

Government Decree 172/2001 (IX.26.)

On the Detailed Rules of Asylum Procedures and Documents of Temporarily Protected Persons

As authorised by Section 60 Subsection (1) paragraph a) of the Act CXXXIX of 1997 on Asylum (hereinafter: Asylum Act), the Government hereby orders the following:

AUTHORITY AND COMPETENCE

Section 1¹

The Office of Nationality and Immigration of the Ministry of the Interior

- a) shall conduct the procedure aimed at the recognition of persons as refugees and temporarily protected persons (in this competence hereinafter referred to as the “refugee authority”);
- b) shall proceed as competent authority in the procedure aimed at the determination of the member state with competence in the recognition of persons as refugees and the handing over and acceptance of applicants.

Procedure aimed at the determination of the member state responsible for the processing of applications and the handing over and acceptance of applicants

Section 1/A²

(1) Upon the institution and in the course of the refugee procedure, the refugee authority shall examine whether the conditions of the application of the following legal rules exist in the case of the applicant:

a) Council Regulation 343/2003/EC establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, and

b) Commission Regulation 1560/2003/EC laying down detailed rules for the application of Council Regulation 343/2003/EC establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national

(hereinafter collectively referred to as the “Dublin Regulation”).

(2) If the refugee authority establishes that a procedure shall be conducted which is aimed at the determination of the member state responsible for the processing of the application and the handing over and acceptance of the applicant (hereinafter referred to as “Dublin procedure”), the refugee

¹ Section 1 has been amended by Section 1 of Government Decree 278/2004.(X.12.), in force since 20 October 2004

² Sections 1/A-1/D have been introduced by Section 2 of Government Decree 278/2004.(X.12.), in force since 20 October 2004

authority shall establish in a decision that the deadline for the refugee procedure shall be suspended until the conclusion of the Dublin procedure. No legal remedy shall lie against the decision.

(3) The Dublin procedure shall include contacting the competent authority of another member state, the acceptance of contact enquiries, consultations, the administration of the procedure of handing over and acceptance and the handing over or acceptance of the applicant, in the course of which the provisions of the Dublin Regulations and Sections 1/B to 1/D shall be observed.

(4) The day of the conclusion of the Dublin procedure is the handing over of the applicant to the competent authority of another member state or the day of the receipt or returning of the applicant from the competent authority of another member state.

Section 1/B

(1) If the contacted member state established its competence for conducting the refugee procedure, a decision shall be adopted with respect to the refugee procedure and the handing over of the applicant.

(2) A decision adopted as part of the Dublin procedure, as determined in subsection (1), shall also state the place and time of the handing over of the applicant, while if these are not known, it shall establish the last day of the deadline for handing over.

(3) If the decision did not state the place and time of the handing over of the applicant, the applicant shall be notified thereof in writing three days prior to the day of handing over.

(4) No appeal shall lie against the decision providing for the handing over of the applicant. The court review of the decision may be requested within 15 days of promulgation. Any statement of claim submitted to the court shall have no delaying effect on the execution of handing over.

(5) If the applicant is handed over or accepted with official escort due to the prevalence of the circumstance determined in Section 59, subsection (1) of Act XXXIX of 2001 on the Entry and Residence of Foreigners, the rules of deportation shall duly apply to execution.

(6) Until the conclusion of the procedure of handing over and acceptance, the applicant shall have the rights and obligations which are due to and encumber those seeking recognition as refugees.

Section 1/C

(1) If the Dublin procedure is closed through the handing over of the applicant, the refugee procedure shall be terminated at the date of the handing over of the applicant.

(2) If no competent authority of another state takes the procedure over, the refugee procedure shall be continued in accordance with the general rules. In the case of accepted or returned applicants, the time limit of the refugee procedure shall be reckoned from the date of acceptance or returning.

Section 1/D

(1) If, based on the contact request of another Member State, the Hungarian refugee authority establishes its competence in the Dublin procedure, the competent authority of the contacting member state shall be notified thereof.

(2) In the event of the acceptance or returning of the applicant, the applicant shall be directed or escorted to the refugee authority which shall designate accommodation for the refugee.

PARTICIPATION IN THE ASYLUM PROCEDURE

Section 2

(1) If the foreigner expresses his/her intention to seek recognition as a refugee or a temporarily protected person in the course of an alien policing proceedings, the alien policing authority shall put down in writing such declaration. In the course of putting down the declaration in writing the following shall be recorded:

- a) identification details (surname and first name, former or maiden surname and first name, pseudonym, current and former citizenship, statelessness, sex, place and date of birth and mother's maiden name)³;
- b) data of available personal identification and travel document (identification mark and serial number, expiry, place and date of issue, issuer of the document);
- c) the claim;
- d) reasons identified by the foreigner as reasons resulting in his/her flight;
- e) description of the circumstances of escape, route leading to arrival in Hungary and place and time of crossing the border of Hungary.

(2) If a person seeking recognition as a refugee arrived in the territory of the country with a direct family member and the application also extends to that direct family member, the declaration shall also contain the details determined in subsection (1) in respect of the direct family member.⁴

(3) The alien policing authority shall, without delay, forward the declaration, together with a fingerprint and a photograph taken by same to the competent refugee authority having jurisdiction. In case the refugee authority competent to proceed cannot be identified according to Section 1 Subsections (2)-(3) of this Decree, the declaration shall be forwarded to the refugee authority having jurisdiction at the place of the head-quarters of the aliens policing authority.

(4) The alien policing authority shall, within 24 hours of the putting down in writing of the declaration, make the necessary arrangements for the transfer of the foreigner to the reception centre, as determined by the competent refugee authority, save any such instance when specific regulations for airports shall be applicable with respect to the foreigner's case, or if the foreigner is under the effect of any measure restricting his/her personal freedom or such measures are applicable against him.

ASYLUM PROCEDURE

Institution of the Procedure

Section 3

(1) The application for recognition as a refugee or as a temporarily protected person may be submitted to the refugee authority in person verbally or in writing. An application submitted in writing

³ Section 2 Subsection (1) paragraphs a) and e) have been amended by Section 3 Subsection (1) and (3) of Government Decree 278/2004.(X.12.), in force since 20 October 2004

⁴ Section 2 Subsection (2) has been introduced by Section 3 Subsection (3) of Government Decree 278/2004.(X.12.), in force since 20 October 2004

shall signed by the applicant. Should the applicant be illiterate, this fact shall be recorded upon submission.

- (2) Following the submission of the application, once the application presented verbally has been committed to minutes, the refugee authority shall conduct a preliminary hearing, as part of which it shall inform the applicant of his/her fundamental rights and obligations and shall state the following in the minutes taken thereof:
- a)* the details listed in Section 2, subsection (1), paragraphs a) to d) if they are not stated in the application, and the applicant's
 - b)* marital status, place of marriage, occupation and education,
 - c)* accommodation or place of residence in Hungary,
 - d)* residence in the country of his/her nationality, in the case of a stateless person, usual place of residence,
 - e)* declaration concerning his/her earning and financial situation,
 - f)* details concerning national, ethnic and religious affiliation if he/she refers thereto in his/her application as the cause of escape,
 - g)* a declaration as to whether he/she suffers from any of the illnesses determined in a separate legal rule and whether he/she carries the pathogen of a contagious disease in his/her body, and
 - h)* the details set forth in Section 2, subsection (1) and in paragraphs a) to g) with respect to the direct family member if the person seeking recognition as a refugee arrived in the territory of the country with a direct family member and the application also extends to that direct family member.
- (3) In the event of the use of an interpreter, the minutes shall also be signed by the interpreter, while in the case of an unaccompanied minor, the minutes shall also be signed by the appointed case-to-case guardian.⁵
- (4) The date of submission of the application submitted in writing or included in declaration, shall be the date when the application was received by the refugee authority.
- (5) The date of submission of an application submitted verbally shall be the date of the minutes taken of the application.
- (6) Refugees and temporarily protected persons shall submit the application for recognition of their children born in Hungary within 30 days from the birth of the child.

Section 4⁶

⁵ Section 3 Subsections (2)-(3) have been introduced by Section 4 of Government Decree 278/2004.(X.12.), in force since 20 October 2004

⁶ Section 4 ceases to have effect due to Section 19 Subsection (2) paragraph a) of Government Decree 278/2004.(X.12.)

Section 5

- (1) If the applicant is detained or stays at a community shelter, the refugee authority shall interview the applicant at the address of such detention or community shelter, in the interest of the submission of application. If the applicant is detained, his/her interview shall be handled as a matter of priority (executed with special dispatch).
- (2) The maintainer of the detention facility or the community shelter shall provide the necessary conditions for the interview of the applicant staying at any of such facility, in particular:
 - a) an interview room for the exclusive use of the refugee authority during the interview,
 - b) the appearance of the applicant at the asylum interview.

Section 6

- (1) If the application is submitted verbally and the applicant does not speak the Hungarian language, the refugee authority shall provide for the applicant an interpreter who speaks his/her native language or any other language spoken by the applicant. If the acting officer speaks the applicant's native language or any other language spoken by the applicant, the employment of an interpreter might be avoided, provided that the applicant gives a written consent to such non-employment of an interpreter.
- (2) Upon the specific request of the applicant, an interpreter and an officer of the same sex as the applicant shall be appointed, if this does not hinder conducting the procedure.
- (3) If the applicant invokes gender-based persecution in the application, upon his/her request the appointment of an interpreter and of an officer of the same sex shall be compulsory.
- (4) An officer of the same sex as the applicant shall proceed when inspecting the clothing of the applicant.

Section 7

- (1) For the protection of the interests of unaccompanied minors, and such aliens who shall be under the age of 18 and shall not have a representative-by-the-force-of-law, the refugee authority shall provide for the appointment of a guardian upon submission of the application, or with a view to file without delay any verbal application.
- (2) The appointment of a guardian shall be requested also in the event if the presence of the representative-by-the-force-of-law or of the accompanying person at the interview of the minor applicant would hinder clarification of the facts of the case.

Section 8⁷

Section 9

- (1) If no alien policing procedures were instituted prior to the submission of the application or no such measures were instituted by the alien policing authority, the refugee authority shall take measures, at the submission of the application, for taking the face photograph and - in case of applicant is over 14 years of age - fingerprints of the applicant.

⁷ Section 8 ceases to have effect due to Section 19 Subsection (2) paragraph a) of Government Decree 278/2004.(X.12.)

(2) The refugee authority shall, without delay, forward any fingerprints taken to the data processing agency determined in a separate legal rule for the purpose of registration and examination. The data processing agency shall, within three business days of being contacted, notify the refugee authority of the result of its examination.⁸

Rights and Duties of the Applicant

Section 10

(1) As of the date of submission of the application, or as of the first day after the discontinuation of the detention or the compulsory place of stay ordered by the alien policing authority, the refugee authority will designate the applicant's place of accommodation.

(2) With the exceptions in Subsections (3)-(4), a reception centre or an accommodation on contractual basis, and/or upon request of the applicant concerned, private accommodation may also be designated as places of accommodation.

(3) Unaccompanied minors shall be placed in child care facilities designated for such purpose, reception centres equipped with a facility for separately accommodating minors, or at accommodation on contractual basis. Unaccompanied minors might be placed with relatives not qualifying as immediate family members, if the relative undertakes the care of the unaccompanied minor in writing, and it is obvious on the basis of the relationship between the unaccompanied minor and the relative, that such placement would serve the interests of the unaccompanied minor.

(4) If the applicant stays in a compulsory place of stay designated by the aliens policing authority, any other place of accommodation shall only be designated with the approval of the aliens policing authority.

(5) Immediate family members shall be designated to stay at the same accommodation unless the request of the applicant for a different arrangement can be satisfied.

Section 11

(1) The applicant shall cooperate with the refugee authority during the procedure and shall observe the rules of conduct prescribed at the designated accommodation. Subject to notification of the rules of conduct prescribed at the designated accommodation, the applicant shall also be warned thereof in writing.⁹

(2) In places of accommodation, a person violates the rules of habitual stay if he/she leaves the place of accommodation for more than 24 hours without the permission of the proceeding refugee authority.

⁸ Section 9 Subsection (2) has been amended by Section 5 of Government Decree 278/2004.(X.12.), in force since 20 October 2004

⁹ Section 11 Subsection (1) has been amended by Section 6 of Government Decree 278/2004.(X.12.), in force since 20 October 2004

Section 12

- (1) Out of interests of public hygiene, a foreigner staying at a reception centre and seeking recognition as a refugee shall, immediately following the submission of his/her application, be quarantined in a specifically designated part of the reception centre in the interest of the prevention of contagious diseases and epidemics for the purpose of taking the required measures. The foreigner shall be quarantined until the county (metropolitan) institute, with competence according to the asylum seeker's place of residence, of the State Public Hygiene and Chief Medical Officer's Service (hereinafter referred to as "Institute") verifies in a certificate issued by it that the foreigner staying at the reception centre and seeking recognition as a refugee does not suffer from any contagious diseases determined in a separate legal rule, is not capable of infecting others and does not carry any pathogens.¹⁰
- (2) The Institute shall establish to which immunisation the foreigner seeking recognition as a refugee shall submit himself.
- (3) Medical examinations and immunisations necessary for the issuing of the certificate shall be performed in the health care institute designated by the Institute. The administration of immunisation shall be recorded in the certificate.
- (4) If the foreigner seeking recognition as a refugee suffers from an illness specified in Subsection (1), is virulent or carries the germs thereof, the Institute shall perform the necessary public health measures.
- (5) Provisions contained in Subsections (1)-(4) shall be applicable to applicants for temporarily protected status if the public health authority so orders.

Section 13

- (1) The applicant shall attach to the application his/her personal identification and travel documents, and all other documents that contain data to which he/she has referred in the application.
- (2) Should the documents referred to in Subsection (1) be in possession of the alien policing authority that previously proceeded against the applicant, the alien policing authority shall forward them to the proceeding refugee authority at the institution of the asylum procedure.
- (3) The documents submitted, except as set out in subsections (4) to (7), shall be returned to the applicant on the day on which the decision taken with respect to the merit of the case becomes final and non-appealable.¹¹
- (4) Any false or forged documents shall be sent to the alien police authority with competence according to the applicant's place of residence.¹²
- (5) The travel documents of a recognised refugee shall be withdrawn by the refugee authority.

¹⁰ Section 12 Subsection (1) has been amended by Section 7 of Government Decree 278/2004.(X.12.), in force since 1 January 2005

¹¹ Section 13 Subsection (3) has been amended by Section 8 Subsection (1) of Government Decree 278/2004.(X.12.), in force since 20 October 2004

¹² Section 13 Subsection (4) has been amended by Section 8 Subsection (2) of Government Decree 278/2004.(X.12.), in force since 20 October 2004

- (6) The refugee authority shall keep, until the termination of the refugee status, the documents of any foreigner recognised as a refugee that corroborate that the application was well founded.
- (7) If the refugee authority initiated the expulsion of the applicant, the documents shall be sent to the alien police authority with competence according to the applicant's place of residence.¹³
- (8) Upon termination of the refugee status, the travel document of the foreigner shall be returned, unless the recognition as a refugee shall have been withdrawn pursuant to any reason set forth in Sections 6 (1)a) and c) or 7(b) of the Asylum Act.

Representation of the Applicant in the Procedure

Section 14

- (1) Together with the applicant, his/her representative-by-force-of-law and his/her proxy may also act in the procedure, who shall verify their right to representation, shall attach their written authorisation. On behalf of any unaccompanied minor, the appointed guardian will act.
- (2) The proxy may be present at the applicant's interview if allowed by his/her authorisation. The refugee authority shall notify the proxy of the date of the interview, at least three days before the day of the interview.
- (3) Documents shall be sent to the representative-by-force-of-law and to the proxy simultaneously with the applicant.

The Interview

Section 15

- (1) The refugee authority shall conduct a detailed hearing following a preliminary hearing which is conducted after the submission of the application.¹⁴
- (2) At the interview, the applicant shall make a statement on the reasons for submitting the application, the circumstances of his/her arrival in Hungary, and shall deliver evidence available to him/her, which is in support of the application but has not yet been submitted. The applicant shall be warned about these obligations at the beginning of the interview.
- (3) With respect to applications submitted in a joint or concurrent manner, any immediate family member applicant shall be interviewed separately, too. If, however, an immediate family member applicant shall join the refugee at a later date, the refugee shall also be heard.
- (4) Minor applicants who arrived together with their immediate adult family members may only be interviewed if they had reached 14 years of age and, on the basis of data of the procedure, their hearing is indispensable in the interest of establishing the facts.
- (5) Minutes shall be taken of the hearing which shall also contain, in addition to the information on the applicant's rights and obligations, a warning of the consequences of false opinions and false interpreting in the case of the use of the services of an expert or an interpreter.¹⁵

¹³ Section 13 Subsection (7) has been introduced by Section 8 Subsection (3) of Government Decree 278/2004.(X.12.), in force since 20 October 2004

¹⁴ Section 15 Subsection (1) has been amended by Section 9 Subsection (1) of Government Decree 278/2004.(X.12.), in force since 20 October 2004

¹⁵ Section 15 Subsection (5) has been amended by Section 9 Subsection (2) of Government Decree 278/2004.(X.12.), in force since 20 October 2004

- (6) If the guardian appointed to represent the interests of any minor shall fail to appear at the interview despite prior notice of the date thereof, the date of a new hearing shall be set, of which the guardianship authority shall be informed simultaneously.

The Documents of the Applicant

Section 16

The applicant's identity shall be verified on the basis of his/her valid travel document, identity card or any other document suitable for the verification of identity.¹⁶

Section 17

If the applicant does not yet have a residency permit upon the submission of his/her application and his/her residence in Hungary is based on the submission of an application for asylum, the refugee authority shall notify the alien police authority with competence according to the asylum seeker's place of residence in the interest of the issuance of a residency permit by stating the applicant's details.¹⁷

Evidence

Section 18

- (1) During the course of evidence the applicant seeking refugee status shall be able to verify or establish in particular that the reasons of his/her flight exist.
- (2) The applicant seeking a temporarily protected status shall be able to establish that he is in compliance with the criteria contained in the act on admission.

Section 19

- (1) If there are no reasons to exclude the applicant's recognition as a refugee and the Minister of Interior exercised the authority to grant refugee status exceptionally on humanitarian ground, evidence shall not be continued.
- (2) If there are no reasons to exclude the applicant's recognition as a temporarily protected person, evidence shall not be continued.

Section 20

(1)¹⁸

(2) The refugee authority shall establish whether a given country is qualifying as safe third country by taking into consideration any information related to the legal practice of that country, especially the

¹⁶ Section 16 has been amended by Section 10 of Government Decree 278/2004.(X.12.), in force since 20 October 2004

¹⁷ Section 17 has been amended by Section 11 of Government Decree 278/2004.(X.12.), in force since 20 October 2004

¹⁸ Section 20 Subsection (1) ceases to have effect due to Section 19 Subsection (2) paragraph a) of Government Decree 278/2004.(X.12.), in force since 20 October 2004

opinion of UNHCR and information provided by the Ministry of Foreign Affairs and by foreign refugee authorities.

(3) When establishing whether a given country qualifies as safe country of origin, the refugee authority shall examine by taking into consideration the provision in Subsection (2), whether the given country qualifies as safe third country in relation to the applicant; shall assess the recognition rate of those applying for asylum from the safe country previously, the practical respect of human rights, the existence of democratic institutions and the activities thereof as well as the stability of the state and political systems in the given country. During the procedure special attention shall be accorded to information provided by UNHCR.

Section 21

(1) During the course of the procedure, the refugee authority shall not contact the applicant's country of origin or any country of which it may be assumed that it would transfer information to the country of origin.

(2) Until the final and executable closing of the asylum procedure, the authority contacted may not contact the applicant's country of origin or any country of which it may be assumed that it would transfer information to the country of origin, if, as a result of contact, the applicant's country of origin may become aware of the fact that the applicant had submitted an application for asylum in Hungary.

Section 22

If the applicant claims to be a minor but has failed to substantiate this in spite of the reasonable doubt of the refugee authority and neither does he/she consent to an expert examination aimed at the establishment of his/her age, the provisions relating to minors may not apply to the applicant, with the exception of the appointment of a case-to-case guardian.¹⁹

Participation of Expert Authority

Section 23²⁰

(1) The refugee authority shall contact the Office for National Security on the business day following the receipt of the application. This contact enquiry shall contain the following information:

- a)* the asylum seeker's identification details (surname and first name, former or maiden surname and first name, pseudonym, current and former citizenship, sex, place and date of birth and mother's maiden name),
- b)* details of the asylum seeker's identity and travel documents (identifier, number and validity of document, place and date of issuance, name of issuing authority),
- c)* the route leading to the asylum seeker's arrival in Hungary, place and date of crossing of the Hungarian border,
- d)* address of asylum seeker's place of residence; in the case of private accommodation, also the name of the person providing such accommodation.

¹⁹ Section 22 has been amended by Section 12 of Government Decree 278/2004.(X.12.), in force since 20 October 2004

²⁰ Section 23 has been amended by Section 13 of Government Decree 278/2004.(X.12.), in force since 20 October 2004

(2) The Office for National Security may hear the applicant.

(3) The time limit for the issuance of an expert authority position is a period of 45 days reckoned from the date of the initial enquiry, with the exception of a shortened procedure, unless the Office for National Security requests a further 8 days for the issuance of a declaration.

SPECIAL RULES OF THE PROCEDURE

The Airport Procedure

Section 24

(1) The refugee authority shall interview the foreigner reporting for entry at the Hungarian state border without delay, upon reception of the communication, in the case defined in Section 42 Subsection (1) of the Asylum Act.

(2) If a decision on the substance of the claim cannot be taken within the deadline determined in Section 42 Subsection (2) of the Asylum Act, the entry of the applicant at the Hungarian state border will be initiated by the refugee authority, and further, will designate the place of accommodation for the applicant with a view to continue the asylum procedure, and shall see to it that the applicant is directed to the designated accommodation.

(3) In airport procedures, the provisions of Section 12 shall not be applicable. The medical examination of the foreigner shall be conducted according to the provisions of a separate regulation.

The Accelerated Procedure

Section 25

(1) In the course of the detailed hearing, the applicant shall be informed of the fact that the refugee authority shall assess the application in a shortened procedure.²¹

(2) Applicants may substantiate until the decision on the substance of the claim, that their application is not manifestly unfounded.

Section 26

In accelerated proceedings, the National Security Office shall send the expert authority opinion to the refugee authority within 5 days from the date of the request.

Section 27-29²²

²¹ Section 25 Subsection (1) has been amended by Section 14 of Government Decree 278/2004.(X.12.), in force since 20 October 2004

²² Sections 27-29 cease to have effect due to Section 19 Subsection (2) paragraph a) of Government Decree 278/2004.(X.12.), in force since 20 October 2004

*Withdrawal of recognition***Section 30**

- (1) Any proceedings with respect to the withdrawal of refugee and temporarily protected person status shall be initiated or may be conducted ex officio, with the exception of Section 6 Subsection (1) paragraph d) of the Asylum Act.
- (2) With respect to the circumstance defined in Section 6 Subsection (1) paragraph c) of the Asylum Act, the proceedings will be initiated by the National Security Office.

THE DECISION**Section 31**

- (1) The refugee authority shall deliver a decision with respect to the application seeking recognition as a refugee and the withdrawal of the recognition.
- (2) The decision on recognition as temporarily protected person and the withdrawal of it shall be recorded in the file.

*Communication of the Decision***Section 32**

- (1) The decision shall be announced to the applicant in his/her presence. Save any decision on the recognition as a temporarily protected person, the decision drawn up in the Hungarian language shall be handed over to the applicant at the time when the decision is announced.
- (2) In the event that the refugee authority rejected the application and the applicant stays at an unknown place, the decision may not be communicated by public display. In such event the decision shall become final on the fifteenth day after the date of the document.
- (3) The final decision in accordance with the provisions of Subsection (2) shall be sent to the alien policing authority that has issued a residence permit, or in lieu of a residence permit, a certificate entitling for temporary stay to the applicant.
- (4)²³

Section 33

- (1) The decision on the substance of the claim shall be sent to:
 - a) the aliens police authority with competence according to the applicant's place of residence;²⁴

²³ Section 32 Subsection (4) ceases to have effect due to Section 19 Subsection (2) paragraph a) of Government Decree 278/2004.(X.12.), in force since 20 October 2004

²⁴ Section 33 Subsection (1) paragraph a) has been amended by Section 15 of Government Decree 278/2004.(X.12.), in force since 20 October 2004

- b) the National Security Office;
 - c) the Representation of the United Nations High Commissioner for Refugees based in Budapest (hereinafter: Representation), if the decision was made in a procedure for recognition as refugee, or if it provides for the withdrawal of a recognition as a refugee.
- (2) Any decision on the substance of the claim taken by administrative authority and court in the appeal procedure shall also be sent to the Representation by the refugee authority.
- (3) In case an unaccompanied minor is recognised as a refugee, the decision shall be sent to the state guardianship authority competent at the location of the place of accommodation of the minor, in order to protect the rights of the minor refugee as well as to ensure and monitor his/her care.

DOCUMENTS OF TEMPORARILY PROTECTED PERSONS

Section 34

- (1) The refugee authority certifies the legal status, personal identity and entitlement for various benefits in accordance with a separate regulation of any foreigner recognised as a temporarily protected person by issuing for him/her a document with the data/content specified by the *Appendix* of this decree. The validity of the document shall not be longer than one year from the date of issue. The validity period of the document may be extended.
- (2) In order to keep track of any changes affecting the data, the refugee authority may make entries in the document.
- (3) The agency disbursing regular financial aid under the provisions of a separate regulation will enter into the document every such payment.

*Refugee's travel document*²⁵

Section 34/A

- (1) A refugee may submit an application for a bilingual travel document in the form determined in a separate legal rule, in person. The application of a minor or a person under guardianship may be submitted by his/her parent or statutory representative.
- (2) An application may also be submitted by way of an authorised representative if, according to a certificate issued by the attending physician, the applicant's state of health does not permit his/her appearance in person.
- (3) The applicant's previous travel document in his/her possession, if there is one, and two black-and-white or coloured photographs (passport photos) suitable for recognition shall be submitted with the application for a travel document. Upon the submission of the application, the refugee shall present his/her identity card and official card with his/her personal identifier and address.

²⁵ Section 34/A and the preceding subtitle has been introduced by Section 16 of Government Decree 278/2004.(X.12.), in force since 20 October 2004

(4) The following shall be submitted with the application of a refugee who is a minor or is under guardianship: declaration of the parents (statutory representatives) consenting to the issuance of a travel document made before a notary public, the guardianship authority or the refugee authority or a copy of a final and non-appealable court decision verifying the cessation or suspension of parental supervision.

(5) The application shall be granted through the issuance of a document entitled "refugee's bilingual travel document".

(6) The refugee shall keep possession of the travel document so issued and shall report the loss, destruction or theft thereof to the passport authority.

(7) The passport authority shall withdraw the previous travel document and shall

a) upon request, return the previous travel document issued by the Hungarian passport authority invalidated or shall, upon the expiry of a period of one year reckoned from the issuance of the new document, provide for the destruction thereof,

b) send the previous travel document issued by the competent authority of another state to the issuing authority through the diplomatic or consular representation of the state concerned.

Section 35

(1) Upon request, the refugee authority shall issue a travel document authorising for a single exit and return, as provided for in a separate regulation, for a temporarily protected person who does not possess a valid travel document of his/her country of origin. The content of the travel document shall be defined by the Appendix of this Decree.

(2) The travel document may only be used for travelling and for returning to the territory of the Republic of Hungary within its period of validity.

(3) The travel document shall be valid for a period of six months; its validity may not be extended.

Section 36

(1) The expiry of the documents set forth in Sections 34-35 shall be defined by the refugee authority by specifying the day, month and year.

(2) The issued documents will become invalid prior to expiry thereof in the event that:

a) the data contained therein become unrecognisable due to damage, injury or for any other reason,

b) the temporarily protected person shall die,

c) the legal basis of issue has ceased to exist.

(3) A lost document shall become invalid on the date of issue of the replacement document.

(4) The refugee authority shall withdraw any invalid document.

Section 37

- (1) The holder of the document shall keep the document with himself/herself. The document shall not be transferred and no entries shall be made therein except by the authorised agency.
- (2) The holder of the document shall report without delay to the refugee authority if the document has been lost or has become invalid.

Section 38

- (1) Upon the request of the holder of the document, the refugee authority shall replace the invalid, damaged or injured document provided that the legal basis for its issue still exists.
- (2) The holder of the document shall attach 2 face photographs to the request for replacement of the document.

Section 39

In respect of any document having become invalid due to loss thereof, the refugee authority shall, simultaneously with issuing the new document, notify the police headquarters with competence at the address of the document's holder and the agency disbursing regular financial aid to the holder.

Section 40²⁶

(1) The present Decree establishes the provisions necessary for the implementation of the following instruments of the European Community:

a) Council Regulation 343/2003/EC establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;

b) Commission Regulation 1560/2003/EC laying down detailed rules for the application of Council Regulation 343/2003/EC establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national;

c) Council Regulation 2725/2000/EC concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention on the State responsible for examining applications for asylum lodged in one of the European Union Member States;

d) Council Regulation 407/2002/EC laying down certain rules to implement Council Regulation 2725/2000/EC concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention on the State responsible for examining applications for asylum lodged in one of the European Union Member States.

(2) The present Decree contains compatible legislation with the following provisions of the European Community:

²⁶ Section 40 has been amended by Section 17 of Government Decree 278/2004.(X.12.), in force since 20 October 2004

- a) Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof;
- b) Council Directive 2003/86/EK on the right to family reunification;
- c) Resolution of the ministers of Member States of the European Communities responsible for immigration on manifestly unfounded applications (30 November 1992);
- d) Resolution of the ministers of member states of the European Communities responsible for immigration on a harmonised approach to questions concerning host third countries (30 November 1992);
- e) Resolution of the ministers of member states of the European Communities responsible for immigration on countries in which there is generally no serious risk of persecution (30 November and 1 December 1992);
- f) Council resolution on minimum guarantees for asylum procedures (20 June 1995);
- g) Council resolution on unaccompanied minors who are nationals of third countries (26 June 1997).

Section 41-43²⁷

Viktor Orban
Prime Minister

APPENDIX

The documents of temporarily protected persons

I.

Documents certifying the legal status, identity and entitlement for various benefits in accordance with a separate regulation

The document shall contain :

- a) first and family name of the holder,
- b) place and date of birth of the holder,
- c) citizenship (statelessness) of the holder,
- d) photograph of face of the holder,
- e) signature of the holder,
- f) place of accommodation of the holder,
- g) name and date of birth of immediate family members younger than 14 years of age,

²⁷ Sections 41-43 cease to have effect due to Section 19 Subsection (2) paragraph a) of Government Decree 278/2004.(X.12.), in force since 20 October 2004

- h) serial number of the document,
- i) place and date of issuance,
- j) date of expiration of the document,
- k) signature of the issuing authority's officer,
- l) official seal of the authority issuing the document,
- m) legal basis/title of the issuance,
- n) a heading/column to certify the actual provision of regular financial assistance.

II.

The travel document of temporarily protected persons

The travel document shall contain:

- a) the holder's: legal status, first and family name, maiden name (first and family name), place and date of birth, sex, citizenship, photograph of the face, signature,
- b) the document's: serial number, date of expiration, place and date of issuance, name and seal of the issuing authority.