

Last amendment: 1 January 2019

## **Act LV of 1993**

### **on Hungarian Citizenship<sup>1</sup>**

With a view to preserve the moral weight of Hungarian nationality and to strengthen the attachment and devotion of Hungarian citizens to Hungary, with due respect to the freedom of will of natural persons, to promote the unification of citizenship within a family and to reduce cases of statelessness, also with regard to the traditions of Hungarian laws on citizenship and the provisions of international conventions, Parliament has adopted the following Act on acquiring Hungarian citizenship by right, naturalization or other lawful means, and on the termination of Hungarian citizenship:<sup>2</sup>

#### ***Basic Principles***

##### *Section 1*

(1)<sup>3</sup> There shall be no discrimination between Hungarian citizens on the basis of whether it was acquired by right or otherwise.

(2)<sup>4</sup> The right of changing one's citizenship may not be restricted arbitrarily.

(3)<sup>5</sup>

(4) This Act has no retroactive effect. Hungarian citizenship, on general principle, shall be governed by the regulations in force at the time of occurrence of the facts or events with any bearing on citizenship.

#### ***Hungarian Citizens***

##### *Section 2*

(1)<sup>6</sup> Any person who has Hungarian citizenship at the time of this Act entering into force and any person who becomes a Hungarian citizen on the strength of the Fundamental Law or this Act, or who acquires Hungarian citizenship under this Act, shall be recognized as a Hungarian citizen, until his/her citizenship terminates.

(2) Unless an Act provides otherwise, any Hungarian citizen who also holds citizenship in

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<sup>1</sup> Promulgated on 15 June 1993.

<sup>2</sup> Amended: by subparagraph a) Section 72 of Act CCI of 2011. In force: as of 1. 01. 2012.

<sup>3</sup> Amended: by subparagraph b) Section 72 of Act CCI of 2011. In force: as of 1. 01. 2012. The change does not effect the English version.

<sup>4</sup> Established: by paragraph (1) Section 71 of Act CCI of 2011. In force: as of 1. 01. 2012.

<sup>5</sup> Repealed: by paragraph (1) Section 73 of Act CCI of 2011. No longer in force: as of 1. 01. 2012.

<sup>6</sup> Amended: by subparagraph c) Section 72 of Act CCI of 2011. In force: as of 1. 01. 2012.

another country shall be regarded as a Hungarian citizen for the purposes of the application of Hungarian law.

### ***Acquiring Hungarian Citizenship by Right***

#### *Section 3<sup>7</sup>*

(1) As regards the acquisition of Hungarian citizenship under Paragraph (1) of Article *G*) of the Fundamental Law, the relevant provisions of the Civil Code on descent, and on paternity and maternity shall apply.

(2) The child of a non-Hungarian citizen parent shall acquire Hungarian citizenship at birth with retroactive effect, if a relationship in the direct line by descent between a Hungarian citizen and the child is established following the birth of the child.

(3) Until proven to the contrary, the following persons shall be recognized as Hungarian citizens:

- a) children born in Hungary of stateless persons residing in Hungary;
- b) children born to unknown parents and found in Hungary.

### ***Acquiring Hungarian Citizenship***

#### Naturalization

#### *Section 4*

(1) A non-Hungarian citizen may be naturalized upon request if:

- a) the petitioner has resided in Hungary continuously over a period of eight years prior to the submission of the petition;
- b) according to Hungarian laws, the applicant has a clean criminal record and is not being indicted in any criminal proceedings before the Hungarian court;
- c)<sup>8</sup> the applicant has sufficient means of subsistence and a place of abode in Hungary;
- d)<sup>9</sup> his/her naturalization is not considered to be a threat to public policy or to the national security of Hungary; and
- e)<sup>10</sup> the applicant provides proof that he/she has passed the examination in basic constitutional studies in the Hungarian language, or that of being exempted by virtue of this Act.

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<sup>7</sup> Established by Subsection (1) of Section 93 of Act CCLII of 2013, effective as of 15 March 2014.

<sup>8</sup> Amended: by Section 26 of Act LXXVI of 2012. In force: as of 27. 06. 2012. The change does not effect the English version.

<sup>9</sup> Established: by paragraph (1) Section 2 of Act XLIV of 2010. In force: as of 20. 08. 2010. Shall apply to proceedings opened after 1 January 2011. Amended: by subparagraph d) Section 72 of Act CCI of 2011. In force: as of 1. 01. 2012.

<sup>10</sup> Established by Subsection (1) of Section 1 of Act XXXII of 2001, effective as of 1 July 2001. Applies to cases in progress as well.

(2)<sup>11</sup> A non-Hungarian citizen who has resided in Hungary continuously for a period of at least three years prior to the submission of the petition and who satisfies the conditions specified in Paragraphs b)-e) of Subsection (1) may be naturalized on preferential terms, provided that:

- a) he/she has lived in the household of a Hungarian citizen in lawful marriage for at least three years, or his/her marriage was terminated upon the spouse's death;
- b) his/her minor child is a Hungarian citizen;
- c) he/she has been adopted by a Hungarian citizen;
- d) he/she has been recognized as a refugee by the competent Hungarian authority; or
- e) he/she is stateless.

(3)<sup>12</sup> If the requirements set out in Paragraphs *b)* and *d)* of Subsection (1) are satisfied, upon request a non-Hungarian citizen whose ascendant was a Hungarian citizen or who is able to substantiate of being of Hungarian origin may be naturalized on preferential terms, if he/she proves that he/she is sufficiently proficient in the Hungarian language.

(3a)<sup>13</sup> Upon request, a non-Hungarian citizen may be naturalized on preferential terms if:

- a) he/she
  - aa)* has lived in lawful marriage for at least ten years with a person holding a Hungarian citizenship at the time the petition for citizenship is submitted, or
  - ab)* has lived in lawful marriage for at least five years with a person holding a Hungarian citizenship at the time the petition for citizenship is submitted, and they have a child together;
  - b)* he/she meets the conditions set out in Paragraphs *b)* and *d)* of Subsection (1); and
  - c)* he/she has provided proof of proficiency in the Hungarian language.

(4)<sup>14</sup> A non-Hungarian citizen who has resided in Hungary continuously for at least five years prior to the date of submission of the petition, and if the conditions set out in Paragraphs b)-e) of Subsection (1) are satisfied, may be naturalized on preferential terms if he/she:

- a) was born in the territory of Hungary;
- b) had established residence in Hungary before reaching legal age;
- c)<sup>15</sup>

(5)<sup>16</sup> The criteria of continuous residence in Hungary, for the periods of time defined in Subsections (1)-(2) and (4), may be waived in the case of minors, if the minor's petition for naturalization is submitted together with his/her parent's or if his/her parent was granted Hungarian citizenship.

(6)<sup>17</sup> Minor children may be granted Hungarian citizenship if adopted by a Hungarian citizen irrespective of where their residence is located.

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<sup>11</sup> Established by Subsection (1) of Section 4 of Act CCXVIII of 2013, effective as of 1 January 2014.

<sup>12</sup> Established: by paragraph (2) Section 2 of Act XLIV of 2010. In force: as of 20. 08. 2010. Shall apply to proceedings opened after 1 January 2011.

<sup>13</sup> Enacted: by Section 52 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>14</sup> Established by Subsection (2) of Section 1 of Act XXXII of 2001, effective as of 1 July 2001. Applies to cases in progress as well.

<sup>15</sup> Repealed by Subsection (3) of Section 4 of Act CCXVIII of 2013, effective as of 1 January 2014.

<sup>16</sup> Established: by paragraph (3) Section 2 of Act XLIV of 2010. In force: as of 20. 08. 2010. Shall apply to proceedings opened after 1 January 2011.

<sup>17</sup> Established by Subsection (2) of Section 1 of Act XXXII of 2001, effective as of 1 July 2001. Applies to cases in progress as well.

(7)<sup>18</sup> If the requirements set out in Paragraphs *b*) and *d*) of Subsection (1) are satisfied, the President of the Republic may grant exemption - based on a proposal presented by the minister in charge of naturalization and nationality (hereinafter referred to as “minister”) - from other naturalization requirements if naturalizing the applicant is in the overriding interest of Hungary.

(8)<sup>19</sup> Proof of proficiency in the Hungarian language may not be required in the case of persons who are legally incompetent or of limited legal capacity.

### ***Basic Constitutional Studies Examination***<sup>20</sup>

#### *Section 4/A*<sup>21</sup>

(1)<sup>22</sup> Applicants shall take the examination defined in Paragraph e) of Subsection (1) of Section 4 before the committee appointed by the body delegated by the Government by means of a decree.

(2) The following shall not be required to take the examination:

a)<sup>23</sup> minors of limited legal capacity and any person whose legal capacity has been partially limited by court in respect of citizenship matters (hereinafter referred to collectively as “person of limited legal capacity”), and incompetent persons;

b)<sup>24</sup> persons who graduated in the Hungarian language in a school or educational institution or institute of higher education;

c)<sup>25</sup> persons over sixty years of age at the time of submission of the application;

d) persons who are able to verify of lacking the capacity to take the exam due to suffering in a permanent and irreversible sickness.

#### ***Repatriation***

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<sup>18</sup> Established: by Section 25 of Act LXXVI of 2012. In force: as of 27. 06. 2012. Amended: by subparagraph a) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>19</sup> Enacted: by paragraph (5) Section 2 of Act XLIV of 2010. In force: as of 20. 08. 2010. Shall apply to proceedings opened after 1 January 2011.

<sup>20</sup> Enacted by Section 2 of Act XXXII of 2001, effective as of 1 July 2001. Applies to cases in progress as well.

<sup>21</sup> Enacted by Section 2 of Act XXXII of 2001, effective as of 1 July 2001. Applies to cases in progress as well.

<sup>22</sup> Amended by Paragraph h) of Subsection (1) of Section 7 of Act CIX of 2006. Amended: by paragraph (6) Section 26 of Act LXXXII of 2008. In force: as of 01. 01. 2009. Amended: by subparagraph b) Section 81 of Act XLIII of 2010. In force: as of 1. 09. 2010. Amended: by Section 55 of Act CXXVI of 2010. In force: as of 1. 01. 2011. Amended: by subparagraph a) Section 23 of Act XCIII of 2012. In force: as of 6. 07. 2012. Amended: by subparagraph b) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>23</sup> Established by Subsection (2) of Section 93 of Act CCLII of 2013, effective as of 15 March 2014.

<sup>24</sup> Established by Section 2 of Act XLVI of 2005, effective as of 1 January 2006.

<sup>25</sup> Amended: by subparagraph c) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

## *Section 5<sup>26</sup>*

Upon request, a person whose Hungarian citizenship was terminated may be repatriated if the conditions set out in Paragraphs *b*) and *d*) of Subsection (1) of Section 4 are satisfied and he/she proves that he/she is sufficiently proficient in the Hungarian language.

## ***Declaration<sup>27</sup>***

## *Section 5/A<sup>28</sup>*

(1) By declaration addressed to the President of the Republic, the declarant shall be granted Hungarian citizenship as of the day on which it is filed:<sup>29</sup>

a)<sup>30</sup> if having been deprived of Hungarian citizenship by virtue of Act X of 1947 and Act XXVI of 1948 on the Deprivation of Hungarian Citizenship of Certain Persons Residing Abroad, or under Act LX of 1948 on Hungarian Citizenship or Act V of 1957 on Citizenship, or if having lost his/her citizenship by virtue of Decree No. 7970/1946 ME, Government Decree 10.515/1947 Korm. or Government Decree 12.200/1947 Korm., furthermore, whose Hungarian citizenship was terminated by expatriation between 15 September 1947 and 2 May 1990;

b)<sup>31</sup> if born in the territory of Hungary and was not awarded his/her parents' foreign citizenship as a birthright, under the law of the State where the parents hold citizenship, provided that the declarant's parents resided in Hungary on the day of his/her birth and has been residing continuously in the territory of Hungary for at least five years prior to the submission of the petition;

c)<sup>32</sup> if the person was born before 1 October 1957 to a mother who was a Hungarian citizen and a father who was a foreign national and if no Hungarian citizenship was granted at birth.

(1a)<sup>33</sup> The declarant shall have the right to make the petition referred to in Paragraph *b*) of Subsection (1) before the age of nineteen.

(2)<sup>34</sup> If the declaration is approved the body in charge of naturalization and nationality matters shall issue a citizenship certificate.

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<sup>26</sup> Established: by Section 3 of Act XLIV of 2010. In force: as of 20. 08. 2010. Shall apply to proceedings opened after 1 January 2011.

<sup>27</sup> Enacted by Section 3 of Act XXXII of 2001, effective as of 1 July 2001. Applies to cases in progress as well.

<sup>28</sup> Enacted by Section 3 of Act XXXII of 2001, effective as of 1 July 2001. Applies to cases in progress as well.

<sup>29</sup> Amended: by subparagraph f) Section 72 of Act CCI of 2011. In force: as of 1. 01. 2012.

<sup>30</sup> Amended by Subsection (1) of Section 5 of Act LVI of 2003. Amended: by subparagraph g) Section 72 of Act CCI of 2011. In force: as of 1. 01. 2012. The change does not effect the English version.

<sup>31</sup> Established: by paragraph (1) Section 53 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>32</sup> Enacted by Section 3 of Act LVI of 2003, effective as of 1 September 2003.

<sup>33</sup> Enacted: by paragraph (2) Section 53 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>34</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006. Amended: by subparagraph d) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

(3)<sup>35</sup> The body in charge of naturalization and nationality matters shall adopt a resolution if any criteria for accepting the declaration is missing, including those prescribed in Sections 13-15 concerning the submission of petitions. Fővárosi Közigazgatási és Munkaügyi Bíróság (*Budapest Court of Public Administration and Labor*) shall have jurisdiction to hear administrative actions brought against such resolutions.

## ***Rules of Competence, Oath and Pledge of Allegiance***

### *Section 6*

(1)<sup>36</sup> Decisions in connection with petitions for the acquisition of Hungarian citizenship by way of naturalization or repatriation shall be adopted by the President of the Republic based upon the recommendation of the minister.

(2)<sup>37</sup> The President of the Republic shall issue a certificate of naturalization or repatriation attesting the acquisition of Hungarian citizenship (hereinafter referred to as "certificate of naturalization").

(3)<sup>38</sup> The certificate of naturalization - if the proceedings under Section 20/A are conducted, and the body in charge of naturalization and nationality matters has authorized the change of name - shall be made out bearing the new name. The certificate of naturalization - if the proceedings under Section 20/A are conducted, and the body in charge of naturalization and nationality matters refused to authorize the change of name, or if the proceedings under Section 20/A are not conducted - shall be made out bearing the name of the foreign national applying for naturalization.

### *Section 7*

(1)<sup>39</sup> Naturalized and repatriated (hereinafter referred to collectively as “naturalized”) persons shall have the option to take either a citizenship oath or pledge of allegiance. The naturalized person shall take the oath or pledge of allegiance before the mayor of jurisdiction by reference to his/her residence, or, if Subsections (3), (3a), (6) and (7) of Section 4, or Section 5 apply, before

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<sup>35</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006, subparagraph h) Section 72 of Act CCI of 2011, Section 13 of Act CCXI of 2012, subparagraph e) Section 63 of Act CCVII of 2012, Paragraph a) of Section 52 of Act L of 2017.

<sup>36</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006. Amended: by subparagraph i) Section 72 of Act CCI of 2011. In force: as of 1. 01. 2012. The change does not effect the English version.

<sup>37</sup> Amended: by subparagraph i) Section 72 of Act CCI of 2011. In force: as of 1. 01. 2012. The change does not effect the English version.

<sup>38</sup> Enacted by Section 14 of Act XIV of 2011. Amended by subparagraph f) Section 63 of Act CCVII of 2012. Amended by Subsection (2) of Section 21 of Act CIV of 2016.

<sup>39</sup> Established: by Section 4 of Act XLIV of 2010. In force: as of 20. 08. 2010. Shall apply to proceedings opened after 1 January 2011. Amended: by paragraph (1) Section 20 of Act XIV of 2011. In force: as of 9. 03. 2011. Amended: by subparagraph g) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

the mayor or the director of the competent foreign mission of Hungary at his/her option. When taking the oath or pledge of allegiance the director of the competent foreign mission of Hungary may be replaced by a consulate officer he/she has designated. If the naturalized person is legally incompetent, the oath or pledge of allegiance shall be taken in his/her name by his/her guardian. When taking the oath or pledge of allegiance the director of the competent foreign mission of Hungary may be replaced by a consulate officer he/she has designated.

(2) The naturalized person shall acquire Hungarian citizenship on the day of the taking of the oath or pledge of allegiance. The fact and date of the oath or pledge of allegiance shall be indicated on the certificate of naturalization.

(3) If the naturalized person dies before taking the oath or pledge of allegiance, or if he/she falls into a condition which prevents him/her from taking an oath or pledge of allegiance, he/she shall acquire Hungarian citizenship on the day of the issue of the certificate of naturalization.

(4)<sup>40</sup> The citizenship oath shall read as follows:

I, ....., do solemnly swear that I will consider Hungary my homeland. I will be a loyal citizen of and bear true faith and allegiance to Hungary, I will support and observe the Fundamental Law and other legislation. I will defend and serve my country to the best of my abilities. So help me God.

(4a)<sup>41</sup> The pledge of allegiance shall read as follows:

I, ....., do solemnly swear that I will consider Hungary my homeland. I will be a loyal citizen of and bear true faith and allegiance to Hungary, I will support and observe the Fundamental Law and other legislation. I will defend and serve my country to the best of my abilities.

(5) The citizenship oath and the pledge of allegiance are equivalent.

## ***Termination of Hungarian Citizenship***

### **Abjuration**

#### ***Section 8***

(1)<sup>42</sup> A Hungarian citizen may renounce his Hungarian citizenship by declaration addressed to the President of the Republic if:

*a)* he/she has another citizenship or is able to evidence the acquisition thereof, and

*b)* he/she is not listed in the personal data and address records, or left the territory of Hungary with intent to settle in another country, or if he/she resides abroad as a Hungarian citizen and has no registered habitual residence in Hungary.

(2)<sup>43</sup> If the criteria set out in Subsection (1) are satisfied, the minister shall submit a proposal to the President of the Republic by recommendation of the body in charge of naturalization and nationality matters concerning the acceptance of the renouncement. The President of the Republic

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<sup>40</sup> Established: by paragraph (2) Section 71 of Act CCI of 2011. In force: as of 1. 01. 2012.

<sup>41</sup> Enacted: by paragraph (3) Section 71 of Act CCI of 2011. In force: as of 1. 01. 2012.

<sup>42</sup> Established: by Section 54 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>43</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006. Amended: by subparagraph h) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

shall issue a certificate of the termination of Hungarian citizenship by abjuration. Hungarian citizenship shall be considered terminated on the day when the certificate is issued.

(3)<sup>44</sup> The body in charge of naturalization and nationality matters shall adopt a resolution if the criteria for the acceptance of the renouncement are not satisfied. The Fővárosi Közigazgatási és Munkaügyi Bíróság (*Budapest Court of Public Administration and Labor*) shall have jurisdiction to hear administrative actions brought against such resolutions.

(4)<sup>45</sup> The person whose renunciation of Hungarian citizenship was accepted may file a petition to the President of the Republic for reinstatement within three years of the date of acceptance, if the petitioner did not acquire citizenship in another country.

## ***Withdrawal of Hungarian Citizenship***

### *Section 9*

(1)<sup>46</sup> Hungarian citizenship may be withdrawn if it was obtained through unlawful means, in particular, by the recipient's conduct aimed at misleading the authorities by disclosing false or untrue data, or by concealing any consequential data or information. Hungarian citizenship may not be withdrawn after ten years from the date it was awarded.

(2)<sup>47</sup> The body in charge of naturalization and nationality matters shall convey the existence of any grounds for the withdrawal of citizenship in a formal resolution. The Fővárosi Közigazgatási és Munkaügyi Bíróság (*Budapest Court of Public Administration and Labor*) shall have jurisdiction to hear administrative actions brought against such resolutions.

(3)<sup>48</sup> Decisions in connection with the withdrawal of Hungarian citizenship by way of withdrawal shall be adopted by the President of the Republic based upon the recommendation of the minister.

(4) The decision concerning the withdrawal of Hungarian citizenship shall be published in the Official Hungarian Gazette (*Magyar Közlöny*). Hungarian citizenship shall be considered terminated on the day of publication of the decision.

## ***Verification of Hungarian Citizenship***

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<sup>44</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006, subparagraph h) Section 72 of Act CCI of 2011, Section 13 of Act CCXI of 2012, subparagraph e) Section 63 of Act CCVII of 2012, Paragraph b) of Section 52 of Act L of 2017.

<sup>45</sup> Enacted by Section 5 of Act XXXII of 2001, effective as of 1 July 2001. Applies to cases in progress as well. Amended: by subparagraph i) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>46</sup> Established by Section 6 of Act XXXII of 2001, effective as of 1 July 2001. Applies to cases in progress as well.

<sup>47</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006, subparagraph h) Section 72 of Act CCI of 2011, Section 13 of Act CCXI of 2012, subparagraph d) Section 63 of Act CCVII of 2012, Paragraph c) of Section 52 of Act L of 2017.

<sup>48</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006.



## Section 10<sup>49</sup>

(1) Hungarian citizenship may be evidenced by:

- a) a valid personal identification document;
- b) a valid Hungarian passport;
- c) a valid certificate of citizenship;
- d) by a certificate of naturalization, until proven to the contrary.

(2) If a Hungarian citizen is unable to verify his/her Hungarian citizenship by way of the means defined in Paragraphs a)-d) of Subsection (1) hereof, Hungarian citizenship may be verified - lacking proof to the contrary - by a Hungarian passport that has been void due to expiry, for a period of one year after the date of expiry.

(3) The personal data and address records shall evidence the Hungarian citizenship of Hungarian citizens registered therein.

## Section 11

(1)<sup>50</sup> At the request of the person concerned, the body in charge of naturalization and nationality matters shall issue a certificate of citizenship to certify the existence or termination of Hungarian citizenship, or the fact that the person indicated in the certificate is not a Hungarian citizen.

(2)<sup>51</sup> The certificate of citizenship shall be valid for a period of three years from the date of issue.

(3)<sup>52</sup> The certificate of citizenship shall contain:

- a) the name of the competent authority and the case number;
- b) the name and date and place of birth of the requesting person;
- c) the relevant facts of the case;
- d)<sup>53</sup> the specific statutes based on which the body in charge of naturalization and nationality matters made its decision;
- e) the place and time when and where the decision was made, the name and title of the issuer, and the stamp of the authority;
- f) the period of validity of the certificate of citizenship.

(4)<sup>54</sup> The Fővárosi Közigazgatási és Munkaügyi Bíróság (*Budapest Court of Public Administration and Labor*) shall have jurisdiction to hear administrative actions brought against resolutions on the refusal to issue a certificate of citizenship, or on the refusal of applications for

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<sup>49</sup> Established: by Section 55 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>50</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006. Amended: by Section 12 of Act CLXXIV of 2011. In force: as of 1. 01. 2012. Amended: by subparagraph i) Section 72 of Act CCI of 2011. In force: as of 1. 01. 2012. The change does not effect the English version.

<sup>51</sup> Amended: by subparagraph j) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>52</sup> Established by Subsection (1) of Section 3 of Act XLVI of 2005, effective as of 1 November 2005.

<sup>53</sup> Established: by Section 56 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>54</sup> Enacted by Subsection (2) of Section 3 of Act XLVI of 2005. Amended by subparagraph h) Section 72 of Act CCI of 2011, Section 13 of Act CCXI of 2012, Paragraph d) of Section 52 of Act L of 2017.

the issue of the certificate of citizenship.

(5)<sup>55</sup> In proceedings for the issue of certificate of citizenship petitions for reopening the case may not be lodged.

### *Section 12<sup>56</sup>*

At the request of any law enforcement agency, criminal investigation or immigration authority, national security or military administrative agencies, a notary (chief notary), notary public, consular and foreign authorities, and by other authorities and/or government bodies, or upon their data request, the body in charge of naturalization and nationality matters shall establish the existence or termination of the Hungarian citizenship of a person, or the fact that this person is not a Hungarian citizen.

## ***Citizenship Proceedings***

### *Section 13<sup>57</sup>*

(1)<sup>58</sup> The declaration and petition for citizenship, the declaration of renunciation of citizenship, and the application for the issue of a citizenship certificate (hereinafter referred to collectively as “petition for citizenship”) may be submitted:

*a)*<sup>59</sup> to the district (Budapest district) offices of Budapest and county government agencies (hereinafter referred to as “district office”);

*b)*<sup>60</sup> to the integrated customer service center of the competent Budapest or county government agency (hereinafter referred to as “integrated customer service center”);

*c)* to the officer of the competent Hungarian consulate; or

*d)*<sup>61</sup> to the body in charge of naturalization and nationality matters.

(2)<sup>62</sup> The petition for citizenship shall be submitted containing the information prescribed by law, and it shall be made out in the Hungarian language except for applications for the issue of citizenship certificates. The petition shall be signed by the petitioner. When the petition is

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<sup>55</sup> Enacted by Subsection (2) of Section 3 of Act XLVI of 2005, effective as of 1 November 2005. Amended: by paragraph (3) Section 20 of Act XIV of 2011. In force: as of 9. 03. 2011.

<sup>56</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006, Section 12 of Act CLXXIV of 2011, subparagraph i) Section 72 of Act CCI of 2011, Section 27 of Act CXCVII of 2017.

<sup>57</sup> Established by Section 4 of Act XLVI of 2005, effective as of 1 November 2005.

<sup>58</sup> Established: by Section 5 of Act XLIV of 2010. In force: as of 20. 08. 2010. Shall apply to proceedings opened after 1 January 2011.

<sup>59</sup> Established: by Section 57 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>60</sup> Established: by Section 16 of Act XIV of 2011. In force: as of 9. 03. 2011. Amended: by subparagraph k) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>61</sup> Amended: by Section 12 of Act CLXXIV of 2011. In force: as of 1. 01. 2012. The change does not effect the English version. Amended: by subparagraph a) Section 64 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>62</sup> Amended by Subsection (2) of Section 11 of Act CXXI of 2016.

submitted the petitioner's identity shall be established and the information contained in the petition shall be checked against the data of the documents attached.

(3) An application for a certificate of citizenship of another person may be submitted by any person who is able to substantiate of having a vested interest.

(4)<sup>63</sup> The head of the district office, or the head of the integrated customer service center shall dispatch the petition for citizenship to the body in charge of naturalization and nationality matters within five days, or by the consul by the first diplomatic mail delivery following receipt.

### *Section 14<sup>64</sup>*

(1)<sup>65</sup> The petition for citizenship shall contain - according to the forms prescribed by the relevant government decree - the following data of the person concerned:

a) surname and forename by birth, married surname and forename, surname and forename from previous marriage (hereinafter referred to collectively as “name”), date and place of birth, mother’s name, gender;

b) marital status, date and place of current marriage and any previous marriages, name of spouse or former spouse, their place and date of birth, nationality, particulars relating to Hungarian origin;

c) name of spouse’s or former spouse’s parents, their place and date of birth, nationality, particulars relating to their residence in Hungary;

d) ascendants’ name, place and date of birth, place and date of marriage of ascendants, information relating to their nationality and residence;

e) child’ name, place and date of birth, name and nationality of the child’s other parent;

f) brother’s, sister’s name, place and date of birth;

g) home address, information relating to any previous residence or accommodation in Hungary;

h) nationality, date of moving to abroad;

i) education, profession and employment; and

j) contact information for communication with the body in charge of naturalization and nationality matters and with the minister.

(2) The request referred to in Section 12 shall contain the information specified under Paragraph a) of Subsection (1), and all other information specified in Subsection (1) subject to availability.

(3)<sup>66</sup> The petition for citizenship shall - in accordance with the relevant government decree - enclose his/her birth certificate and the documents verifying marital status, as well as documents for substantiating compliance with the conditions defined in Sections 4, 5, 8 and 11 for the assessment of the petition for citizenship.

(4)<sup>67</sup> If any data is required for the petition for citizenship that is available in the records or documents of another Hungarian authority, and the petitioner did not verify such data, they shall be obtained by the body in charge of naturalization and nationality matters.

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<sup>63</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006. Amended: by paragraph (2) Section 20 of Act XIV of 2011. In force: as of 9. 03. 2011. Amended: by subparagraph 1) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>64</sup> Established by Section 5 of Act XLVI of 2005, effective as of 1 November 2005.

<sup>65</sup> Established: by paragraph (1) Section 58 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>66</sup> Established: by paragraph (2) Section 58 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>67</sup> Established: by paragraph (2) Section 58 of Act CCVII of 2012. In force: as of 1. 03. 2013.

(5)<sup>68</sup> If submitted with the petition for citizenship:

a) documents made out in another State shall be enclosed - if there is no insurmountable obstacle thereto by definition of the relevant government decree - with diplomatic recertification, unless otherwise required under international agreement and in the absence of reciprocity,

b) documents made out in a foreign language shall be submitted with an official Hungarian translation enclosed.

(6)<sup>69</sup> If the petition for citizenship is incomplete or the petitioner failed to attach the documents required, the body in charge of naturalization and nationality matters may call upon the petitioner to supply the missing information within the prescribed deadline or bear the consequences indicated. The deadline for the supply of a missing document shall be set in due consideration of the time required for obtaining it. In connection with applications for the issue of citizenship certificates the notice of missing information shall be conveyed within fifteen days following the date of receipt of the application.

### *Section 15*

(1)<sup>70</sup> The petition for citizenship may not be submitted by a representative. The petition for citizenship shall be submitted in person if the petitioner has legal capacity, or by the legal representative if the petitioner has limited legal capacity or if incompetent.

(2) In connection with a petition for naturalization and repatriation, or a declaration of renunciation, the petitioner with limited legal capacity shall also be heard.

(3)<sup>71</sup> The declaration of consent of both parents shall be attached to a minor person's petition for Hungarian citizenship, or for his/her renunciation of Hungarian citizenship, if there is no insurmountable obstacle thereto.

(4)<sup>72</sup> Spouses or a parent living together with his minor children or children of legal age with no legal capacity may submit a joint petition for naturalization or repatriation, or a joint declaration of renunciation of Hungarian citizenship.

### *Section 16*

(1)<sup>73</sup> The body in charge of naturalization and nationality matters shall - within 15 days of issue - send the certificate of naturalization to the mayor of the municipality of the petitioner's residence or, if Subsections (3), (3a), (6) and (7) of Section 4, or Section 5 apply, to the mayor or

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<sup>68</sup> Established: by paragraph (2) Section 58 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>69</sup> Amended: by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006. Amended: by subparagraph d) Section 63 and subparagraph b) Section 64 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>70</sup> Established by Subsection (1) of Section 11 of Act CXXI of 2016, effective as of 1 January 2017.

<sup>71</sup> Amended: by paragraph (1) Section 20 of Act XIV of 2011. In force: as of 9. 03. 2011.

<sup>72</sup> Amended: by subparagraph i) Section 72 of Act CCI of 2011. In force: as of 1. 01. 2012. The change does not effect the English version.

<sup>73</sup> Established: by Section 6 of Act XLIV of 2010. In force: as of 20. 08. 2010. Shall apply to proceedings opened after 1 January 2011. Amended: by subparagraphs d) and g) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

the officer of the competent Hungarian consulate at the petitioner's option, in a diplomatic bag.

(2)<sup>74</sup> The mayor or the consulate officer shall notify the petitioner within thirty days following receipt of the document concerning the date and place for taking the citizenship oath or pledge of allegiance.

(3)<sup>75</sup> The persons naturalized under Subsections (3), (3a), (6) and (7) of Section 4, or under Section 5 may ask - at the latest on the fifth day before the date specified in the notice referred to in Subsection (2) - to take the citizenship oath or pledge of allegiance at a place other than the one indicated in the notice.

(3a)<sup>76</sup> In the case provided for in Subsection (3), the mayor or the consulate officer shall forthwith dispatch the certificate of naturalization to the mayor indicated in the notice specified in Subsection (3) or - by way of diplomatic courier - to the consulate officer, who shall provide for carrying out the duties defined in Subsection (2). In that case the persons naturalized under Subsections (3), (3a), (6) and (7) of Section 4, or under Section 5 may not repeat the request defined in Subsection (3).

(4)<sup>77</sup> If the citizenship oath or pledge of allegiance is not administered within a period of one year of the delivery of the notice for reasons within the petitioner's control, the resolution on naturalization or repatriation shall be rescinded. If the person naturalized under Subsections (3), (3a), (6) and (7) of Section 4, or under Section 5 makes the request defined in Subsection (3), the time limit shall begin on the date of delivery of the first notice.

### *Section 16/A<sup>78</sup>*

In citizenship proceedings the body in charge of naturalization and nationality matters shall not maintain communication by way of electronic means, with the exception of providing information.

### *Section 17<sup>79</sup>*

(1)<sup>80</sup> The body in charge of naturalization and nationality matters shall, within sixty days, issue the certificate defined in Subsection (2) of Section 5/A or adopt the resolution defined in Subsection (3) of Section 5/A.

(2)<sup>81</sup> The minister shall present his recommendation set out in Subsection (1) of Section 6 to the President of the Republic within three months.

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<sup>74</sup> Enacted by Subsection (2) of Section 6 of Act XLVI of 2005, effective as of 1 January 2006. Amended: by subparagraph m) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>75</sup> Established: by paragraph (1) Section 59 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>76</sup> Enacted: by paragraph (2) Section 59 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>77</sup> Established: by paragraph (3) Section 59 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>78</sup> Enacted by Subsection (1) of Section 9 of Act CLXXXVI of 2017, effective as of 1 January 2018.

<sup>79</sup> Established by Section 9 of Act XXXII of 2001, effective as of 1 July 2001. Applies to cases in progress as well.

<sup>80</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006. Amended: by subparagraph n) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>81</sup> Established: by paragraph (1) Section 60 of Act CCVII of 2012. In force: as of 1. 03. 2013.

(2a)<sup>82</sup> The minister shall present his recommendation for acceptance of renunciation of citizenship to the President of the Republic within sixty days. The body in charge of naturalization and nationality matters shall adopt the resolution referred to in Subsection (3) of Section 8 within sixty days.

(3)<sup>83</sup> The body in charge of naturalization and nationality matters shall adopt a decision concerning applications for citizenship certificates and the official inquiries referred to in Section 12 within sixty days.

(4)<sup>84</sup> The time limits defined in Subsections (1)-(3) shall commence on the day of receipt of the declaration, petition, application or inquiry by the body in charge of naturalization and nationality matters, which may, in justified cases, be extended once by an additional sixty days in the cases provided for in Subsections (1), (2a) and (3), and by three months in the cases provided for in Subsection (2).

(5)<sup>85</sup> The time limits prescribed under Subsections (1)-(3) shall not include:

*a)* the length of time elapsed from the time of notice for requesting the missing information until such information is supplied;

*b)* the duration of any suspension of the proceedings;

*c)* the time required for obtaining the opinions referred to in Paragraph *d)* of Subsection (3) of Section 19;

*d)* the length of time elapsed between the time of making a request for obtaining any data or information relating to nationality from another authority or government body until the reply is received.

(6)<sup>86</sup> A petition for naturalization and repatriation, and a declaration of renunciation can be revoked before the final decision of the President of the Republic, and an application for a citizenship certificate can be revoked before it is issued, in which cases the body in charge of naturalization and nationality matters shall dismiss the procedure.

(7)<sup>87</sup> In citizenship proceedings the petitioner may be represented by proxy, if personal participation is not required mandatory by law. The body in charge of naturalization and nationality matters shall investigate the power of representation, and shall disqualify the representative if he/she is deemed to lack capacity or fails to produce adequate proof of authorization.

(8)<sup>88</sup> If the conclusion of a citizenship petition is contingent upon the resolution of a matter that

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<sup>82</sup> Enacted: by paragraph (2) Section 60 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>83</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006. Amended: by Section 12 of Act CLXXIV of 2011. In force: as of 1. 01. 2012. Amended: by subparagraph o) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>84</sup> Established: by paragraph (3) Section 60 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>85</sup> Enacted: by paragraph (2) Section 7 of Act XLIV of 2010. In force: as of 20. 08. 2010. Shall apply to proceedings opened after 1 January 2011.

<sup>86</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006. Numbering amended: by paragraph (2) Section 7 of Act XLIV of 2010. In force: as of 20. 08. 2010. Amended: by subparagraph d) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>87</sup> Numbering amended: by paragraph (2) Section 7 of Act XLIV of 2010. In force: as of 20. 08. 2010. Amended: by Section 12 of Act CLXXIV of 2011. In force: as of 1. 01. 2012. Amended: by subparagraph p) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>88</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006. Numbering amended: by paragraph (2) Section 7 of Act XLIV of 2010. In force: as of 20. 08. 2010.

falls within the jurisdiction of another authority, the body in charge of naturalization and nationality matters shall suspend the proceeding. If it is within the right of the petitioner to initiate the procedure before the other authority in question, the body in charge of naturalization and nationality matters shall advise the petitioner to do so within a prescribed deadline. If the petitioner fails to carry out this request, the body in charge of naturalization and nationality matters shall dismiss the procedure or adopt a decision or make a recommendation to the minister for submitting a proposal to the President of the Republic based on the information at hand.

(9)<sup>89</sup> In connection with applications for the issue of citizenship certificates the body in charge of naturalization and nationality matters shall, without any further investigation, adopt a ruling for the rejection of the petition, the termination or suspension of the proceeding, and also with respect to the bearing of the costs of the proceeding.

(10)<sup>90</sup> The decisions of the body in charge of naturalization and nationality matters cannot be appealed.

### *Section 17/A<sup>91</sup>*

(1) The body in charge of naturalization and nationality matters shall deliver its resolution adopted in relation to the statement, renouncement and the withdrawal of Hungarian citizenship to the natural person in respect of whom it contains provisions.

(2) In the interest of communicating its decision the body in charge of naturalization and nationality matters shall attempt to have it delivered by post to all addresses, foreign or domestic, of which it is aware, on two occasions.

(3) If delivery by post failed, the body in charge of naturalization and nationality matters shall deliver its decision by way of public notice posted on its website. The decision shall be considered served on the forty-fifth day after the date when the public notice was delivered.

(4) The public notice shall contain:

- a) the date of publication on the website;
- b) the name of the competent authority;
- c) the case number and the subject matter of the case;
- d) the name and known home address of the natural person mentioned in Subsection (1); and
- e) a notice indicating that the body in charge of naturalization and nationality matters has adopted a decision and that attempts to deliver it have failed, therefore, it may be collected at the competent authority.

### *Data Protection, Data Supply*

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Amended: by subparagraph q) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>89</sup> Enacted by Subsection (2) of Section 7 of Act XLVI of 2005. Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006. Numbering amended: by paragraph (2) Section 7 of Act XLIV of 2010. In force: as of 20. 08. 2010. Amended: by Section 12 of Act CLXXIV of 2011. In force: as of 1. 01. 2012.

<sup>90</sup> Enacted by Subsection (1) of Section 21 of Act CIV of 2016, effective as of 1 January 2017.

<sup>91</sup> Enacted by Subsection (2) of Section 9 of Act CLXXXVI of 2017, effective as of 1 January 2018.

## Section 18

The following may gain access to documents relating to citizenship proceedings:

- a) the person concerned in the matter, or his/her descendants and ancestors following his/her death;
- b) law enforcement agencies, criminal investigation authorities and national security agencies in matters falling within their jurisdiction to the extent required for their statutory proceedings.

## Section 19

(1)<sup>92</sup> Data related to the granting of Hungarian citizenship by way of naturalization or repatriation, including those defined in Subsection (1) of Section 14 and in Section 20/A, shall be supplied by the registrar of competence by reference to the place for administering the citizenship oath or pledge of allegiance, or in the case of persons repatriated under Subsections (3), (3a), (6) and (7) of Section 4, or Section 5, by the registrar of competence by reference to the place for administering the citizenship oath or pledge of allegiance, or if citizenship oath or pledge of allegiance is administered at a foreign mission, by the body in charge of naturalization and nationality matters:

- a) to other registrars, civil register offices;
- b) to the body operating the personal data and address records;
- c) to the immigration authority;
- d) to the refugee authority in the case of refugees, persons eligible for subsidiary protection, persons eligible for temporary protection or exiles; and
- e) to the Központi Statisztikai Hivatal (*Central Statistics Office*).

(2)<sup>93</sup> Concerning the termination of Hungarian citizenship, the body in charge of naturalization and nationality matters shall notify the body operating the personal data and address records, the registrar of record of the birth, marriage or registered partnership of the person whose Hungarian citizenship is terminated, or the birth of the child of such person, the passport authority, and in respect of potential conscripts and persons subject to military service, the department of military administration and records of the Ministry of Defense.

(3)<sup>94</sup> In the course of citizenship proceedings, the minister and the body in charge of naturalization and nationality matters:<sup>95</sup>

- a) may gain access to the register of births, marriages and deaths and the related documents, and may request copies thereof;
- b)<sup>96</sup> may request data from and may gain access to review the personal data and address records, the immigration register, the register and records of refugees and the travel document register;

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<sup>92</sup> Established by Section 1 of Act CXXXIII of 2018, effective as of 1 January 2019.

<sup>93</sup> Established by Subsection (2) of Section 10 of Act XXI of 2006. Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006, Section 54 of Act CLXXVII of 2011, subparagraph c) Section 23 of Act XCIII of 2012, by subparagraphs d) and r) Section 63 and subparagraph c) Section 64 of Act CCVII of 2012, Subsection (2) of Section 4 of Act CCXVIII of 2013, Subsection (2) of Section 21 of Act CIV of 2016.

<sup>94</sup> Amended by Paragraph g) of Subsection (2) of Section 168 of Act CIX of 2006.

<sup>95</sup> Amended: by subparagraph s) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>96</sup> Established: by paragraph (2) Section 61 of Act CCVII of 2012. In force: as of 1. 03. 2013.



c)<sup>97</sup> may request data from police records, the register of convicted criminals and the files of indicted persons, and also from the prosecutor's offices and the courts;

d)<sup>98</sup> may request the opinion of notaries, district offices, consuls, guardians, the immigration authority and the refugee authority, and shall request the opinion of the police and the national security agency of competent jurisdiction.

(4)<sup>99</sup> In naturalization procedures, repatriation procedures, and procedures for acquiring citizenship and for the verification of citizenship, the body authorized to receive petitions for citizenship shall check whether the petitioner is registered in the personal data and address records.

### *Section 20<sup>100</sup>*

(1) Citizenship documents may not be discarded. The responsibility for safekeeping such documents lies with the Magyar Nemzeti Levéltár (*National Archives of Hungary*), and with the body in charge of naturalization and nationality in the cases provided for in Subsection (2).

(2) The documents of cases related to naturalization and nationality that were concluded after 1 April 2015 shall be safeguarded by the body in charge of naturalization and nationality for three years.

### *Change of Name<sup>101</sup>*

#### *Section 20/A<sup>102</sup>*

(1)<sup>103</sup> A foreign national applying for naturalization may concurrently request:

a) to bear the former family birth name of his own or of his ancestors;

b) to waive one or more components of his family birth name if applicable, or any designation of gender from his birth name or married name;

c) the Hungarian equivalent of his/her forename.

d)<sup>104</sup> to bear the former family birth name of his spouse or his spouse's ancestors, or - if widowed or divorced - the former family birth name of his former spouse or his former spouse's

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<sup>97</sup> Established by Subsection (2) of Section 10 of Act XXXII of 2001, effective as of 1 July 2001. Applies to cases in progress as well.

<sup>98</sup> Established: by paragraph (2) Section 8 of Act XLIV of 2010. In force: as of 20. 08. 2010. Shall apply to proceedings opened after 1 January 2011. Amended: by subparagraph d) Section 23 of Act XCIII of 2012. In force: as of 1. 01. 2013. Amended: by subparagraph t) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>99</sup> Enacted: by paragraph (3) Section 61 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>100</sup> Established by Section 16 of Act CXXVII of 2016, effective as of 1 January 2017.

<sup>101</sup> Enacted by Section 11 of Act XXXII of 2001, effective as of 1 July 2001. Applies to cases in progress as well.

<sup>102</sup> Enacted by Section 11 of Act XXXII of 2001, effective as of 1 July 2001. Applies to cases in progress as well.

<sup>103</sup> Established: by Section 9 of Act XLIV of 2010. In force: as of 20. 08. 2010. Shall apply to proceedings opened after 1 January 2011.

<sup>104</sup> Enacted: by paragraph (1) Section 17 of Act XIV of 2011. In force: as of 9. 03. 2011.

ancestors.

(1a)<sup>105</sup> Authorization to a foreign national applying for naturalization for bearing the name referred to in Paragraph *d*) of Subsection (1) may be granted if bearing a married name and:

*a*) - if married - his/her spouse bears the name referred to in Paragraph *a*) of Subsection (1) or requests - in naturalization proceedings - to bear the name referred to in Paragraph *a*) of Subsection (1),

*b*) - if divorced - his/her former spouse used the name referred to in Paragraph *a*) of Subsection (1),

*c*) - if widowed - his/her former spouse used the name referred to in Paragraph *a*) of Subsection (1) or could have applied for permission to bear the name referred to in Paragraph *a*) of Subsection (1).

(2)<sup>106</sup> Unless otherwise provided for by the relevant government decree, any petition for change of name shall be substantiated by official document or expert opinion.

(3)<sup>107</sup> Authorization for change of name shall be granted by the body in charge of naturalization and nationality matters. If the body in charge of naturalization and nationality matters has authorized the change of name, this decision shall take effect on the day when taking the citizenship oath or pledge of allegiance defined in Section 7.

(4) Any change of name shall be duly registered.

(5)<sup>108</sup> A foreign national applying for naturalization may request in a change of name procedure to have the name of his/her deceased mother shown in Hungarian, if the mother's name had previously been indicated in Hungarian in any official document.

### *Use of Foreign Place-Names<sup>109</sup>*

#### *Section 20/B<sup>110</sup>*

(1) If a foreign municipality had an official Hungarian name previously, this Hungarian name of such foreign town shall be used in naturalization and repatriation procedures.

(2) If a foreign municipality did not have an official Hungarian name previously, the official name of such town used in that country shall be used in naturalization and repatriation procedures.

(3) A foreign national applying for naturalization or repatriation may request, if Subsection (1) applies, to have the name of the foreign municipality indicated (in parenthesis) in its official form as used in that country, in addition to the previous official Hungarian name.

(4) If a foreign municipality did not have an official Hungarian name previously, and if a request specified in Subsection (3) had been filed, after the foreign place-name in its official form as used in that country - if shown in the documents available - the name of the canton, province

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<sup>105</sup> Enacted: by paragraph (2) Section 17 of Act XIV of 2011. In force: as of 9. 03. 2011.

<sup>106</sup> Amended: by subparagraph u) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

<sup>107</sup> Established: by paragraph (3) Section 17 of Act XIV of 2011. In force: as of 9. 03. 2011.

Amended: by subparagraph v) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.

Amended by Subsection (2) of Section 21 of Act CIV of 2016.

<sup>108</sup> Enacted: by paragraph (4) Section 17 of Act XIV of 2011. In force: as of 9. 03. 2011.

<sup>109</sup> Enacted by Section 9 of Act XLVI of 2005, effective as of 1 January 2006.

<sup>110</sup> Established: by Section 18 of Act XIV of 2011. In force: as of 9. 03. 2011.

or the federal state, and - in all cases - the name of the country shall be indicated in parenthesis.

(5) The name of the canton, province or the federal state shall be recorded according to its official name at the time of registration, and the name of the country shall be recorded according to its official name, in Hungarian, at the time of registration.

### *Closing Provisions*

#### *Section 21<sup>111</sup>*

#### *Section 22<sup>112</sup>*

Unless this Act provides otherwise, in legal proceedings instituted on the basis of the provisions of this Act, the Act on the Code of Administrative Procedure shall apply.

#### *Section 23<sup>113</sup>*

(1)<sup>114</sup> For the purposes of this Act, 'Hungarian resident' shall mean - as of the day of registration of residence - a non-Hungarian citizen who resides in Hungary, and:

- a) has been granted immigrant or permanent resident status;
- b) has been granted refugee status; or
- c) exercises his/her right of free movement and residence in the territory of the Republic of Hungary in accordance with the provisions laid down in the Act on the Admission and Residence of Persons with the Right of Free Movement and Residence.

(2)<sup>115</sup>

#### *Section 24*

(1) This Act shall enter into force on the first day of the fourth month following promulgation.

(2)-(3)<sup>116</sup>

(4)<sup>117</sup> The Government is hereby authorized:

- a) to designate the body in charge of naturalization and nationality matters by means of a decree;
- b) to decree the responsibilities in connection with the administration of citizenship oaths and

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<sup>111</sup> Repealed by Subsection (1) of Section 14 of Act XXXII of 2001, effective as of 1 July 2001.

<sup>112</sup> Amended by Paragraph e) of Section 52 of Act L of 2017.

<sup>113</sup> Established by Section 12 of Act XXXII of 2001. Subsection (2) enters into force on 1 July 2001.

<sup>114</sup> Established by Subsection (2) of Section 92 of Act I of 2007, effective as of 1 July 2007.

<sup>115</sup> Repealed: by subparagraph d) Section 64 of Act CCVII of 2012. No longer in force: as of 1. 03. 2013.

<sup>116</sup> Repealed by Subsection (2) of Section 32 of Act XLVI of 2005, effective as of 1 November 2005.

<sup>117</sup> Established: by Section 62 of Act CCVII of 2012. In force: as of 1. 03. 2013.

pledges of allegiance;

c) to decree the responsibilities of the body authorized to receive petitions for citizenship in connection with the receipt of petitions for citizenship and the forwarding of documents, and the tasks relating to the notification of the registries of the authorities;

d) to decree the forms prescribed for proceedings conducted under this Act, and the documents to be enclosed with petitions for citizenship;

e) to decree the requirements regarding the examination prescribed in Paragraph e) of Subsection (1) of Section 4, the procedural order thereof, the regulations concerning the verification of entitlement for exemption from the exam, and the contents and security requirements of the exam certificates, and to designate the body for conducting the said examination and its duties relate thereto;

f) to decree the type of documents required in connection with applications for change of name, for verifying the data contained therein.

### *Section 25<sup>118</sup>*

The provisions of this Act, as amended by Act XIV of 2011 on the Amendment of Act LXVI of 1992 on Records of the Personal Data and Addresses of Citizens, Act LV of 1993 on Hungarian Citizenship and Act I of 2010 on Civil-Status Records and the Related Procedures (hereinafter referred to as “Act XIV of 2011”) shall apply to naturalization and repatriation procedure in progress at the time of Act XIV of 2011 entering into force.

### ***Compliance with the Majority Requirement Set Out in the Fundamental Law<sup>119</sup>***

### *Section 26<sup>120</sup>*

Subsections (1) and (2) of Section 1, Subsection (4) of Section 1, Sections 2-4, Subsection (2) of Section 4/A, Section 5, Subsections (1) and (1a) of Section 5/A, Subsections (2) and (3) of Section 7, Subsections (1) and (2) of Section 8, Subsection (4) of Section 8, Subsections (1) and (4) of Section 9, Section 23 and Section 25 of this Act shall be considered an implementing act pursuant to Article G) (4) of the Fundamental Law.

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<sup>118</sup> Enacted: by Section 19 of Act XIV of 2011. In force: as of 9. 03. 2011.

<sup>119</sup> Enacted: by paragraph (4) Section 71 of Act CCI of 2011. In force: as of 1. 01. 2012.

<sup>120</sup> Enacted: by paragraph (4) Section 71 of Act CCI of 2011. In force: as of 1. 01. 2012.

Amended: by subparagraph w) Section 63 of Act CCVII of 2012. In force: as of 1. 03. 2013.