language from a school or educational institution or institute of higher education'* (Article 4/A b). This meant that naturalisation was further facilitated for ethnic Hungarians. These exemptions from the examination have become so widespread that many question the function of the test of a migrant's integration level and basic knowledge of common values, unless it means covert discrimination against non-ethnic applicants.

5. Two other components of regulation have been discussed but only by experts in periodicals, or at conferences:

5.1. The substance of the constitutional examination: the issues were defined in 15 topics in the Appendix to the Government Decree that was later reduced to 9 topics. At first the textbook (Basic knowledge for citizens) for pupils aged 14 years was offered as material for the examination. Later, various home-made printed materials were developed by administrative offices because the textbook was withdrawn by the Ministry of Public Education. Finally, a common textbook was ordered by the Ministry of the Interior. As the textbook was published in 2006, the list of topics in the Appendix to the Government Decree became wider without any explanation of why the original material of the constitutional structure and state symbols has been gradually extended to literature, art, science and the national history of Hungary. This thematic enlargement was an internal decision by the Ministry of the Interior and the amendment of the Appendix was passed as a technical requirement rather than an important instrument of reception policy.

5.2. The documentation of examination: in the wake of corruption cases (1995-2000), by-laws on the examination process had to be accepted by each county/regional administrative office and the official format of the documents was also determined in 2001. The certification of the examination was issued by the county/regional administrative office, and the protocol based on the examination process was regularised. Furthermore, the examination certificate was described as a *'security document'*, requiring common data and updating conditions in order to avoid abuse, falsification or abusive actions against these documents, in the same way as other documents relating to nationality, marital status or the identity of individuals.

6. On 5 December 2004, a referendum was held on whether Hungarian citizenship should be offered through preferential naturalisation to ethnic Hungarians living outside the borders of the Hungarian state. The referendum raised the option of the removal of all residency requirements from the pre-conditions for obtaining Hungarian (as second) citizenship upon request at consular offices. In brief, dual citizenship inspired a polarised and harsh debate in contemporary Hungary, but the possible role of the constitutional examination or other integration test was not mentioned.

7. The new epoch in the history of testing inside the naturalisation procedure started in May 2010. After the general elections a Bill on the amendment to the Act on Hungarian Nationality was submitted to the Parliament (17 May 2010). This was formal proposal from five deputies of the winning party-coalition (People and Christian-Democratic Parties) but it substantially reflected the principles of the nationality law by the new ruling power, so it was urgently submitted and discussed. The new Government was set up later. Consequently, neither the administration, nor public opinion leaders (academics, NGOs, social partners) were involved in the debates. The Act XLIV of 2010 amending the Act LV of 1993 on Hungarian Nationality was passed by the plenary session on 26 May 2010. Not surprisingly, the text of the Bill was not changed or improved by the Parliament due to the high speed of the legislation. The President signed and promulgated it in the Official Gazette soon afterwards (Magyar Közlöny 2010/89). Although the President is entitled to request a re-discussion by the plenary session or a review of the passed act by the Constitutional Court, he did neither. He signed the Act as an expression of his legal and political acceptance.

8. The modification providing accelerated and preferential naturalisation for applicants of Hungarian origin, will enter into force on 1 January 2011. The modified executive rules to the amendment were postponed to early August due to the changing competence of ministries. Namely, nationality issues move to the Ministry of Justice and Public Administration from the Office for Immigration and Nationality (OIN) under the auspices of the Ministry of the Interior. This means that nationality affairs have been separated from immigration issues, the OIN has been reformed, and the newly established Ministry of the Interior will not be responsible for Hungarian nationality law, breaking away from a traditional competence of the Ministry of the Interior since 1879.

8.1. What are the major changes in the law? The non-preferential conditions of naturalisation will contain a more restrictive public order requirement [Art.4(1)d]. Accordingly, a non-Hungarian citizen may be naturalised upon request if his/her naturalization is not considered to be a threat to the public order or national security of the Republic of Hungary – instead of a threat to

the interests of the state. The most preferential naturalisation will be provided for a non-Hungarian citizen whose ascendant was a Hungarian citizen or whose origin from Hungary is probable, and whose Hungarian language knowledge is proved. This applicant has to meet further requirements: according to Hungarian laws, the applicant must have a clean criminal record and no indictments in any criminal proceedings before the Hungarian court; and his/her naturalisation must not be considered to be a threat to the public order or national security of the Republic of Hungary [Art.4 (3)]. In brief, neither residence, self-subsistence in Hungary, nor examination on constitutional basics is required. Furthermore, knowledge of the Hungarian language need be proved for persons who are legally incompetent or who have diminished capacity [Art 4(8)]. These applicants (minors, mentally disabled persons) can be exempted under the discretionary power of the authority. In this case, they can submit without any test or certificate their own claims for naturalisation. According to the Explanatory Note to the Bill the most preferential naturalisation refers back to the referendum (5 December 2004) that was not valid. According to its data the majority of participants supported to the acquisition of Hungarian citizenship upon request without residence in Hungary (for ethnic Hungarians living in adjacent states).

8.2. Furthermore, the new amendment covers re-naturalisation. Accordingly, upon request, a person whose Hungarian citizenship has ceased whose Hungarian language knowledge has been proved, and according to Hungarian laws, has a clean criminal record and is not being indicted in any criminal proceedings before the Hungarian court and his/her naturalisation is not considered to be a threat to the public order or national security of the Republic of Hungary can be re-naturalised [Art 5]. This new term neglects residence and self-subsistence in Hungary while the applicant's language-knowledge shall be tested or certified somehow. There is no explanation to these changes in the Explanatory Note.

8.3. Finally, the recent modification means some changes in procedural and competence rules on nationality affairs. An applicant for naturalisation must take an oath or pledge of allegiance before the local mayor, but if not resident in Hungary s/he must take it before the representative of the competent foreign mission for Hungary. The OIN must prepare the applications for naturalisation and re-naturalisation, and finally forward them to the Minister. The length of ministerial preparation will not be longer than 3 months not including the periods for obtaining the required documents and expert opinion from other authorities. Within these 3 months the Minister has to submit the applications to the President for decision [Art 17(2)]. This new subsection means an accelerated procedure instead of one lasting years. However, the Government Resolution (No.1162 of 2010, August 4) provides almost 300 000 € as an additional sum for further personnel and resources for these extra

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administrative burdens, while the entire naturalisation procedure remains free of charge for all applicants. The Government Resolution does not ensure an extra budget for regional/county/capital administrative offices because the number of examinees is not increasing. However, since January 2011 the fee for the examination on constitutional basics paid to the county/capital administrative office will be about 120 € instead of the current 20 €.

Chapter 2:

Integration test in the naturalization procedure in details

1. In the following pages I describe the legal and practical applicability of the test inside the naturalisation procedure, based on the of provisions in force since 1993 and research conducted with the applying migrants, two NGOs organising free preparation for the examination and officials.

2. In non-preferential, basic cases of naturalisation, the applicant must meet all the following requirements: permanent residence in Hungary for 8 years while in possession of a permanent residence permit or an EEA nationals' registration card, a clean criminal record and no current criminal proceedings, proven means of stable livelihood and residence in Hungary, the naturalisation must not violate the national interests of the state and the applicant has to pass an examination on the basic constitutional issues, which must be taken in the Hungarian language.

3. The test contains two parts: (1) a written and (2) an oral examination, both has to be taken within half a working day. In the written part, the applicant has to give short answers to questions in sentences within one hour, and the oral examination is a guided dialogue on two topics from the issues determined by the Government Decree. The conversation takes about 20 minutes per examinee.

3.1. The 21 topics of the examination are clearly defined in the internal rules of the administrative offices, as determined by the Government Decree and the textbook published by the Ministry of the Interior in 2006. The textbook is available – sometimes only in principle – in bookshops. The unified textbook for Constitutional basics has 120 pages and covers the following parts: (i) Hungary in Europe, a brief history from establishment of the state in the 10th century to the constitutional reform of 1989; (ii) national symbols and holidays; (iii) outstanding personalities and authors in fine art, literature, music and science in Hungary, including the historical monuments and eras of artistic style; (iv) basic institutions in the constitutional system (structure of public authorities, legislation, courts, public administration, political parties, trade unions); (v) fundamental rights and commitments of citizens (e.g. taxation, military service); (vi) Hungarian nationality, naturalisation, statelessness and dual citizenship. At the end of the main parts are questions directing the reader's attention to and lexical knowledge on the lesson e.g. For example: can you determine the centuries of the beginning and end of the Roman and Gothic styles, the Renaissance, Classicism and Art Nouveau? What were the most important consequences and damage caused by WWI in Hungary? What are the major tasks of the UN and the Council of Europe? Can

you list at least 6 prominent writers or poets from the history of Hungarian literature in the 20th century?

The Appendix to the textbook contains the full text of the national anthem, the EU anthem, pictures of the Hungarian flag, a map of Hungary, the Parliament, crown and some kings and state leaders. The almost pocket-sized book is based on the knowledge of a moderately well educated person with good linguistic competence. It is a mixture in substance of culture, geography, history, the constitutional system of the state and fluency in Hungarian as a whole. As the introduction to the textbook says, the threshold is the knowledge of pupils attending the final year of elementary school. In other words, there are dual preconditions for a successful candidate: a lexical knowledge that can be collected within a maximum of 14 years for a person of general intellectual ability and total fluency in Hungarian.

3.2. An oral and written test on constitutional basics must be taken in Hungarian but standardisation of the language requirement takes place mainly through the procedural provisions regarding naturalisation, rather than through a formally determined language competence or level of grammatical skills.

3.3. The examination must be taken at the county/capital administrative office near the habitual residence of the applicant. However, applicants recognising the diversity in the in-house rules may, in practice, obtain temporary residence in the territory where the examination set by the county/capital administrative offices is easier. This tacit praxis may favour certain applicants. The metropolitan administrative office, recognising this trend, has strictly controlled the address of applicants by excluding moving to another area in order to take an easier test in another administrative office. The reaction of the regional administrative office in the county Szeged was just the opposite: applicants can choose lawfully between three county administrative offices inside the region, thus avoiding a long waiting period for examination.

3.4. According to the internal rules, the written test is assessed just after its submission by the examination board giving points and declaring whether it is over or below the threshold. Computer or other facilities are not accepted and applicant's handwriting must be legible. The oral examination is also immediately evaluated by the board – so just after the examination the applicant obtains the certificate issued by the board of the administrative office. There is no opportunity or remedy provided for re-evaluation or modification of the result.

3.5. The examination is managed by any county/regional/metropolitan administrative office (there are 20 around the country). The certification of the

examination is issued by the county administrative office, and the protocol based on the examination process has been regularised. Furthermore, the examination certificate is described as a '*security document*', requiring common data and updating conditions in order to avoid abuse, falsification or abusive actions against those documents, in the same way as other documents relating to nationality, marital status or the identity of individuals. County administrative offices regularly organise examinations before a board of lawyers, administrators and teachers, nominated by the office director. The Government Decree defines the format of the application to take the examination, the major components of the examination procedure (subjects in the oral part and the written test, how members of the examination body are appointed, what protocol relates to procedure) and its certificate. Each county administrative office has its in-house rules on the management and procedure of the examination, including how to assess the oral and written test (e.g. how many points are required to pass the examination). In the town of Eger, for example, the Examination Rules cover 21 pages and contain details about lists of questions, preparation time and answering time, criteria for successful oral and written part of the examination, frequency of the examination – at least four times per annum – time frame for the correction of tests, failure, repetition of the examination, absence from the examination, and the fee for a partially/wholly repeated examination. In Budapest and in the town of Szolnok, on the other hand, many of these issues are not regulated, while the examination questions and the fees for the preparatory course or consultation are slightly different. However, this diversity has been neither unified nor evaluated by the OIN.

3.6. There are three components of the costs related to the examination. (1) The textbook costs 5 €. (2) The preparatory courses that are organised by the administrative offices are optional for applicants, and payment is determined by their internal rules. These courses consist of only a team consultation with the applicants few days before the examination date in order to clarify some vague topics from the list of the test. The price is about 5-10 € per capita. (The NGOs also organise optional courses for applicants free of charge.) (3) The examination fee is fixed in 20 €. This is also symbolic, disregarding the genuine costs of the examination and management. It is a part of the kin-minority policy as the overwhelming majority of ethnic Hungarians who have attended public schools with curricula in Hungarian are exempted from the examination. Taking into account these minimal costs there is no need to provide exemption. Furthermore, the whole naturalisation (and re-naturalisation) procedure is tax-free.

3.7. There are some exemptions to the constitutional examination in the naturalisation procedure in the law in force: (a) for applicants below the age of majority and over 65; (b) for applicants who are unable to sit the examination

for health reasons (e.g. suffering from mental disease, chronic or severe illnesses that impede his/her communication or mobility); (c) for applicants who attended public (elementary) or secondary school where the subjects were taught in Hungarian, regardless of whether this was in Hungary or in other states in which Hungarian public education is available (e.g. in kin-minority communities in adjacent states. In brief, the rate of exempted persons is growing due to the amendments (Act XXXII of 2001, Act XLVI of 2005, Act XLIV of 2010) in favour of kin-minorities among the applicants. On the other hand, the non-ethnic (non-native) applicants are in a disadvantaged position for 3 reasons. Firstly, they have not attended schools in which the lessons are taught in the Hungarian language. Secondly, their language ability in Hungarian would be limited. Thirdly, their knowledge of Hungarian history, state and culture would be also limited as they have been educated in different curricula and environment.

Moreover, there is no specific rule for illiterate applicants. The criteria for exemption (age, health conditions, or certificate from schooling) must be proved by documentation, so the discretionary power of the OIN is almost absent. There is no remedy against refusal from exemption.

3.8. There is no legal consequence for failing the examination. It can be repeated endlessly, provided the fees are paid. The residence status and social, employment or other allowances remain unaffected. If the applicant has missed the examination, he or she can submit a further application for the next examination period without repercussion. The success rate for the first examination is 70% according to an estimate by the OIN in the absence of national statistics. This relatively high rate may conceal two major obstacles for non-native applicants and/or those not educated in Hungary. Although the language is not tested separately in a naturalisation procedure, the whole naturalisation procedure requires a good knowledge of Hungarian. No alternative or supported means of communication are available. Also the high level of the knowledge requirements can only be obtained if the applicant understands Hungarian well. This is a major burden on non-Hungarian speaking (non-ethnic) applicants. In the absence of free language courses for settled migrants and owing to the limited supply of language lessons for refugees (in the past, about 300 hours, and currently 500 hours), the absence of proper language education is the most severe difficulty for applicants. This hindering factor is confirmed by all respondents in interviews. Furthermore, the examination based on lexical, legal and abstract information on Hungarian culture, society and state is a nightmare for less well-educated or non-European applicants.

4. The purpose of the examination can be defined on the grounds of changing legislation and practice reflected by the interviews. Accordingly, there are two overlapping aims of the test: (1) diminution of the migration pressure to

Hungary by screening out and excluding the non-desirable migrants through an awkward examination – beyond the restrictive residence and labour authorisation; (2) the duress of obtaining strong competence in Hungarian language and history for non-native, culturally different migrants. As is obvious the kin-minority policy is present in the legislation on acquisition of Hungarian citizenship: there is no available (free) language training for non-native migrants and preferential treatment is accessible only on the grounds of cultural proximity or ethnicity.

On reading the Preamble to the Act on Hungarian nationality, a possible third purpose of the introduced test can be observed. 'With a view to preserve the moral weight of Hungarian nationality and to strengthen the attachment and devotion of Hungarian citizens to the Republic of Hungary' - the Parliament passed the Act including the test that may contribute to the moral relevance of citizenship and the naturalised person's devotion to the state. However, these general aims of the legislation have never materialised directly or officially evaluated.

5. What are the effects of the test? At first a statistical analysis is required on how many persons have taken the examination and the rate of failure – but the answer is based more on expert estimation and less on available data.

5.1. The *number of examinees* has not been gathered by either the Central Statistical Office or the OIN. These yearly figures are summarised but not published by the regional/county administrative offices. In the absence of interest there is no national data collection on examination, failure and success of examinees. Table 1 contains all accessible information from the CSO and OIN. The green stripe shows the year of amendment in legislation providing further exemptions for applicants.

The number of applications for naturalisation after introduction of the test fell in 1993-1994 but the effects are visible in delay. Due to changes in the statistical system the number of applicants for naturalisation is calculated together with re-naturalisation, and applications and applicants are not clearly divided. According to experts, an application on average contains the request of 1.6 persons, so in Table 1 the calculated number of applicants can be seen in brackets. However, the figures on naturalised persons are independent from applicants in the same calendar year because the average time for the procedure takes 2-3 years. In this way the restriction of liberalisation in legislation can be observed in the number of naturalised migrants years after.

Despite these uncertainties the liberalisation in acquisition – including exemption from the examination – upgrades the number of applicants. Table 1 illustrates the high rate of exempted applicants, on average it has been over 40 per cent and in future this figure will probably double.

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Table 1

Year	Applications for naturalisation and re-naturalisation	Naturalised persons (100%)	Exempted from the examination due to age/health conditions - interpolation (%)	Exempted from the examination due to studies – by estimation (%)	Maximal number of potentially tested persons by calculation
1992		11 521			
1993		8 857	14	1	7 529
1995		10 695	14	1	9 091
1999		7 046	19	1	5 637
2000		5 446	16	1	4 520
2001		8 590	26	1	6 271
2002	3 890 (6 224)	3 369	28	2	2 359
2003	5 579 (8 926)	5 261	28	2	3 683
2004	5 761 (9 217)	5 432	29	2	3 748
2005	3 898 (6 237)	9 870	28	2	6 909
2006	9 127 (14 603)	6 172	30	50	1 234
2007	5 437 (8 699)	8 505	27	50	1 956
2008	4 143 (6 628)	8 442	25	55	1 688
2009	3 849 (6 158)	8 060	21	55	1 934
Total		95 745	On average 41%		56 559

5.2. In the absence of accurate statistics, I made a *simple survey* in the OIN (May 2010). From the ongoing files, 101 applications that dated back to early 2009 in the book of file registry were randomly selected. These files (N=101) covered 128 applicants – so the expert estimate on ties between the number of application and applicants had to be corrected (the factor was not 1.6 but 1.3, at least in the year of 2009). According to officials and file keepers, there are currently fewer applications that cover the whole migrant family, and more single persons or partial families among the applicants. This short survey also proves the high rate of preferential applications. Accordingly (N=101) 9 per cent of the applications came within the general rule on naturalisation, 13 per cent within the preference based naturalisation for couples or children of a Hungarian citizen and 69 per cent within the ethnic preference. The remaining 9 percent of cases would be refused. The rate of refusal is above the average for recent years (about 5 percent). Taking into account the share of citizenship of applicants (49 per cent Romanian, 17 per cent Serbian, 15 per cent Ukrainian, 2 percent Slovakian and 17 per cent others) the outstanding part of ethnically benefited ones is explained. Not surprisingly, 79 per cent of applicants were exempted from the examination and only 21 per cent had to attach the certificate of examination to the application. This is a slightly above the 17 per cent of applicants from the non-adjacent states.

These figures demonstrate well how non-native, non-ethnic applicants are basically subject to the examination.

5.3. The results of the test are not available and are thus excluded from the data collection. According to interviews the final failure rate is about 10 per cent exclusively for linguistic reasons regardless of age, profession or sex. Many retake the examination successfully on the second attempt, and it is rare for an applicant to take the test for a third time. The others' failure relates to the missing knowledge in history and constitution.

6. Criticism of the test are based on interviews with officials, NGOs and migrants. These can be divided into the following issues.

6.1. *The meaning of exemption and its personal scope, conditions and requirements for documentation* are not clear. As a result there are numerous questions on the examination and answers from the OIN. The following are some citations from the interactive homepage of the OIN (FORUM) on the questions from potential applicants for naturalization and answers given by the officials at the OIN concerning the exemption in examination on constitutional basics:

- My husband is a Romanian citizen and he is going to submit the application for acquiring nationality. In order to be exempted from the examination we can show the degree issued by a college in Hungary on long-distance learning. It was issued in Budapest. Do we have to submit the original document?
- It will be perfect if you attach either the authentic copy of the original degree from the college or a certified copy issued by the notary public.
- I was attending the elementary and secondary school in Hungarian language in Romania. Is it enough to attach to the application my certificate of Matura (final exam at grammar school) that indicates the language of study that was Hungarian? As you know in Romania the diploma on the maturity exam contains only the subjects and marks, no reference to the language of curricula but you can believe me nobody can take the examination on Hungarian language and literature without speaking Hungarian. Why do we have to run for further documents?
- You shall make an authentic copy and translation of the certificate of the maturity exam made by the Central Translation Office (OFFI) but together with the full list of all subjects of your exam. This format is required to for exemption. It is a misunderstanding that ethnic Hungarians are automatically exempted from the examination.
- I was attending a vocational training course and I got a professional certificate issued by the secondary school in Budapest. May I get an exemption from the examination?

- You need a certificate from elementary school or a diploma of maturity exam or a university degree – this means a documented qualification in the Hungarian language, of course.

By reading the FORUM it is clear that the most problematic points are how to prove the exceptions. According to the practice of the OIN, proof of qualification obtained at a public education institute providing curricula in Hungarian is acceptable if (i) the certificate is issued in Hungary, or (ii) any foreign document is officially translated into Hungarian and contains a clear reference to the language of the (partial) education and examination of the holder, especially in Hungarian literature and history, or the school/college issues an appropriate certificate for the language of the education/examination of the applicant in Hungarian (or in a local language that must also be officially translated into Hungarian), and (iii) it demonstrates the successful completion of minimally compulsory schooling (e.g. 8 years at elementary school). Exceptions may be made ex officio in cases based on age and proof of Hungarian curricula, but mental or physical disability must be demonstrated by medical documentation.

It is obvious that ethnic preference ('for genuine Hungarians') is confronted with the rationale of public administration. The documented curricula and qualification requires unified interpretation of conditions for exemption but applicants come from different states with various education systems. Moreover, not every applicant attended minority education institutions and/or necessarily obtained a qualification. This contradiction is summarised in an explosion from an applicant on the community portal:

'What stupidity of the rubbish office that I have to obtain further and further documents! I was attending at a Hungarian grammar school taking maturity exam [in Romania] but my diploma is not enough. It is a torture for Hungarians!'

6.2. The required level of language ability is extremely high. According to the data published by the Central Statistical Office in 2006 applicants for naturalisation have stayed in the country for 6.5 years on average before acquisition of nationality. At the same time about 90 percent of naturalised persons are native ethnic Hungarians. It follows that general language ability is not enough for the examination; a long adaptation period and a strong competence in communication and linguistic command are equally required. For this reason all respondents express that the applicant should take the examination only if his/her language knowledge is perfectly advanced. The major fear of the examinee is to not understand the questions raised at the examination that differ from the preparatory material. It is a common experience that preparatory course – either in groups or in individual consultations – means primarily language and communication training in Hungarian for applicants and accession to the substantive requirements of the examination are second-

dary. For instance, the teacher has to speak slowly and in clear terms in Hungarian, and time to time the complicated paragraphs are explained in Russian/English/French. The home-made printed materials for the examination are bilingual (Hungarian and Russian in the course are managed by the Alfavit Foundation) also for clarification and language development.

The complexity of the requirements is proof that the preparatory period takes 4-5 months on average for non-native speakers. Migrants are more afraid of the oral examination because misunderstanding abstract terms, such as the constitutional institutions and fundamental rights, is more probable. The written test is less risky as they have written material on the test topics that they can study in advance of the test, but which they are not allowed to take into the examination room, – say the migrants. On the other side, the non-native speakers are encouraged by the officials to take the examination only if they possess stable and high language ability. According to officials, this soft pressure on potential examinees may explain the low rate of failure even though the test is difficult. Moreover, the older non-native speakers make the best examinees because their preparedness is strong. On the other hand, native Hungarians and youngsters are supposed to know the lexical and linguistic requirements without having the proper basis of knowledge.

‘Examinee taking successfully the test is very proud of his result, and he is not ready to share experiences with other applicants or compatriots, so the mythical hardship of the examination has been spread’ – summarised it at the Hungarian Association for Migrants.

6.3. The procedure (order) of examination and its assessment are also criticised. According to respondents, the Latin alphabet and Hungarian pronunciation are difficult for Russian, Serbian, Chinese or other Asian examinees, and the requirements of grammar have not been defined. For instance, a Ukrainian woman attended the course twice because she was frightened by her oral and written errors in Hungarian. The officials at the administrative office – at least in the capital – are flexible and will sometimes waive the examination fee which frequently leads to uncertainty in communication and preparation.

The Government Decree is silent on how to assess the oral and written tests. Only the internal rules of administrative offices determine this issue. For instance, in Szeged, Kecskemét and Békéscsaba the written essay carries 6 points, the short test questions 1-1 point and the oral part means 8 points. The maximal points are 20 and the threshold is 11. ‘In our practice if the examinee gives 5-6 sentences to each essay question containing the relevant key terms – the exam is acceptable’ – summarised an official.

The rate of failure is between 3-10% but the second attempt is successful in the majority of cases.

‘However this rate strongly depends on the composition of the examination board. There was a case when our board failed en masse, and the director of the office warned us not to be so strict. Thus many examiners refuse to participate in the board because they would evaluate the majority of applicants unacceptable to their heart’s content. You know, the OIN may request the written test of the examinee controlling whether we assessed the achievement fairly or unfoundedly. Complaint from the examinee is rare but sometimes they cry, beseeching to pass the examination. In this situation we suggest that he comes back to the repeat examination.’

The official adds another aspect to this experience:

‘Many examinees say that the fee for the examination is minimal, so it cannot be a hard one, while a difficult examination would cost much more than 20 € and they would be ready to pay more for it.’

This reflects the contradiction of the requirements on costs: the inexpensive procedure is intended to support the kin-minority but the majority of the examinees are not members of the kin-minority and the inexpensive procedure is less transparent and structured but it can block non-native speakers.

The professionalism of the administrative offices is challenged in some cases where another person takes the examination instead the examinee. Asian faces look the same to European eyes.

‘Within my practice of 13 years I have faced some cases of cheating and we withhold the certificate. And I have met about 10 cases when the successful examinee did not come to claim the certificate, and I have kept these abandoned documents in my drawer.’

In brief, the missing transparencies of the examination order and assessment method have attracted critics. On a community portal one can read:

‘My friend’s indignity at the constitutional exam was terrible, why can despot officials block the examinee’s speech in the second minute although he had an excellent written test? My friend was well prepared but he was stopped while another totally stupid examinee was asked for 25 minutes for some words. Why there are three persons in the panel if two of them are silent, what can we do against the lynch law?’

6.4. *The content, quality of textbook and substantive requirements of the examination are hardly consensual.* It is less problematic that the book is not generally available – there are no proper printed volumes – because all preparatory

course leaders have developed their own material, either in Hungarian, or in bilingual version on the topics of the examination.

'This textbook is perfect for a native Hungarian with a high qualification. But there are new methods in adult teaching, the illustrations, pictures and charts, variety of information would be required but this textbook is old-fashioned. Moreover, its language is dry, complicated – so we have neglected it' – was said by the Alfavit Foundation, which supports the Russian-speaking applicants.

In 2007, a weekly journal created a questionnaire with 20 short questions based on the textbook and tested passers-by in the street. The journalist evaluated the answers and 90 percent of ordinary city dwellers failed the test – so they could not have taken the examination. The respondents gave incorrect answer to historical events, blended personalities and dates. Of course, it was not a representative survey but it could draw the attention to the anomalies of the examination in a caustic article in the journal.

Also in 2007, the most popular daily newspaper published a report on an examination witnessed by a journalist in the city of Nyíregyháza. The 16 examinees from the Ukraine, Romania and Asia – some of them about 60 years old and the other between 25 and 45 – were as nervous as pupils at elementary school. The journalist tried to calm them by quoting statistics in the corridor: from the 148 examinees only 20 failed in 2006 in Nyíregyháza the county administrative office but they were illiterate on constitutional law and fundamental rights. The written test for the ongoing examination contained 3 questions: what are the neighbours of Hungary, what is the length of mandate of the judges of the Constitutional Court, and summarise the citizens' obligations. The majority of examinees were ready for the written answer within 30 minutes. The oral round was more difficult. The first examinee returned from the board to the corridor after 25 minutes:

'I could not answer on separation of powers and principle of checks and balances. What does it mean? I could only answer to second question enumerating Hungarian composers.'

The second examinee came out, crying:

'I could not tell the history of Hungarians' origin!'

Finally 3 applicants out of the 16 failed. The chair of the board was a kind, smiling man who said that

'the examinee must achieve a minimal standard level of knowledge, and below it our goodwill cannot help him'.

What is that minimal level of knowledge? Perhaps this uncertainty is the reason why a blogger writes (May 2010) to a community portal:

‘I try to understand the logic of the constitutional exam but I cannot understand why old or consolidated persons have to be degraded who know much more about life than the examiners. This exam would be proper for university entrance and for kin-minority members. There is a less complicated test in Germany, why do we want to involve high abstractions. I offer to change the whole making a conversation with them for some minutes – it would be cheaper and more human!’

6.5. *The purpose of the test is vague and/or debated.* According to the interviews, three significant opinions can be separated:

‘The aim of the examination is to provide the most relevant information and traditions that are necessary for staying and living in Hungary. It includes the history, the operation of state and the culture or the national anthem. This examination may clarify why they want to acquire Hungarian citizenship. As my students of the course say in common because they have family here and acquisition in Hungary is easier than in other states....However the practical applicability of this knowledge is a question and this information has never been evident for many citizens or they have got over’- said a teacher at Menedék (Hungarian Association for Migrants).

‘We can see that the non-Hungarian speakers are screened out through this exam that means a hindrance in acquisition of nationality. This exam is available only for those whose language ability is high’- stated a Russian-speaking applicant.

‘Why are ethnic Hungarians who attended some schools out of Hungary exempted? Why do we think that they are familiar with the Hungarian state and constitution? Maximal their knowledge on some elements of culture or history would be taken into account. Their Hungarian language exam will be exempted – I agree but if the ordinary citizens here are illiterate on the constitutional issues how are the applicants supposed to know these issues? I disagree with the wide circle of exemptions undermining the purpose of the whole exam system’ – said a teacher at the Alfavit Foundation.

Conclusions

1. This report focuses on the test of integration only inside the naturalisation process. Without previous analysis or official assessment of this measure this report is based on interviews (N=37) with immigrants, officials dealing with examination and naturalisation issues and representatives of NGOs providing free preparatory courses for applicants in the naturalisation process. Moreover, the results are based on critical descriptions of legal rules, statistical evaluation and randomly selected files of naturalisation applications in the OIN (N=101).

2. The method of testing integration through the examination on constitutional basics inside the naturalisation procedure has been criticised by 90 percent of respondents, and only 10 percent of respondents (some officials in the OIN and county administrative offices) support the examination system without severe changes. The criticism can be divided into the following topics:

- a. the examination requirement is discriminatory towards non-Hungarian speakers, taking into account the conditions for exemption from the examination;
- b. the level of language ability required from the examinee is extremely high and its threshold is not formally classified (as in the CoE nomenclature)
- c. the examination is based on abstract information on the Hungarian history, literature and state that requires stable language knowledge and well educated applicants who are familiar with the European environment;
- d. the absence of transparency and public control of the examination procedure (e.g. involvement of NGOs and communities of migrants in the constitution of the examination board, the concept behind the test, evaluation of the test and examinations);
- e. the absence of preparatory courses and easily readable textbooks.

The evaluation of the integration of refugees and applicants for settlement permits and removal of long-term migrants are not formally defined in law and in practice, thus research is not possible (for data protection reasons) within this framework.

3. Summing up, the substance of the naturalisation test – and also the aims of the examination – has not yet been publicly negotiated or assessed by governance since 1993. While secondary issues such as fees, exemption or documentation have been more or less discussed, the concept of the examination has remained vague. The recent modification (May 2010) on naturalisation

based exclusively on cultural proximity will contribute to a public debate on how to determine and measure the level of Hungarian language knowledge in the naturalisation procedure. The test will soon be regulated – and perhaps it will focus on the postponed negotiations on the examination as a genuine testing method of integration for resident migrants. Due to the wide circle of applicants exempted from the examination, equal treatment should be provided under nationality law, and the function of the examination should also be clearly justified.

4. The respondents proposed the following direction of improvement to the examination and testing method in naturalisation:

- there is a need of a new textbook containing charts, pictures, pictograms and tables in order to understand better the abstract information, and its language should be simplified;
- the textbook should be based on new requirements for the examination: familiarity of applicants should be tested through practical situations. For instance, what to do if your child has a high fever on a Sunday night, where you can register your address or renew your registration card, how to manage the enrolment of your child in a local elementary school, etc.). Instead of the questions on culture and history that are available for highly qualified persons, integration would be tested via ordinary situations;
- the written test should be a questionnaire instead of essay topics. This method would exclude cribs;
- test questions or issues and answers should be available electronically or in a proper form that is up-to-date as the name of institutions and legal rules change;
- observers (from NGOs, journalists or preparatory course leaders) would be allowed to participate in the examination. This might destroy the myths of the examination and provide publicity for it;
- there is a need for preparatory courses for all potential applicants. The existing consultations by regional/county/capital administrative offices and courses organised by NGOs are not enough for foreign speakers without advanced knowledge in Hungarian.
- publicity for the whole examination, its purpose and its evaluation should be improved. At the very least a homepage should be set up for the exchange of information and communication but setting up an advisory board or other formation is endorsed.

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