

Government Decree 301/2007 (XI.9.)²

On the implementation of the Act on Asylum

By virtue of the authorisation granted by Sections 93 (1) a)-i) and (2) of Act LXXX of 2007 on Asylum (hereinafter: the Act), as well as by

- Section 41 (1) of Act XII of 1998 on travelling abroad with regard to Section 111,
- Section 174 (1) d) of Act CXL of 2004 on the General Rules of Public Administrative Procedure and Services with regard to Section 113,
- Section 86 (1) of Act I of 2007 on the Entry and Residence of Persons Enjoying the Freedom of Movement and Residence with regard to Section 115,
- Section 111 (1) g), k) and l) of Act II of 2007 on the Entry and Residence of Third Country Nationals with regard to Section 116,
- Section 9 (4) of Act LXXXVII of 2003 on the Consumers Price Supplement with regard to Section 114, as well as by Section 35 (1) b) of the Constitution,
- Section 35 (2) of the Constitution as determined by Section 40 (3) of the Constitution with regard to Section 112

the Government renders the following:

Chapter I

GENERAL PROVISIONS

1 §

¹ Translation: Afford Fordító- és Tolmácsiroda Kft., proofreading: UNHCR RRCE

² The Decree was adopted and promulgated on 9 November 2007, with entry into force on 1 January 2008. The Decree was subject to multiple amendments since, the last being Government Decree 113 of 2016 (date of promulgation: 30 May 2016), entry into force: 1 June 2016. The current text reflects this state of affairs.

Application of the provisions on safe third countries and safe countries of origin

(1) A country included in the minimum list of safe countries of origin (hereinafter: minimum list) of the European Council (hereinafter: Council) shall not be regarded as safe if

a) the Council initiates in a resolution with the European Commission (hereinafter: Commission), that the Commission submits a proposal aiming at the removal of the third country from the list, or

b) Hungary initiates with the Commission that it submits a proposal to the Council aiming at the removal of a third country from the list.

(2) In the context of Subsection (1), the obligations shall start

a) in case of Subsection (1) a): following the date when the Council made the decision;

b) in case of Subsection (1) b): following the date when Hungary delivers a written notice to the Council on its initiative with the Commission.

(3) The obligation stipulated in Subsection (1) shall cease

a) after three months from the date of beginning, save that the Commission submits a proposal aiming at the removal of the third country from the minimum list;

b) on the date of rejection by the Council of the proposal aiming at the removal of the third country from the minimum list.

(4) The minister in charge of refugee matters shall inform the Commission on the countries of origin declared as safe on a national level.

(5) When declaring a country as safe country of origin, special attention shall be regarded to information obtained from other Member States of the European Union, the United Nations High Commissioner for Refugees (hereinafter: UNHCR), the Council of Europe and other international organizations.

(6) The minister shall regularly inform the Commission of the countries in the context of which the notion of safe third country is applied.

2 §

Persons enjoying asylum shall be re-admitted by Hungary.

2/A §

In the procedures stipulated by Chapters III and VII-IX of the Asylum Act, the Government shall designate as expert authorities the Constitution Protection Office and the National Counterterrorism Centre (hereinafter: expert authorities) in order to determine whether the stay of the persons falling under the scope of the Asylum Act in the territory of Hungary presents a threat to national security.

Application of the provisions to persons in need of special treatment

3 §

(1) When applying the provisions of Act LXXX of 2007 on Asylum (hereinafter: Act) and the present Decree, the refugee authority shall examine whether in respect of the person seeking recognition as refugee or beneficiary of subsidiary or temporary protection (hereinafter referred to as “person seeking recognition”), furthermore in respect of refugees and beneficiaries of subsidiary and temporary protection, the rules applicable to persons in need of special treatment apply.

(2) In order to determine whether the person seeking recognition, the refugee or the beneficiary of subsidiary or temporary protection, is in need of special treatment, the refugee authority may use the assistance of a medical or psychological expert. Such examination can only be conducted with the consent of the person concerned.

(3) The refugee authority is obliged to inform the person seeking recognition, the refugee or the beneficiary of subsidiary or temporary protection – in their mother tongue or in another language understood by them – in simple and understandable terms, about the examination procedure to be used and the consequences of the examination as well as of their denying to consent to the implementation of the examination as specified in Subsection (4).

(4) If the person seeking recognition, the refugee or the beneficiary of subsidiary or temporary protection denies consenting to the examination by a specialist, the provisions applicable to persons in need of special treatment shall not be applied to them.

4 §

(1) If the person seeking recognition, the refugee or the beneficiary of subsidiary or temporary protection is an unaccompanied minor, the refugee authority shall take action to trace the person responsible for the minor with the exception where it can be presumed on the basis of information received by the refugee authority that

- a)* there is conflict of interest between the person responsible for the minor and the minor or,
- b)* if tracing the person responsible for the minor is not justified for other reasons bearing in mind the best interests of the child.

(2) In tracing the person responsible for a minor, the refugee authority shall act in compliance with Section 42 (1) of the Act and Section 73 of the present Decree.

(3) When implementing the procedure set forth in Subsection (1), in the framework of international legal assistance, the refugee authority may approach in particular, the refugee authority of another Member State of the European Union or a third country, and may also request the assistance of UNHCR, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and

other international organisations engaged in supporting persons applying for recognition as refugee, persons in need of subsidiary or temporary protection, and/or refugees, and beneficiaries of subsidiary or temporary protection.

4/A §

The refugee authority may deny the issuance of the

a) bilingual travel document of the refugee specified by Section 10 (3) of the Act based on the Geneva Convention, and

b) travel document of the beneficiary of subsidiary protection as per Section 17 (2) of the Act, upon the initiative of the national security services, the agency created for performing general police tasks and the National Tax and Customs Administration.

Chapter II

RULES APPLICABLE TO PERSONS SEEKING RECOGNITION, REFUGEES, BENEFICIARIES OF SUBSIDIARY AND TEMPORARY PROTECTION AND PERSONS WITH TOLERATED STAY

Document of the person seeking recognition

5 §

The identity of the person seeking recognition shall be certified by his/her valid travel document, personal identity document or other document suitable for personal identification.

6 §

(1) If the person seeking recognition

a) does not hold a permit authorising him/her to stay in the territory of Hungary when filing the application, and

b) his/her staying in the territory of Hungary rests on the fact that s/he is seeking recognition, the refugee authority shall issue for him/her a residence permit for humanitarian purposes under separate legal rule.

(2) If the person seeking recognition does not hold a document suitable for personal identification, the refugee authority shall take into consideration the statements of the person seeking recognition with regard to the data to be contained in the residence permit when issuing such a residence permit.

Recognition as refugee

7 §

Section 6 (3) of the Act shall be applied if the risk of persecution is based on circumstances which have been provoked intentionally *mala fide* by the person seeking recognition.

7/A §

(1) In the event of recognition as a refugee in accordance with Section 7 (5) of the Asylum Act, the refugee authority shall establish the applicability of the Geneva Convention based on a personal interview of the foreigner or on the basis of the available documents.

(2) The refugee authority or the Minister may only make a decision on recognition as a refugee if the specialised authority does not make an objection to recognition of the foreign national as a refugee.

Documentation for beneficiaries of temporary protection

8 §

(1) The identity of a beneficiary of temporary protection, the legality of his/her stay in the territory of Hungary and his/her eligibility for provisions defined in the Act, in the present Decree and in separate legal instruments shall be certified by a document of the format and contents defined in Annex 1 of this Decree (hereinafter referred to as the document certifying the identity and the right to stay of beneficiaries of temporary protection).

(2) The document certifying the identity and the right to stay of beneficiaries of temporary protection is issued by the refugee authority simultaneously with recognizing the applicant as beneficiary of temporary protection.

(3) The validity of document certifying the identity and the right to stay of beneficiaries of temporary protection shall be in line with the duration of temporary protection, not exceeding one year, and may be extended *ex officio* by the refugee authority for the further duration of temporary protection that may not exceed one year at a time.

(4) During the receipt of the application for recognition as a beneficiary of temporary protection, the biometric identifiers defined in Section 83 (6) of the Asylum Act shall be recorded by the refugee authority.

(5) During the submission of an application for recognition as beneficiary of temporary protection the refugee authority shall:

a) complete personalisation of the document of the beneficiary of temporary protection and fill the container including biometric identifiers (hereinafter: container) with data;

b) complete tasks rendered to the national Document Signing Authority and the Country Signing Certificate Authority;

c) complete tasks rendered to the Country Verifying Certificate Authority and the national Document Verification Authority.

(6) The refugee authority, in its capacity of Document Signing Authority, shall create the document signing certificate and place it in the container.

(7) The refugee authority, in its capacity of Signing Certificate Authority, shall

a) issue the certificate specified in Subsection (6),

b) issue and manage the certificate and list of revocation inclusive of the certificates and lists of revocations as well as the certificate revocation list depository of the national document signing certificate authorities of all International Civil Aviation Organization (ICAO) Member States, for the documents including the biometric identifier container of the beneficiaries of temporary protection,

c) forward the certificates and the related revocation lists in electronic document format through the minister responsible for foreign policy to the country-signing certificate authorities of the other ICAO Member States.

(8) The refugee authority, in its capacity of Signing Certificate Authority, shall issue certificates for

a) the national Document Verification Authority,

b) the foreign document verification authorities issuing certificates for the verification tools of the foreign authorities entitled for reading data protected with extended access control.

(9) The refugee authority, in its capacity of national Document Verification Authority, shall enable for the verification tools of Hungarian authorities entitled to read data protected with extended access control and stored electronically in the permanent residence card, to issue certificates required for access, in case of beneficiaries of temporary protection.

(10) A third-country national holding a document of beneficiaries of temporary protection may, at any time, request the refugee authority to verify the data of the container (including biometric identifiers) during the validity period of the document.

9 §

If the address of accommodation of the beneficiary of temporary protection changes, the refugee authority shall issue a new document certifying the identity and the right to stay containing the new address of accommodation.

10 §

(1) The beneficiary of temporary protection is obliged to inform the authorities without delay on the fact that the document certifying the identity and the right to stay was lost, stolen or destroyed. The authority shall issue a certificate on the announcement.

(2) The authorities shall be notified with no delay on documents certifying the identity and the right to stay that was believed to be lost and so reported but latter recovered.

(3) The authority shall issue a new document to the beneficiary of temporary protection during the term of temporary protection to replace the document certifying the identity and the right to stay which was lost, stolen, destroyed or expired.

11 §

The document certifying the identity and right to stay shall become invalid if

- a) it has expired;
- b) the status of beneficiary of temporary protection has ceased;
- c) the document has become unsuitable to certify the data contained therein.

Refugee, beneficiary of subsidiary and temporary protection under the scope of SIS notice

11/A §

If the refugee authority perceives a SIS notice of warning rendering a ban on entry and stay with regard to the refugee or person recognized as beneficiaries of subsidiary or temporary protection, it shall initiate reconciliation with the Member State that issued the notice in order to delete the SIS notice.

The document of the person with tolerated stay

11/B §

If the conditions set out in Sections 25/A and 25/B (1) of the Act prevail, the refugee authority shall recognise the third country national as a person with tolerated stay and issue a residence permit granted on humanitarian grounds with the content specified in a separate legal instrument.

Chapter III

COMMON RULES RELEVANT TO THE MATERIAL CONDITIONS OF RECEPTION, PROVISIONS AND BENEFITS

OF PERSONS SEEKING RECOGNITION, REFUGEES, BENEFICIARIES OF SUBSIDIARY AND TEMPORARY PROTECTION AND PERSONS WITH TOLERATED STAY

General provisions

12 §

(1) During the reception phase provisions shall be made on conditions to ensure a basic standard of living adequate for the physical and mental health of the person seeking recognition. The same conditions shall be ensured for refugees, beneficiaries of subsidiary and temporary protection and persons with tolerated stay placed in reception centres.

(2) Tasks pursuant to Subsection (1) shall be performed directly by the refugee authority, through reception centres or guarded asylum reception centres.

(3) A reception centre is a facility operated by the refugee authority in order to accommodate and care for person seeking recognition, refugees, beneficiaries of subsidiary or temporary protection and persons with tolerated stay.

(4) Another place of accommodation equivalent to the reception centre shall be the community shelter and the accommodation operated on a contractual base (together with reception centre, hereinafter jointly referred to as "reception centre").

(5) For the purposes of the present Decree, income or property is what qualifies as such according to Section 4 (1) a) as income and b) as property of Act III of 1993 on Social Assistance and Management of Social Affairs (hereinafter: Social Act).

Reimbursement of the cost of provisions and benefits

13 §

(1) Agencies or persons rendering services or assistance specified in this Decree are obliged to verify the eligibility of applicants by contacting the refugee authority; they shall keep the records of the expenses incurred to the account of the budget of the refugee authority separate from other expenses.

(2) The cost of provisions and benefits granted in accordance with this Decree shall be subsequently reimbursed by the refugee authority upon the settlement of accounts. The reimbursement of costs may be requested from the refugee authority within one month from the actual delivery of provision or benefits on a dedicated print form designating the first and last name of the beneficiary and the identification number of his/her residence permit, ID card or document certifying the identity and the right to stay, upon presenting detailed invoices.

(3) The refugee authority may advance the coverage of expenses indispensable for provisions to the agency providing provisions or benefits.

Provisions provided on a contractual basis or through donations

14 §

(1) In order to enhance the efficiency of provisions relevant to reception, the refugee authority may conclude contracts for the accomplishment of specific task/responsibilities related to reception and support with the organisations listed in Subsection (2).

(2) The refugee authority may contract in particular non-governmental organisations, local municipalities, legal entities of churches, foundations and their institutions, economic organizations or other legal entities (hereinafter referred to as service providers) to

a) ensure conditions for the reception of persons seeking recognition;

b) provide the provision refugees, beneficiaries of subsidiary or temporary protection and persons with tolerated stay are entitled to;

c) provide social and mental health care to persons seeking recognition, refugees, beneficiaries of subsidiary or temporary protection and persons with tolerated stay;

d) inform persons seeking recognition, refugees, beneficiaries of subsidiary or temporary protection and persons with tolerated stay of their rights and obligations, and

e) provide Hungarian language training to beneficiaries of temporary protection.

(3) For the provision of tasks defined in Subsection (2), service providers shall be selected through a call for tender taking into consideration among others the requirements stipulated by the Act on Public Purchases. The call for tender shall be initiated by the refugee authority. The call for tender shall specify

the scope of beneficiaries of the services and their planned number, as well as the designation and duration of provision to be provided to them.

(4) Contracts shall be concluded in writing. The contract shall include:

- a) the scope of beneficiaries of services, as well as the designation and duration of services;
- b) the way in which the contracted provision/services or task and their consideration money/equivalent will be accomplished;
- c) stipulations for keeping records of the provisions/services provided task accomplished and the accounting and payment transfer of its consideration money/equivalent;
- d) the right of the refugee authority to control the performance of the contract as well as the method of control;
- e) the duration of the contract, the method of its termination and stipulations concerning the settlement of possible legal disputes.

(5) A copy of the court decision on the legal status of the service provider and/or official permit indispensable to perform responsibilities specified by the contract shall be enclosed with the contract, in case of need.

14/A §

(1) The refugee authority may accept financial or in-kind donations from Hungarian and foreign legal and natural entities as well as organisations not being legal entities, in order to improve the conditions of its operation in terms of procedures aiming at a decision and reception conditions as well as for the sake of catering persons seeking recognition, refugees, beneficiaries of subsidiary and temporary protection and persons with tolerated stay.

(2) The refugee authority shall facilitate the utilization of the donation, in compliance with the conditions set forth by the donor (if such exist).

(3) Persons seeking recognition, refugees, beneficiaries of subsidiary and temporary protection and persons with tolerated stay shall benefit from the donation as per the decision of the refugee authority.

(4) The refugee authority shall keep separate registry of the financial and in-kind donations and their utilization, not including personal details.

Chapter IV

PROVISIONS AND BENEFITS GRANTED UPON RECEPTION

15 §

(1) In terms of reception, persons seeking recognition shall be entitled to the following provisions and benefits:

- a) provision of material reception conditions,
- b) health care,
- c) reimbursement of the costs of schooling and education,
- d) pecuniary benefits.

(2) Types of material reception conditions:

- a) accommodation and care at reception centre,
- b)³
- c) travel allowance,
- d) bearing the cost of a public burial of persons seeking recognition.

(3) Pecuniary benefits:

- a)⁴,
- b) allowance facilitating final departure from the country.

General conditions for the use of provisions and benefits in the context of reception

16 §

(1) – (2)⁵

(3) The refugee authority shall adopt a decision (*határozat*) on the eligibility for the provisions and application-based benefits defined in Section 15, and on their discontinuation in the event that eligibility criteria are no longer present.

(4) The refugee authority shall decide on the eligibility of the person seeking recognition for the provision of material reception conditions of and for the health care services specified in Section 15 (1) a)-b) by adopting a decision (*határozat*) within 30 days of the registration of the application for asylum by the refugee authority. Until the adoption of this decision, the provisions specified by Section 15 (1) a)-b) shall be provided to the person seeking recognition.

17 §

(1) The person seeking recognition shall fill out the form contained in Annex II of the present Decree to declare his/her financial and income situation and submit it along with the application for recognition.

³ Provision discontinued

⁴ Provision discontinued

⁵ Provisions discontinued

(2) Acting *ex officio*, the refugee authority shall assess the needs of the person seeking recognition for the provisions and benefits available under Section 15 of the Asylum Act for the entire duration of the procedure. The person seeking recognition may make a statement to the effect that s/he does not intend to use certain forms of provisions or benefits.

(3) After the submission of the application for asylum, the refugee authority shall inform the person seeking recognition in his/her mother tongue or in another language understood by him/her in writing, without delay but within fifteen days at the most, of all provisions and benefits to which s/he is entitled to under the Asylum Act and under the present Decree, as well as of the obligations with which s/he is supposed to comply with in respect to the reception conditions and of the organisations providing legal or other individual assistance.

18 §

The person seeking recognition shall be deemed as being in need in terms of the provisions and benefits provided, if the person seeking recognition, or his/her spouse, or immediate relative living in the same household has no property in Hungary to provide for his/her subsistence, and his/her per capita monthly income (taking into account the total income of his/her spouse and immediate relative living in the same household) does not exceed the prevailing minimum amount of the old-age pension.

19 §

(1) If a person seeking recognition does have the means to ensure existence or his/her income has reached the amount defined in Section 18, s/he shall declare this fact to the refugee authority within fifteen days at latest from the change in his/her financial situation.

(2) During the period of disbursement, the refugee authority may oblige the person seeking recognition to submit a declaration in accordance with Section 17 (1) and/or to certify his/her means, income within fifteen days from the request.

(3) If the financial situation of a person seeking recognition has changed to the extent that s/he is no longer entitled to benefit from reception conditions, the disbursements of assistance shall be terminated.

(4) Based on Section 26(4) of the Act and in case of delayed fulfilment of obligation stipulated in Subsections (1) and/or (2), the refugee authority may oblige the person seeking recognition to reimburse the value of services and the amount of financial assistance from which s/he benefited unauthorized as of the moment of having become unauthorized. When deliberating the case, the refugee authority shall

consider the financial situation of the applicant seeking recognition and the amount of the allowance used by him/her.

(5) - (6)⁶

(7) The person seeking recognition may fulfill the reimbursement obligation ordered by the refugee authority by postal order or by petty cash payment.

(8) In cases where special circumstances apply, the refugee authority may allow reimbursement in instalments.

20 §

(1) The person seeking recognition shall avail him/herself of the benefits provided under material reception conditions stipulated by the present Decree if the refugee authority provides accommodation and care at a reception centre or in an asylum detention facility; this provision shall not affect the benefits provided under material reception conditions regulated by other laws.

(2) The refugee authority may offer to the person seeking recognition the opportunity to stay in a contracted place of accommodation set forth in Section 12 (4). The consent given by the person seeking recognition to his/her being accommodated in a contracted place of accommodation shall be regarded a consent to handle his/her data according to Section 84 (1) of the Act.

Accommodation and care provided at a reception centre

21 §

(1) The accommodation and care to be provided at the reception centre to the person seeking recognition shall include the following:

a) accommodation,

b) three meals a day (breakfast, lunch and dinner) or food allowance in equivalent value, and

c) tableware, washing and toiletry items for personal use or a hygiene allowance in equivalent value, as well as clothes.

(2)⁷

(3) During the term of the asylum procedure, the refugee authority may provide the person seeking recognition with a possibility of employment in the form of performing work at the reception centre.

(4)⁸

⁶ Provisions discontinued

⁷ Provision discontinued

⁸ Provision discontinued

(5) The person seeking recognition who, through the internal employment scheme described in Subsection (3) contributes to the maintenance or preservation of the reception centre or the provision for the persons accommodated in it by work shall be eligible for monthly compensation not exceeding eighty-five per cent of the prevailing minimum old-age pension.

(6) When placing the person seeking recognition at the reception centre, the refugee authority shall maintain family unity even if the members of the family have different legal status; it shall place the members of a family together unless requested otherwise, and provide for the protection of the family life of the persons placed.

(7) The food and hygiene allowance as per Subsection (1) *b)-c)* may be provided upon special request of the person seeking recognition if the conditions for providing allowance in kind specified in paragraphs *b)-c)* exist in the reception centre under a self-service system. No food allowance can be requested in asylum detention. The person seeking recognition shall make a statement on this claim within 5 days of his/her placement at the reception centre. This statement is valid for one month and may be extended occasionally by the fifteenth day of the month preceding the month in question.

(8) The reception centre shall disburse the weekly amount of the food allowance on the first working day of the week. Payment of the monthly amount of the hygiene allowance shall be due till the fifth day of the month.

22 - 23 §⁹

Travel benefits

24 §

(1) The refugee authority upon request by the person seeking recognition shall issue a certificate to facilitate the making use of benefits stipulated by the law relevant to public transportation, if the person seeking recognition

a) taking steps to settle his/her legal status with competent authorities,

b) using health care provisions defined in Sections 26-28 by a health care service provider with a territorial service provision obligation, or

c) taking part in a program operated by a non-governmental organisation which takes over a state task or benefiting from the assistance of such an organisation.

(2) Applications requesting the issuance of a certificate for making use of travel benefit shall be submitted to the refugee authority, enclosing all documents supporting the application.

⁹ Provisions discontinued

(3) In terms of amount and form of making use of benefits, legal provisions stipulating the benefits relevant to public transportation shall apply.

Bearing the cost of public burials

25 §

(1) In the event of the death of a person seeking recognition, the mayor of the municipality competent at the place of death shall arrange the funeral of the deceased within thirty days of the date on which the death becomes known, if

- a) there is no person responsible for burial or is untraceable, or
- b) the person responsible for the burial does not arrange the funeral.

(2) The refugee authority shall reimburse the costs of public funeral to the municipality specified by Subsection (1). Request for reimbursement shall be submitted within two months of the arrangement of the public funeral.

Health care

26 §

(1) In case of illness, persons seeking recognition not covered by social security shall be entitled to the following health care services free of charge:

- a) basic medical care according to separate legislation, examinations and treatment within the scope of general medical practice;
- b) examinations and medical treatments provided by polyclinics for ambulant patients in the case of emergencies, as well as medication and bandages used in the course of treatment;
- c) hospital care in case of emergencies, as well as treatments prescribed by doctors treating an emergency – including surgery interventions, as well as medical supplies and prosthetics used in the course of treatment –, medical treatment, medication and bandages required for the treatment, and meals;
- d) upon medical treatment received in a polyclinic or hospital care, until the illness is cured or the condition is stabilised
- da) the necessary examinations and medical treatments;
- db) medicaments not covered by medication referred to in paragraph h) that cannot be substituted by any other means and medical appliances for the administration of medication;

- e)* medical appliances on doctor's orders other than those covered by Subparagraph db), as well as the repair of said appliances;
- f)* emergency dental care and odontotherapy, provided that the treatment used by the person seeking recognition falls within the lowest compensation category;
- g)* prenatal care and obstetrics, abortion in accordance with the conditions defined in the Act on the Protection of the Life of Embryos;
- h)* medication and bandages that may be ordered for "those entitled to public health care" free of charge as provided in a separate legal instrument, or with 90% or 100% social security coverage pursuant to a "health care provision";
- i)* transportation by ambulance in case of health care provisions in accordance with paragraphs b), c), da) and g) if they cannot be transported by any other means due to their health condition;
- j)* mandatory vaccination tied to an age.

(2) For the purposes of the present Decree, emergency is a change of the state of health which without immediate medical treatment would result in life-danger or serious or irreversible harm of health.

27 §

(1) Persons seeking recognition shall receive health care provided by a general practitioner at the reception centre or asylum detention.

(2) Persons seeking recognition staying in private accommodation shall be entitled to health care provided by the general practitioner with a territorial service provision obligation at the place of accommodation of the person seeking recognition.

(2a) The person seeking recognition may use other medical care within the scope of basic medical care within the framework of services provided by the local municipality in which his/her accommodation is located.

(3) Health care services listed in Section 26 (1) d) are free of charge if the person seeking recognition was referred by a general practitioner or ordered back by a specialist at the polyclinic or hospital.

(4) Specialised health care may be used from the health care service provider with a territorial service provision obligation.

(5) The refugee authority shall reimburse the full cost of medication, bandages and medical appliances or the repair of the latter if such supplies were issued on the basis of a prescription ordered by a doctor entitled to use a stamp for ordering medicaments as defined in a separate legal instrument, the prescription designating the identification number of the humanitarian permission to stay of the person seeking recognition.

28 §

- (1) The costs and fees of health care services listed in Section 26 shall be reimbursed by the refugee authority to the health care service provider, unless Hungary has undertaken the obligation through an international convention to pay therefore.
- (2) The cost of health examinations performed during the asylum procedure and the cost of mandatory vaccinations ordered by a public health authority shall be reimbursed to health care service providers by the refugee authority.
- (3) If such services are used by the beneficiary from a health care service provider other than the one operating at the reception centre or the asylum detention, the cost of health care services defined in Section 26 (2) shall be reimbursed to the health care service provider by the refugee authority in the accounting order stipulated by Subsection (4). The amount due shall be the fee due to the service provider concerned on the basis of the rules regulating the financing of health care by social security, in accordance with provisions governing the financing of services performed, provided that a general practitioner providing basic health care outside the reception centre or asylum detention may charge the fee of ad hoc care.
- (4) Health care service providers shall submit to the National Health Insurance (OEP) a report of services rendered, using a print form prescribed for reporting and accounting health care provisions as per detailed rules specified by law of the health care services financed by the Health Insurance Fund. On the basis of the reports, the settlement of accounts - broken down by health care services rendered - shall be sent to the refugee authority by OEP each month.
- (5) In case of preparations available only on prescription, the cost of health care provisions pursuant to Section 26 (1) db) and h) shall be reclaimed by the health care service provider by presenting the prescription designating the identification number of the humanitarian permission to stay of the person seeking recognition and a summary invoice made out to the refugee authority as purchaser, containing the designation, price and quantity of the medical preparation. The health care service provider shall forward the prescription and the invoice to the National Health Insurance (OEP).
- (6) The refugee authority shall transfer the costs of health care service to OEP within 40 days upon reception of the settlement of accounts and/or invoice.

The reimbursement of costs related to schooling and education

29 §

- (1) Upon request, in order to facilitate participation in pre-school education and in public education falling within the scope of the Act on National Public Education, until the person seeking recognition turns 21,

during his/her stay at the reception center, the refugee authority shall reimburse the person seeking recognition for the costs of education at a kindergarten, primary school, secondary school, institution for the education of handicapped children or conductive educational institution (hereinafter jointly referred to as "educational institution"), especially the costs relevant to the local or long-distance public transport tickets or season tickets for travelling to and from the educational institution, the costs of meals at the educational institution and the costs of accommodation at a student hostel.

(2) The refugee authority shall subsequently reimburse any and all costs certified by the institution with an invoice.

(3) At the request of the parents or other relatives, the refugee authority shall reimburse the costs of the parents' or relatives' tickets or season ticket for the purpose of accompanying a child under ten years of age or a handicapped child to the educational institution if it cannot be arranged otherwise.

(4) If there are reimbursable costs based on Subsection (1), the amount of reimbursement shall not exceed the minimum amount of the full old age pension. The refugee authority shall subsequently pay any and all costs certified with an invoice.

30 §¹⁰

Allowance for final departure from the host country

31 §

At the request of the person seeking recognition, for his/her repatriation or final departure into a third country, on the basis of a certificate issued by the foreign representation of the country concerned, the refugee authority shall ensure a ticket (flight ticket) valid up to the destination designated on the certificate or subsequently reimburse the price of the ticket (flight ticket) and may fully or partially cover properly certified expenses related to travel of one occasion.

Provision for persons with special needs in the course of reception

32 §

The provisions of this Chapter concerning the reception and provisions and benefits to persons who have special needs as defined in Section 2 k) of the Act shall be applied with variations set forth in Sections 33-34 below.

33 §

- (1) The refugee authority shall ensure separated accommodation at the reception centre for persons seeking recognition who have special needs in cases justified by their specific individual situation.
- (2) As far as possible, family unity shall be maintained even when providing separated accommodation to a person in need of special treatment.
- (3) When providing reception, the best interests of minors seeking recognition shall be a primary consideration. During the accommodation at the reception centre food, clothing, mental hygiene and health care, attendance and education shall be provided that is advancing the child's physical, mental, emotional and moral development, and is adequate for the child's age, health condition and other needs.
- (4) If the person seeking recognition is an unaccompanied minor, in accordance with the child protection legislation, s/he shall be placed in a child protection institution, provided that the refugee authority has determined the minor status of the child concerned.
- (5) Unaccompanied minors may be placed with adult relatives if the latter undertake in writing to house, care and provide for the minor and from their personal relationship with the minor it becomes obvious that such an arrangement shall be in the interests of the unaccompanied minor seeking recognition.
- (6) Accommodation designated for an unaccompanied minor may only be changed in exceptional cases and exclusively in order to cater the interests of the minor.
- (7) When placing unaccompanied minors, family unity shall be maintained by keeping siblings together, taking into account their ages and degree of maturity.
- (8) The refugee authority shall contact the competent health care institution, in the case of unaccompanied minors the competent child care institution, in order to ensure that minors who have been victims of rape, serious neglect, exploitation, torture or cruel, inhuman or degrading treatment or who have suffered trauma during armed conflicts receive the appropriate rehabilitation, mental healthcare and qualified counselling in case of need.

34 §

- (1) The person seeking recognition who has special needs - if needed with respect to the person's individual situation and based on the medical specialist's opinion - besides the ones included in Sections 26-27, shall be eligible for free of charge health care services, rehabilitation, psychological and clinical psychological care or psychotherapeutic treatment required by the person's state of health.
- (2) The provisions stipulated in Section 28 apply to the reimbursement of costs relevant to services defined in Subsection (1).

¹⁰ Provision discontinued

Limitation and withdrawal of material reception conditions

35 §

- (1) The refugee authority shall order the limitation or withdrawal of the material conditions of reception for an indefinite or a definite period.
- (2) In case of minors seeking recognition, the limitation of the material conditions of reception shall be applied primarily. In the event of withdrawal, the best interest of the child and the principle of proportionality shall be primary considerations.
- (3) The provisions set out in Subsection (2) shall not affect the liability for compensation arising from any damage resulting from violations committed by the minor.
- (4) With regard to persons in need of special treatment, limitation or withdrawing measures may only affect the material conditions of reception for which the person seeking recognition is eligible with respect to his/her individual situation in particularly justified cases.
- (5) If the limitation or withdrawal is for an indefinite period and the reasons serving as a basis of the decision cease to exist, after consideration of the specific situation of the person seeking recognition, the refugee authority may, in a decision, order *ex officio*, or based on the request of the person seeking recognition to resume the provision of the material conditions of reception that were limited or withdrawn.
- (6) The refugee authority, as per its responsibilities laid down in Subsection 30 (3) of the Act, before the communication of its decision withdrawing certain conditions, shall contact the institution funded by the state or by civil organizations providing accommodation, regarding the accommodation of the person seeking recognition in need of special treatment for the term of the withdrawing decision but for a period no longer than the duration of the asylum procedure of the person seeking recognition. For the sake of providing other means of accommodation, the refugee authority shall examine the possibility of placing the applicant seeking recognition with family members entitled to reside in the territory of Hungary.

36 §

- (1)¹¹
- (2) The refugee authority, within the framework of reducing the material conditions of reception, may decide on the extent of the restriction of the given based on the provisions related to the given material conditions of reception.

¹¹ Provision discontinued

(3) If a sanction is imposed on the bases of Subsection 30 (2) of the Act – and the person punished by the sanction is responsible for a child of school age – the possibility of the education of the child of school age shall be ensured during the relocation.

(4) In case of a person in need of special treatment, the material conditions of reception which have been established with regard to the specific situation of the person seeking recognition shall also be ensured after the relocation.

Asylum detention

36/A §

(1) The refugee authority shall implement the asylum detention (hereinafter: detention) in a guarded asylum reception center established for the purpose of the implementation of detention, as defined in Subsection 31/A (10) of the Act.

(2) The duration of detention shall be calculated in hours. If the local court prolongs the detention, such a period shall be calculated in days. Every day commenced shall be counted in the duration of the detention.

(3) During the application of Subsection 31/A (5) of the Act, the refugee authority shall give the reasons it did not apply the measures stipulated in Section 2 l) of the Act.

(4) The refugee authority shall endeavor to keep the duration of detention as short as possible.

(5) The refugee authority shall send its proposal for the prolongation of detention to the legal representative of the applicant or the guardian ad litem appointed for him.

36/B §

If the person seeking recognition declares, after the ordering of detention, that s/he is an unaccompanied minor, the refugee authority shall contact the health care service provider who has jurisdiction at the place of detention, in order to establish the age of the applicant without delay.

36/C §

(1) The person seeking recognition may make an objection against the application of a measure ensuring his/her availability or against the order of detention orally and in writing. Objections made orally shall be recorded in a minute.

(2) The refugee authority shall forward the objection to the local court that has jurisdiction.

Requirements for facilities implementing detention

36/D §

(1) Detention can be implemented in a building or part of a building, where the following is provided:

- a)* have, if possible, at least 15 m³ of air space and 5 m² of floor space per person in the living quarters of persons seeking recognition, and for married couples and families with minor children a separate living space of at least 8 m², taking the number of family members into account;
- b)* a community room for eating, spending free time – including age-appropriate playing and recreational activities of minors seeking recognition – and receiving visitors;
- c)* a number of bathrooms, shower rooms and toilets corresponding to the authorized capacity of the establishment, with hot and cold running water, separately for men and women;
- d)* a surgery that meets the minimum requirements of general practitioners' offices;
- e)* a room for medical examinations and a medical isolation room;
- f)* an area for spending time outdoors;
- g)* lighting meeting the national zoning and building requirements and the regulatory requirements;
- h)* the uninterruptible power supply of the institution;
- i)* a separate room for receiving visitors;
- j)* opportunity to use the phone and the Internet; and
- k)* window and natural airing in the living area of the persons seeking recognition, the staff rooms, the doctor's office, the rooms for receiving visitors, the rooms for storing and providing food and the communal rooms.

(2) Facilities for the implementation of detention may not be established on the premises of police holding cells and penal institutions.

(3) The following detainees shall be accommodated separately:

- a)* men and women;
- b)* married couples; and
- c)* families with children under age
- d)* people in detention and under pre-trial detention.

36/E §

For the purpose of Section 31/A (1) c) of the Act, the risk of escape of a third-country national exists if the third-country national does not cooperate with the authorities during the alien policing proceedings, in particular if

- a)* s/he refuses to make a statement or sign documents;
- b)* s/he supplies false information in connection with his/her personal data; or

c) based on his/her statements, it is probable that s/he will depart for an unknown destination, therefore there is reasonable grounds for presuming that s/he will frustrate the realization of the purpose stipulated by Sections 33 and 49 (5) of the Act.

36/F §

(1) If it is justified by the duration of the detention, education shall be provided to minors seeking recognition in a form appropriate to their age and level of development, in the asylum detention center or in another suitable institution.

(2) Detainees shall be provided with opportunities to spend their free time usefully and with sports opportunities.

(3) During the implementation of detention, social worker's presence shall be ensured at the establishment serving for the implementation of detention 24 hours a day.

Chapter V

***PROVISIONS AND BENEFITS TO REFUGEES, BENEFICIARIES OF SUBSIDIARY OR
TEMPORARY PROTECTION AND PERSONS WITH TOLERATED STAY***

System of provisions and benefits provided to refugees, beneficiaries of subsidiary and temporary protection and persons with tolerated stay

37 §

(1) Refugees and beneficiaries of subsidiary protection in reception centres shall be entitled to the following provisions and benefits:

- a) continued provision of material reception conditions,
- b) health care,
- c) reimbursement of the costs relevant to schooling and education,
- d) ¹²
- e) allowance facilitating final departure from the country.

(2) Types of material reception conditions:

- a) accommodation and care at a reception centre,
- b) ¹³

¹² Provision discontinued

¹³ Provision discontinued

c) travel allowances.

(3) Refugees and beneficiaries of subsidiary protection in private accommodation shall be entitled to the following provisions and benefits:

a) health care,

b) allowance facilitating final departure from the country.

37/A §

(1) Beneficiaries of temporary protection shall be entitled to the following provisions and benefits:

a) continued provision of material reception conditions,

b) health care,

c) reimbursement of the costs relevant to schooling and education,

d) pecuniary benefits, and

e) support facilitating social integration.

(2) Types of material reception conditions:

a) accommodation and care at a reception centre,

b) monthly cash allowance of free use,

c) travel allowances.

(3) Pecuniary benefits:

a) school enrolment benefit,

b) reimbursement of costs incurred when getting documents translated,

c) allowance facilitating final departure from the country.

(4) Benefits facilitating social integration:

a) free Hungarian language course,

b) regular subsistence allowance.

37/B §

(1) Persons with tolerated stay shall be entitled to provisions under the scope of personal care.

(2) Provisions under the scope of personal care:

a) board and lodging at the reception centre, and

b) medical care.

General conditions of benefiting from provisions and benefits to refugees, beneficiaries of subsidiary and temporary protection and persons with tolerated stay

38 §

(1) Simultaneously with the communication of the recognition decision, the refugee authority shall inform the refugee, beneficiary of subsidiary and temporary protection and person with tolerated stay of the provisions and benefits s/he is entitled to on the basis of the Act and the present Decree as well as the obligations s/he has to fulfil while making use of these provisions and benefits; this shall be done in writing in his/her mother tongue or in a language understood by him/her.

(2) After the communication of the recognition decision, the refugee or beneficiary of subsidiary or temporary protection shall make a declaration about his/her property and income position by filling in the form specified in Annex 3 of the present Decree.

(3) When submitting an application for provision and/or benefits, the refugee and the beneficiary of subsidiary protection shall verify his/her entitlement to provisions and/or benefits with a personal identification document or prior to receiving such a document with a final resolution on his/her recognition; the beneficiary of temporary protection and the person with tolerated stay shall verify his/her entitlement with a valid permission to stay.

39 §

(1) Refugees, beneficiaries of subsidiary and temporary protection, shall be deemed as needy in terms of the provisions and benefits - with the exception of free Hungarian language course under Section 37/A (4) a) in case of beneficiaries of temporary protection - if the refugee, beneficiary of subsidiary or temporary protection or his/her spouse and immediate relative living in the same household has no property in Hungary to provide for the subsistence and if the per capita monthly income, including the total income of the spouse and immediate relative living in the same household, does not exceed

a) 150% of the prevailing minimum amount of the full old-age pension, in case of single persons;

b) the prevailing minimum amount of the full old-age pension in case of persons living as a family.

(2) If the beneficiary of temporary protection has property to provide for his/her subsistence, or if his/her income reaches the amount specified in Subsection (1), or if during the disbursement of the assistance under Section 37/A the person's domicile or residence has changed, s/he shall notify the refugee authority within fifteen days of the change in the property or income or of the change of the address.

(3) The refugee authority may examine *ex officio* the eligibility of the beneficiary of temporary protection for provisions and benefits. During the making available or disbursement of the provisions and benefits specified in this Chapter, the refugee authority may oblige the beneficiary of temporary protection to issue a declaration in accordance with Section 38 (2) and certify his/her assets and income with a deadline of fifteen days.

(4) If the beneficiary of temporary protection fails to fulfil the obligations set forth in Subsections (2) and (3), or to provide proper excuse, the refugee authority may suspend the disbursement of the benefit granted to him/her until the proper fulfilment of the obligations. If the duration of such suspension exceeds thirty days, the benefit due in relation to the time period of suspension shall not be paid, and the disbursement of the benefit shall be terminated.

(5) The beneficiary of temporary protection receiving benefits shall notify the refugee authority of any residence abroad exceeding thirty days or any other incapacitation to receive the benefits - before travelling abroad or immediately after the occurrence of the impediment. On the basis of the notification, the disbursement of the benefits shall be suspended during the time period of absence or until the termination of the impediment. If the beneficiary of temporary protection fails to comply with its notification obligation, and thus does not take over the benefits within thirty days following the date of disbursement, or until the date of the following due disbursement in the event of any regular benefits, the refugee authority shall terminate the disbursement of the benefits.

(6) The refugee authority provides the assistance specified in Section 37/A to the beneficiary of temporary protection by transferring the assistance by postal service to the accommodation address.

(7) The refugee authority may recover unduly drawn support in case of lack of entitlement, subsequently, by issuing a resolution thereon. Upon the applicant's request, the refugee authority may authorize payment by instalment.

40 §

The refugee, the beneficiary of subsidiary and temporary protection shall actually benefit from further provision and benefits of material reception conditions if the accommodation and provisions are provided by the refugee authority in a reception centre.

Accommodation and care at a reception centre

41 §

(1) Refugees, beneficiaries of subsidiary protection and persons with tolerated stay, if their accommodation cannot be provided for otherwise, shall be entitled to board and lodging at the reception centre free of charge for 30 days upon the date of the final decision on their recognition. During their stay at the reception centre, refugees, beneficiaries of subsidiary protection and persons with tolerated stay shall cooperate with the staff of the reception centre.

(2) During the entire period of temporary protection, beneficiaries of temporary protection have the right to receive board and lodging at the reception centre free of charge.

(3) Otherwise, the rules of Section 21 shall apply to the board and lodging received by refugees and beneficiaries of subsidiary and temporary protection and persons with tolerated stay at the reception centre.

42 - 43 §¹⁴

Health care

44 §

(1) If the refugee or beneficiary of subsidiary protection is not covered by any social security system, s/he is entitled to health care services, in accordance with Sections 26-28, for six months from the date the decision on his/her recognition becomes legally binding.

(2) If the beneficiary of temporary protection is not covered by any social security system, s/he is entitled to health care as specified in Sections 26-28.

(3) If the person with tolerated stay is not covered by any social security system, in the event of sickness, s/he shall be entitled to general medical practice services free of charge and healthcare services as specified in Section 142 (2) and (3)e) and i) of Act CLIV of 1997 on Healthcare.

(4) The person with tolerated stay shall be entitled to compulsory vaccination as specified in separate law.

(5) If the person with tolerated stay is a citizen of a third country, healthcare services may be used with a humanitarian residence permit issued based on separate legislation.

(6) The refugee authority shall reimburse the full price of medical accessories and medicine, provided that purchase is made based on a prescription given by a doctor possessing a stamp designated for medicine orders as specified in separate legislation.

(7) With regard to persons with tolerated stay, the use of general medical practice and specialised medical service shall be otherwise governed by the provisions of Section 27 (1)-(2) and (4), whereas reimbursement of expenses shall be governed by Section 28.

Reimbursement of the costs of schooling and education

45 §

¹⁴ Provisions discontinued

The refugee, beneficiary of subsidiary and temporary protection are entitled to the reimbursement of the costs of schooling and education as per conditions specified in Section 29.

46 - 47 §¹⁵

Travel benefits

48 §

(1) The refugee authority upon request by refugees, beneficiaries of subsidiary and temporary protection residing in reception centre shall issue a certificate to facilitate the making use of benefits stipulated by law on benefits relevant to public transportation to facilitate their:

- a) attending official duties,
- b) using of health care provisions defined in Sections 26-27 from a health care service provider with a territorial service provision obligation, or
- c) participation in a program facilitating social integration or using the assistance of a non-governmental organisation,
- d) travelling to find accommodation, job or to work.

(2) Applications requesting the issuance of a certificate for making use of travel benefit shall be submitted to the refugee authority, enclosing all documents supporting the application.

(3) In terms of amount and form of making use of benefits, legal provisions stipulating the benefits relevant to public transportation shall apply.

Reimbursement of costs relevant to translation of documents

49 §

(1) Based on request by the beneficiary of temporary protection, the refugee authority shall take over costs incurred when getting translated into Hungarian documents that date from a period prior to the given person's recognition as beneficiary of temporary protection; especially those verifying birth, marriage and school/vocational qualifications.

(2) Translation costs shall be reimbursed by the refugee authority to the service provider.

(3) Applications requesting the reimbursement of translation costs shall be submitted to the refugee authority. Documents supporting the request shall be attached, in particular

- a) the original document to be translated, and
- b) the document issued by the institution of education and specifying the qualification needed to the continuation or the start of the studies, or a document issued by the employer specifying the vocational qualification needed to the employment.
- (4) If the beneficiary of temporary protection does not hold the document described in Subsection (3) b), his/her declaration stating the purpose of the translation of the document shall supplement the document.

Allowance facilitating final departure from the country

50 §

Refugees, beneficiaries of subsidiary and temporary protection are entitled to allowance facilitating final departure from the country at one occasion, in line with the conditions specified in Section 31.

Free Hungarian language course

51 §

(1) Within twenty-four months of their recognition, beneficiaries of temporary protection are entitled to a free basic or medium-level Hungarian language course of 520 hours organised by an institution designated by the refugee authority, given that they carry on their studies continuously, compliant to the criteria specified by the institution and fulfil the exam requirements.

(2) Services provided free of charge:

a) Hungarian language exam: basic or medium-level (“A”, “B” or “C” type), recognized by the state, once every grade and type, organised for the beneficiary of temporary protection at an institution designated by the refugee authority;

b) catch-up training in the Hungarian language, organised at an institution designated by the refugee authority for beneficiaries of temporary protection studying at educational institutions, until they reach legal age.

(3) Costs of the training and/or exam specified in Subsections (1)-(2) shall be reimbursed by the refugee authority to the institution.

52 §¹⁶

¹⁵ Provisions discontinued

¹⁶ Provision discontinued

Regular subsistence allowance to beneficiaries of temporary protection

53 §

- (1) Beneficiaries of temporary protection entitled to the provisions and benefits specified in Section 41 but not making actually use of them are entitled to regular subsistence allowance during the entire duration of temporary protection, upon application after leaving the reception centre.
- (2) The monthly amount of the regular subsistence allowance equals the then valid lowest amount of the pension paid to persons reaching the age of retirement.
- (3) The regular subsistence allowance shall be decided upon by the refugee authority upon request by the beneficiary of temporary protection and will disburse it on a monthly base before the 15th day of the month.

54 – 58 §¹⁷

Provisions and benefits of refugees, beneficiaries of subsidiary and temporary protection in need of special treatment

59 §

Sections 32-34 shall be applied in accordance with the derogations laid down by the present Decree with respect to the provisions and benefits for the refugee, beneficiary of subsidiary protection and temporary protection in need of special treatment, accommodated at a reception centre.

Withdrawal and denial (sic!) of provisions and benefits of refugees, beneficiaries of subsidiary and temporary protection

60 §

- (1) The refugee authority shall dispose on the limitation or withdrawal of the material conditions of reception and the provisions and benefits stipulated in the present Decree for an indefinite or a definite period of time.
- (2) In case of a minor beneficiary of temporary protection, the limitation of material conditions of reception as well as provisions and benefits stipulated in the present Decree shall be applied primarily. In

¹⁷ Provisions discontinued

case of withdrawal or refusal, the best interests of the child and the principle of proportionality shall be a primary consideration.

(3) The provisions set out in Subsection (2) shall not affect the indemnification liability for damages attributable to contraventions committed by the minor.

(4) In case of persons in need of special treatment, the limitation, withdrawal or refusal shall affect only in particularly justified cases those material conditions of reception for which the beneficiary of temporary protection is eligible with respect to his/her individual circumstances.

(5) The refugee authority may authorize again, by decision, *ex officio* or upon request by the beneficiary of temporary protection, the limited or withdrawn material conditions of reception or the provisions and benefits stipulated in the present Decree, after considering the specific conditions of the beneficiary of temporary protection, if the limitation or withdrawal was disposed for an indefinite period and the reasons serving as a basis ceased to exist.

60/A §

(1) The reimbursement obligation disposed by the refugee authority according to Section 32/A (1) c) of the Act shall be fulfilled by the beneficiary of temporary protection by postal order or by petty cash payment.

(2) In particularly justified cases the refugee authority may allow instalments when determining the reimbursement obligation.

(3) The refugee authority may dispose, in accordance with Section 36 (1) and (2) of the present Decree, the reduction of the material conditions of reception, the provisions and assistance stipulated the present Decree.

61 §¹⁸

Chapter VI

GENERAL RULES OF ASYLUM PROCEDURES

Submission of Application for Recognition

62 §

¹⁸ Provision discontinued

- (1) Applications submitted in writing shall be signed by the applicant with his/her own hands.
- (2) If the person seeking recognition is not able to write and the Act or the present Decree requires an action in writing, the fact that the person seeking recognition is unable to write shall be committed to minutes.
- (3)¹⁹
- (4) The minutes prepared about a verbal application shall contain the following:
- a)* natural identification data of the person seeking recognition as stipulated in Section 82 a)-h) of the Act;
 - b)* data of identity and travel documents (identification mark and number of document, term of validity, date of issuance, name of issuing authority, place of issuance) available with the person seeking recognition;
 - c)* application for recognition.
- (5) The person seeking recognition shall enclose the documents defined in Section 41 (1) a) of the Act to the application for recognition, and shall hand over his/her documents defined in Section 41 (1) b).
- (6) If several members of a family apply together, the minutes shall contain data specified in Subsection (4) for all members of the family.
- (7) If the application submitted in writing does not contain the data specified in Subsection (4) a) and b) or contains them only partly, the refugee authority shall commit the missing data to minutes.
- (8) The refugee authority shall ensure the possibility of submitting an application for those in detention at the place of detention.
- (9) The refugee authority shall request the local district (municipal district) guardianship authority (hereinafter: guardianship authority) to designate a guardian for the case.

63 §

- (1) If the refugee authority places the person seeking recognition at a reception center or appoints a compulsory place of residence for him/her, after the submission of the application for recognition, the refugee authority shall – without delay - notify the chief medical officer of the local public health institution of the district office competent at the place of residence of the person seeking recognition (hereinafter: chief medical officer) to order the medical examinations necessary with respect to the given epidemic situation.
- (2) If, based on the results of the examinations ordered according to Subsection (1), the chief medical officer establishes that the person seeking recognition suffers from a disease that constitutes a potential threat to the public health or suffers from any infectious disease, besides notifying the refugee authority,

¹⁹ Provision discontinued

the chief medical officer shall make recommendations for the necessary restricting arrangements without delay.

(3) As long as the health status of the person seeking recognition described in Subsection (2) exists, s/he cannot be accommodated in a community or can only be accommodated to the extent that complies with the restrictions imposed by the chief medical officer of the state health organisation based on considerations relevant to the conditions, diseases, or pathogenic situation of the person concerned. If the person seeking recognition cannot be accommodated in a community, s/he shall be accommodated and cared for in accordance with the conditions set by the chief medical officer of the state health organisation and in a separated manner. The refugee authority shall be informed about the separation. The refugee authority shall reimburse the costs incurred in relation to measures necessary for epidemiological considerations.

(4) If the separation of the person seeking recognition is not necessary any longer in a department of a hospital or a designated health institute, the chief medical officer of the state health organisation shall inform the refugee authority and shall direct the person seeking recognition to the place of accommodation designated for him/her.

(5) No need exists to order and conduct the medical examination described in Subsection (1) if a Hungarian health authority has conducted already the medical examination of the person seeking recognition justified by the epidemic situation, and the person seeking recognition did not leave the territory of Hungary following this examination.

64 §

(1) If the foreigner wishes to submit an application for recognition at an authority other than the refugee authority, the authority shall inform the foreigner about the authority s/he should apply to.

(2) If the foreign national expresses his/her intention to file an application for recognition during an alien policing procedure, his/her statement shall be committed to minutes by the proceeding authority. The proceeding authority shall inform the refugee authority of this without delay by sending the minutes and the fingerprint sheet to the refugee authority. At the same time, the proceeding authority shall request information from the refugee authority on whether the foreign national will have a right to remain in the territory as an applicant seeking recognition.

(2a) The refugee authority shall provide the information specified in Subsection (2) without delay but as a maximum within 24 hours.

(3) If the foreigner expresses an intention to file an application for recognition during a minor offence or criminal procedure, his/her statement shall be committed to minutes by the proceeding authority that shall inform without delay the refugee authority - forwarding at the same time the minutes.

(4) Without delay but as a maximum within 3 days after the notification, the refugee authority shall register the foreign national's application for recognition and, following the registration of the application, it shall arrange the transportation of the foreign national to the reception centre serving as a place for boarding foreign nationals unless

a) the rules on airport procedure apply to the case of the foreign national,

b) the applicant is under the effect of a measure or a coercive measure restricting personal freedom or under the effect of punishment or a measure ordered previously in the alien policing procedure and restricting personal freedom; or

c) the applicant is lawfully residing in Hungary and does not request placement at an accommodation centre.

64/A §

(1) The refugee authority shall contact the specialised authority on the working day following the date of registering the application for recognition.

(2) As part of the contact, the refugee authority shall forward the data of the applicant stored in the refugee records to the specialised authority. At the specialised authority's request, the refugee authority shall allow access to the documents enclosed with such applications.

(3) The specialised authority may interview the applicant.

(4) If any information arises after the official assessment of the specialised authority concerning the foreign national, due to which the official assessment should be revoked, the specialised authority shall send to the refugee authority its new assessment without delay.

65 §

(1) When an application for recognition is submitted, the refugee authority shall provide for making a photo of the foreigner's facial image and record his/her fingerprints except for cases, when this has already been done by the authority conducting alien policing, minor offence or criminal procedure prior to submitting the application for recognition.

(2) Fingerprints shall be forwarded by the refugee authority without delay for recording and controls to the data processing organisation designated in a separate decree. The data processing organisation shall inform the refugee authority about the results of the controls within five days counted from the request.

Procedural Rights and Obligations of Persons Seeking Recognition

66 §

(1) If the application for recognition is submitted orally and the person seeking recognition does not speak Hungarian, the refugee authority shall provide for an interpreter speaking his/her mother tongue or another language understood by that person. There may be no need for an interpreter, if the official of the refugee authority speaks the mother tongue of the person seeking recognition or another language understood by him/her, and the person seeking recognition consents in writing to the dispensation of the interpreter.

(2) If this does not hinder the completion of the procedure and it is requested by the person seeking recognition, an interpreter of the same sex shall be applied, and the case shall be handled by an official of the same sex as the person seeking recognition.

(3) If the person seeking recognition declares that in the course of his/her persecution constituting the basis of his/her application for recognition s/he suffered a harm or humiliation relating to his/her gender status, it shall be compulsory to designate an official of the same sex for his/her case, if this is requested by the person.

(4) In the asylum procedure, the documents to be delivered to the person seeking recognition shall also be delivered to their statutory/legal guardian, child protection guardian, guardian ad litem or authorised representative.

67 §

In order to protect the minor's rights, provide for and monitor his/her care, the decision on recognising of an unaccompanied minor shall be forwarded by the refugee authority to the guardianship authority competent at the minor's place of residence, too.

68 §

(1)²⁰

(2) The authority in charge of detention of the foreigner shall facilitate that representatives of human rights organisations specialized in the provision of legal assistance to persons seeking recognition enter the detention facility at a date agreed beforehand in order to inform the foreigners on the asylum procedure and on their right of benefiting from free legal assistance during the procedure.

²⁰ Provision discontinued

(3) If the person seeking recognition is under the effect of coercive measures, measures or punishment or is detained based on a disposition restricting his/her personal freedom previously ordered during the alien policing procedure, the authority giving effect to the detention order shall forward without delay to the refugee authority the request for legal review lodged against the decision taken in the procedure conducted by the refugee authority. By doing so, the person seeking recognition fulfils the requirement of lodging a request for legal review in person stipulated in Section 36 (8) of the Act.

69 §

(1) The luggage, clothing and vehicle of the person seeking recognition may be inspected only if this is justified.

(2) When the clothing of a person seeking recognition is inspected, an official of the authority shall act who is of the same sex as the person seeking recognition.

(3) The person seeking recognition and accommodated at a reception centre shall tolerate the confiscation of personal belongings that are prohibited by the house rules of the reception centre.

Rules of Evidence

70 §

(1) The Government hereby designates the Office of Immigration and Nationality to be the agency responsible for the provision of country information (country information centre).

(2) The country information centre shall

a) collect and maintain information on the country of origin of the person seeking recognition, refugee, beneficiaries of subsidiary and temporary protection, and on third countries relevant in terms of recognition or revocation of recognition;

b) make reports of country information.

(3) The country information centre shall prepare country information reports upon request by the

a) refugee authority,

b) court,

c) alien policing authority, and

d) UNHCR.

(4) When preparing a country information report, the country information centre shall utilize information already maintained as well as conduct research for new information according to needs.

(5) The country information report shall elaborate on the content of the request, the reply thereto, and the sources supporting the information in detail. If the country information centre is unable to respond to the query due to lack of information, the report shall contain this fact.

(6) The country information centre shall take a position neither on legal questions nor on decisions to be made in connection with application for recognition or revocation of the recognition.

(7) The country information centre shall comply with the request for a country information report within fifteen days the latest.

(8) The information collection and provision stipulated in Subsection (2) shall be performed by the country information centre in an objective and balanced manner, impartially and accurately. To achieve this, it shall use

a) various sources of information;

b) governmental, non-governmental and international information sources equally and as widely as possible.

(9) The country information centre shall update the information maintained on a regular manner by

a) obtaining up-to-date information and

b) correcting obsolete information which do not already reflect the reality.

(10) The country information centre may conclude cooperation agreement with departments providing country information of foreign state agencies.

71 §

When applying Section 41 (1) c) of the Act, the piece of information shall qualify as relevant which

a) is connected to the individual circumstances of the applicant,

b) describes or analyses the actual situation prevailing in the country of the person seeking recognition, refugee, beneficiary of subsidiary and temporary protection and/or in third countries relevant for the recognition or the revocation thereof, and

c) substantially helps to identify whether in the case of the person seeking recognition, refugee, beneficiary of subsidiary and temporary protection there is a well-founded fear of being persecuted or a real risk of suffering serious harm, and whether in the case of the person seeking recognition, refugee, beneficiary of subsidiary and temporary protection a certain country is considered as safe country of origin compliant to Section 2 h) of the Act, or as a safe third country compliant to Section 2 i) of the Act.

72 §

(1) The refugee authority may in case of need approach repeatedly the country information centre.

- (2) The refugee authority may decide not to request a report from the country information centre if
- a) the application is inadmissible or under Section 51(7)(a) - (d) of the Act, an expedited procedure may be conducted; and
 - b) the procedure for revoking recognition is based on the voluntary renunciation of the legal status.

73 §

In the event of recognition of the person seeking recognition as a refugee, a beneficiary of subsidiary protection or a beneficiary of temporary protection, the prohibition of contact under Section 42 (1) of the Act shall be effective until a decision on withdrawal of the recognition that can no longer be challenged by a legal remedy is passed.

74 §

- (1) A person seeking recognition but having no full proceeding capacity shall be interviewed in the presence of his/her representative by law (*törvényes képviselő*) or guardian for the case (*ügygondnok*) or child protection guardian.
- (2) The guardian for the case or child protection guardian is obliged to inform the person seeking recognition about the personal hearing, the way of making preparations for it and the consequences thereof.
- (3) If the presence of the representative by law of a person seeking recognition but having no full proceeding capacity would hinder the clarification of the facts at the personal hearing, the refugee authority shall request the appointment of an ad-hoc case guardian (*eseti gondnok*) or ad-hoc guardian (*eseti gyám*).
- (4) Family members with full proceeding capacity shall be heard separately. If it is necessary in order to clarify facts, the refugee authority shall have interviews with the family members in the presence of the other family members, too.
- (5) When a family member arriving at some later date joins the refugee or beneficiary of subsidiary protection, the refugee or beneficiary of subsidiary protection shall also be interviewed.
- (6) The interview of a detained foreign national shall be processed as a matter of priority. The authority carrying out the detention shall escort the person seeking recognition to the office of the refugee authority for the personal hearing.
- (7) Detained persons seeking recognition may be interviewed by the refugee authority in the detention facility as well.

(8) The authority enforcing the detention shall be obliged to ensure appropriate circumstances for the hearing of the person seeking recognition, with special respect to the following points:

- a)* an interview room made available exclusively for the refugee authority for the time of the hearing,
- b)* the presence of the person seeking recognition at the personal hearing.

(9) The hearing shall be committed to minutes. An opportunity shall be ensured to the person seeking recognition to make comments on the content of the minutes.

75 §

(1) At the personal hearing, the person seeking recognition shall hand over to the refugee authority the evidence supporting his/her application for recognition that is available for him/her and has not yet been presented. The person seeking recognition shall be reminded of this obligation at the start of the hearing.

(2) At the personal hearing, the person seeking recognition shall be given the opportunity to make a coherent statement about the reasons underlying his/her submitting an application for recognition and the circumstances of his/her arrival in Hungary. Subsequently, further questions can be asked from the person seeking recognition by the refugee authority, the guardian for the case as well as the proxy of the person seeking recognition.

(3) The personal hearing of the person seeking recognition shall cover his/her family status, place and date of marriage, first and last name of spouse and children, date and place of birth, school qualifications, profession, his/her place of residence in his/her country of origin, his/her place of lodgings or residence in Hungary as well as his/her property and income position.

(4) If an interpreter or expert is involved at the hearing, the minutes prepared about the interview shall indicate that the consequences of false interpretation and false expert opinion have been highlighted and such statements have been acknowledged by the relevant persons.

76 §

(1) Parallel with notifying the person seeking recognition about the personal hearing, his/her representative by law, guardian for the case or child protection guardian and proxy shall also be informed.

(2) If the representative by law or guardian for the case or child protection guardian does not attend the personal hearing, a new date shall be set for the interview, and the local guardian authority appointing the guardian shall be notified on this fact.

(3) If the representative by law does not appear at the personal hearing in spite of being notified repeatedly, the refugee authority shall approach the local guardianship authority in order to appoint an ad-

hoc guardian for the case or ad-hoc guardian for the protection of the interest of the person seeking recognition without full proceeding capacity.

(4) If the proxy is absent in spite of being notified correctly, this fact shall not qualify as an obstacle of the personal hearing.

77 §

(1) The personal hearing of the person seeking recognition can only be avoided according to Section 43(2)a) of the Act if the person seeking recognition is in a condition not suitable for an interview for lasting/durable reasons. In case of doubts, the refugee authority shall involve a medical expert or psychologist in order to identify if the person seeking recognition is in a condition suitable for hearing.

(2) If, it is not possible to conduct a hearing of the person seeking recognition, the refugee authority shall use all possible means to disclose the facts and circumstances giving rise to the act of fleeing, in particular
a) shall provide an opportunity for the person seeking recognition to make a written statement about his/her fleeing;

b) shall interview the family members of the person seeking recognition who stay in Hungary as well as other persons arriving with him/her.

78 §

(1) If the necessity of a medical expert examination compliant to Section 44 (1) has arisen, the refugee authority shall inform the person seeking recognition in his/her mother tongue or in another language understood by him/her, in simple and understandable terms about the examination procedure to be used and the consequences of the examination as well as of his/her denying to consent the conduct of the examination as defined in Section 44 (3) of the Act.

(2) Should the person seeking recognition debate the outcome of the expert examination, s/he may request a new expert to be designated by the refugee authority. In case of contradicting expert opinions, it is up to the refugee authority to decide whether to appoint yet another expert.

79 §

In the course of ordering expulsion, deportation or prohibition of entry and stay, the refugee authority shall follow the rules of Government Decree 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals.

Chapter VII

*PROCEDURE AIMED AT RECOGNITION AS REFUGEE OR BENEFICIARY OF
SUBSIDIARY PROTECTION*

81 §

(1) Based on Section 48 (1) of the Act, a reception center shall be designated as a compulsory place of residence for the foreigner seeking recognition as a refugee or a beneficiary of subsidiary protection (for the purposes of this Chapter hereinafter: “applicant”), unless the applicant is

a) in detention,

b) under the effect of coercive measures, measures or punishment or is detained based on a disposition restricting his/her personal freedom previously ordered during the alien policing procedure; or

c) lawfully residing in the territory of Hungary and does not request placement at a reception centre.

(2) The refugee authority shall dispose on the placement of the unaccompanied minor in a child care institution.

(3) When the applicant is placed at the reception centre designated for him/her, s/he shall be informed about the rules of conduct applicable at the place of residence and the consequences of infringement of such rules.

(4) If the person seeking recognition is detained based on a disposition restricting his/her personal freedom previously ordered during the alien policing procedure, the place of the execution of the disposition during the asylum procedure may only be changed with the prior consent of the refugee authority.

(5) If the person seeking recognition is under the effect of coercive measures, measures or punishment restricting his/her personal freedom, the alien policing authority shall inform the refugee authority on the termination of the coercive measures, measures or punishment, or about the alteration of the place of execution without delay after the alien policing authority becomes aware of it.

82 §

(1) The refugee authority will hold a personal hearing (interview) with the applicant, in accordance with Section 43 of the Act and Sections 74 - 77 of this Decree.

²¹ Provision discontinued

(2) The personal interview shall be conducted without delay after filing the application for recognition as a refugee or as a beneficiary of subsidiary protection (in the present Chapter hereinafter referred to as the “application”).

83 §

(1) The procedure specified in Section 49(2) of the Act (hereinafter “Dublin procedure”) shall include contacting the authority of a state (hereinafter “Member State”) applying Regulation (EU) No 604/2013 of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and Commission Regulation (EC) No 1560/2003 and Commission Implementing Regulation (EU) No 118/2014 of 30 January 2014 amending Regulation (EC) No 1560/2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 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 Regulations”), consultations with the authority of another Member State, conducting the transfer and take back procedure, and the transfer or taking back of the applicant (hereinafter collectively referred to as “transfer”).

(2) The starting date of the Dublin procedure is the date when the refugee authority contacts the authority of another Member State. The closing date of the Dublin procedure is the date when the refugee authority of another Member State takes over of the applicant, denies the take-over or the impossibility of the transfer becomes obvious.

(3) If the requested Member State’s responsibility is established under Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (hereinafter “Dublin III Regulation”), the refugee authority shall pass the order on the transfer or take back of the applicant (hereinafter “transfer order”) within eight days from the day the responsibility is established or from the expiry of the deadlines in Article 22(1) and (6), Article 25(1) or Article 28(3) of the Dublin III Regulation.

(4) The transfer order of the applicant shall include provisions specified in Article 26(1) and (2), Article 27(1) and (2) and Article 29(1) and (2) of the Dublin III Regulation.

(5)²²

²² Provision discontinued

(6) Separate lodgings shall be assigned at a reception centre for the accommodation of persons waiting for transfer in the Dublin procedure, as per Section 49 (5) of the Act.

84 §

(1) The transfer of the applicant shall be carried out by official escorts. The rules relevant to expulsion – laid down in other legal instruments – shall apply.

(2) The refugee authority shall ensure delivery of the documents identified in Section 41 (1) a)-b) of the Act to the Member State contacted simultaneously with the transfer of the applicant.

85 §

(1) If on the basis of the Dublin Regulations another Member State contacts the refugee authority and requests delivery or return of a foreigner, the refugee authority shall act according to the Dublin Regulations.

(2) If on the basis of the Dublin Regulations the refugee authority takes over a foreigner applying for asylum in another Member State, the foreigner shall be given an opportunity to submit an application. If the foreigner does not want to submit an application, the refugee authority shall notify the alien police authority to take the necessary measures.

86 §

In cases stipulated by Section 51 (2) *d*), the refugee authority shall primarily assess whether the person seeking recognition was able to substantiate any new facts or circumstances as grounds for the recognition of the applicant as a refugee or as a beneficiary of subsidiary protection, after the making of final rejection decision.

87 – 89 §²³

90 §

The social standing, personal circumstances, gender and age of the person seeking recognition shall be examined to establish whether the acts which have been or could be committed against the person seeking recognition qualify as persecution or serious harm.

²³ Provisions discontinued

91 §

The requirement for availability of efficient tools for the application of Section 63 (1) of the Act is fulfilled if the State from which the applicant is forced to flee

a) possesses efficient laws for the detection of acts qualifying as persecution or serious harm, and persecution and punishment of such acts through criminal proceedings, and institutions dedicated to their enforcement, and

b) is making appropriate and efficient steps in particular with the help of the tools identified in Paragraph

a) to prevent persecution and serious harm.

92 §

(1) When Section 63 (2) of the Act is being applied, the refugee authority shall

a) examine whether protection is available for the applicant in the case of return to the State from which s/he was forced to flee;

b) specifically name the part of the country where it considers that protection is available.

(2) The applicant can be reasonably required to return to the part of the country concerned – with regard also to his/her personal circumstances – if

a) the applicant can access that part of the country in a lawful, safe and practical way,

b) the applicant has family relations or relatives in the given part of the country or if the applicant's basic subsistence and accommodation are ensured by any other means, and

c) there is no threat that the applicant will suffer persecution or serious harm or other serious infringement of human rights in that part of the country, irrespective of whether these are connected with the reasons for fleeing presented in his/her application.

(3) When applying the provisions of Subsection (2), the refugee authority shall assess in particular the applicant's health, need for special treatment, age, gender, religious affiliation, nationality and cultural ties as individual circumstances.

(4) The protection determined in Section 63 (2) of the Act cannot be considered as guaranteed if the State or the party or organisation controlling the State from which the applicant was forced to flee is behind the persecution or serious harm.

93 §

The refugee authority shall take into account the guidance provided by the Council when examining whether the State from which the applicant was forced to flee, or a substantial part thereof, is controlled by

an international organisation and whether such organisation guarantees to the applicant the protection as described in Section 63 of the Act.

94 §

The nexus stipulated in Section 65 of the Act exists when

- a) there is a causal relation between the reasons for persecution described in Section 6 (1) of the Act and the acts qualifying as persecution as described in Section 60 of the Act, or
- b) the State from which the applicant was forced to flee fails to guarantee for the applicant the protection described in Section 63 (1) of the Act due to his/her race or nationality, membership of a particular social group, political opinion or for religious reasons.

95 §

If the refugee authority rejects the application on the basis of Section 51 (2) e) of the Act, it shall, simultaneously with the communication of the decision on rejection, make out a certificate for the foreigner in which the authorities of the concerned third country are notified – in the official language of the third country – about the fact of and reasons for rejection of the application.

Dublin procedure

96 §

(1)²⁴

(2) The Dublin procedure may only be conducted before the refugee authority closes the asylum procedure in a decision except in cases of termination of the asylum procedure.

Airport Procedure

97 §

(1) When an airport procedure described in Section 72 of the Act is being conducted, the provisions of the present Chapter shall be applied with the differences laid down in this Section.

(2) During the airport procedure, the refugee authority shall conduct a personal hearing of the applicant without delay after submission of the application.

²⁴ Provision discontinued

(3) The refugee authority shall request entry of the applicant pursuant to Section 72 (5) of the Act.

(4) If a person in need of special treatment submits an application jointly with his/her family members, the rules of the airport procedure shall not be applied to the family members either.

Revision of recognition as refugee and revocation recognition as refugee, beneficiary of subsidiary protection and tolerated stay

98 §²⁵

99 §

If the refugee authority initiates the revocation of recognition as refugee pursuant to Section 11 (2) e) of the Act or revocation of recognition as beneficiary of subsidiary protection pursuant to Section 18 (2) e) of the Act, it shall examine when the decision is being adopted whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution or the fear of the beneficiary of subsidiary protection of serious harm can no longer be regarded as well-founded.

99/A §

(1) When the grounds for tolerated stay status cease to exist, the refugee authority shall withdraw the tolerated stay status by way of resolution (*határozat*).

(2) If, in spite of the request of the authority, the third-country national is not present at the procedure for review of the tolerated stay status, in the review procedure on the extension of the humanitarian residence permit, for the purpose of communication of data necessary for clarifying the facts, the refugee authority may repeatedly call the third-country national.

Chapter VIII

PROCEDURE AIMED AT RECOGNITION AS BENEFICIARY OF TEMPORARY PROTECTION

100 §

If the National Assembly recognises as beneficiaries of temporary protection persons forced to flee for the same reasons from the same country or region of origin from which other persons were forced to flee and

were recognised by the Council as beneficiaries of temporary protection, the Council and the Commission shall be notified of the recognition without delay.

101 §

(1) The refugee authority shall place the person seeking recognition as a beneficiary of temporary protection (hereinafter referred to in this Section as 'applicant') during the period of the procedure aimed at recognition as a beneficiary of temporary protection at a reception centre or – upon his/her request – at a private residence.

(2) The applicant shall reside at the place of accommodation designated for him/her on a residential basis during the procedure aimed at recognition as a beneficiary of temporary protection.

(3) When placed at the place of accommodation designated for him/her, the applicant shall be informed about the rules of conduct applicable at the place of accommodation and the consequences of infringement of such rules.

102 §

(1) In the procedure for recognition as a beneficiary of temporary protection, the provisions of Chapter VI of the present Decree shall apply with the exception of those included in Subsection (2).

(2) In the procedure for recognizing temporary protection Section 67 shall not be applied.

103 §

(1) The refugee authority shall contact the specialised authority on the working day following the date of the personal hearing of the applicant.

(2) The refugee authority shall forward to the specialised authority the data of the applicant handled in the asylum records. Upon request of the specialised authority, the refugee authority shall allow access to the documents enclosed with the application, or shall make copies of them.

(3) The specialised authority may conduct a hearing of the applicant.

(4) If, after communicating the position of the specialised authority, any information concerning the foreigner arises that would motivate the revocation of the position, the specialised authority shall send its new position to the refugee authority without delay.

Revocation of Recognition as a Beneficiary of Temporary Protection

²⁵ Provision discontinued

104 §

In the procedure for the revocation of the recognition as a beneficiary of temporary protection, the provisions of Chapter VI of the present Decree shall apply accordingly.

Transfer of a beneficiary of temporary protection

105 §

(1) If temporary protection is granted to a family member of a beneficiary of temporary protection by another state applying Council Directive 2001/55/EC of 20 July 2001 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 (hereinafter referred to as Directive 2001/55/EC), the beneficiary of temporary protection may request – for the purpose of family reunification – from the refugee authority that s/he be granted temporary protection by the same state.

(2) Upon request of the beneficiary of temporary protection, as described in Subsection (1), the refugee authority shall contact the given state to ask whether it grants temporary protection to the beneficiary of temporary protection for the purpose of family reunification.

(3) If the contacted state agrees to grant temporary protection to the beneficiary of temporary protection, the refugee authority shall revoke the recognition as beneficiary of temporary protection pursuant to Section 25 (2) a) of the Act and provide a certificate described in Annex 4 to the present Decree to the beneficiary of temporary protection.

(4) If the contacted state does not agree to grant temporary protection to the beneficiary of temporary protection, the refugee authority shall notify the beneficiary of temporary protection thereof and simultaneously inform him/her about the provisions of Section 20 (2) of the Act.

106 §

(1) If the number of persons recognised pursuant to Section 19 a) of the Act as beneficiaries of temporary protection exceeds the reception capacity of Hungary as determined in the resolution of the Council, the refugee authority may approach another state applying Directive 2001/55/EC to accept the transfer of the number of beneficiaries of temporary protection exceeding the reception capacity.

(2) The reception capacity referred to by Subsection (1) shall be determined by the Minister in conjunction with the Ministers responsible for foreign policy and tax policy.

(3) If the contacted state agrees to receive beneficiaries of temporary protection, the refugee authority may only transfer the beneficiaries of temporary protection to the contacted state with the consent of the beneficiaries of temporary protection. For this purpose the refugee authority shall interview the beneficiaries of temporary protection before the transfer. The interview shall be committed to minutes.

(4) If the beneficiaries of temporary protection agree to receive temporary protection from the contacted state instead of Hungary, the refugee authority shall revoke the recognition as beneficiary of temporary protection pursuant to Section 25 (2) a) of the Act and provide a certificate as per Annex 4 of this Decree to the beneficiaries of temporary protection.

Take-over of beneficiary of temporary protection

107 §

(1) If the refugee authority is contacted by another state applying Directive 2001/55/EC to takeover beneficiaries of temporary protection, the refugee authority shall decide on the transfer on the basis of the reception capacity of Hungary as determined in the Resolution of the Council.

(2) The foreigners received pursuant to Subsection (1) shall be recognised as beneficiaries of temporary protection without examination of conditions.

(3) If the contacting state requests take-over for the purpose of family reunification and the beneficiary of temporary protection agrees with the take-over of the family member, the refugee authority shall not reject the take-over with reference to impossibility due to the limited reception capacity of Hungary.

(4) Subsection (3) does not exclude the possibility of family reunification in the contacting state subject to consent of the beneficiary of temporary protection. The refugee authority shall interview the beneficiary of temporary protection to obtain his/her consent. The interview shall be committed to minutes.

108 §

Revocation of recognition as a beneficiary of temporary protection pursuant to Section 25 (2) c) of the Act will not prevent the refugee authority recognising again the foreigner – upon his/her request – returned from his/her country of origin as a beneficiary of temporary protection provided that the condition laid down in Section 20 (1) of the Act prevail in his/her respect.

Chapter XII

FINAL PROVISIONS

Provisions for Entry into Force and Discontinuation

109 §

(1) This Decree shall enter into force on 1 January 2008.

(2) - (3)²⁶

Temporary Provisions

110 §

(1) Before the entry into force of the present Decree, the existing repayment claim for the support offered with reimbursement obligation should be validated by the notary depending on those included in the sponsorship agreement.

(2) The notary should inform the Office semestrially about the amortization, if the refugee pays the repayment rates of the home building allowance to the local government based on a contract concluded before the entry into force of the decree.

111 - 112 §²⁷

113 §

(1) The provisions stipulated by Government Decree 62/2016 (III.31.) on the amendment of certain migration and asylum related Government Decrees shall apply to cases that started after the entry into force of the amending Decree.

²⁶ Provisions discontinued

²⁷ Provisions discontinued

(2) Assistance/benefits decided upon before the entry into force of the amending Government Decree shall be disbursed as per the applicable law in force at the time of the decision taken on the disburse; the provisions of the amending Decree will not touch upon those.

114 §

(1) The provisions stipulated by Government Decree 113/2016 (V.30.) on the amendment of certain migration and asylum related Government Decrees shall apply to cases that started after the entry into force of the amending Decree.

(2) Benefits decided upon before the entry into force of the amending Government Decree shall be disbursed as per the applicable law in force at the time of the decision taken on the disburse; the provisions of the amending Decree will not touch upon those.

115– 116 §²⁸

Compatibility with European Union Law

117 §

(1) The present Decree – together with Act LXXX of 2007 on Asylum – serves compatibility with the following Community legal Acts:

- a) Resolution of the ministers of Member States of the European Communities responsible for immigration of 30 November 1992 on manifestly unfounded applications;
- b) Resolution of the ministers of Member States of the European Communities responsible for immigration of 30 November 1992 on a harmonised approach to questions concerning host third countries;
- c) Conclusions of the ministers of member states of the European Communities responsible for immigration of 30 November and 1 December 1992, London, on countries in which there is generally no serious risk of persecution;
- d) Council Resolution of 20 June 1995 on minimum guarantees for asylum procedures;
- e) Council Resolution of 25 September 1995 on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis;
- f) Council Resolution of 26 June 1997 on unaccompanied minors who are nationals of third countries;

²⁸ Provisions discontinued

g) Articles 7(1), 13, 15(2)-(3) and (5), 16, 21(1), 25(1), 26(1)-(2) and (5) of Council Directive 2001/55/EC of 20 July 2001 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;

h) Articles 5, 7(2) and (4), 8, 9, 13 (2)-(5), 14(1)-(4), 15, 16((1)b), 16(4), 17(1), 18(2), 19(2)-(3), 20 of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of person seeking recognitions;

i) ²⁹

j) Articles 6(5), 8(2)b), 10(1)a) and b), 11(2)b), 12(1) and (3), 13(1)-(3) and (4), 14, 16(3) and (4), 17(1), (5)a), (6), 22, 27(2)b) and c), 27(3)b), 27(5), 29(4)-(5) and (7), 30(5) and (6), 32(3), 34(2)a) and b), 35(3)c) and d), 38(1)b)-d), 38(2)-(3) of Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status;

k) Article 25 [Section 11/A] of the Convention implementing the Agreement of 14 June 1985 concluded by the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the Republic of France on the gradual abolition of checks at their common borders (Schengen Implementation Convention);

l) Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted;

m) Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection;

n) Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

(2) The present Decree – together with Act LXXX of 2007 on asylum – establishes provisions necessary for the implementation of the following Community legal acts:

a) Council Regulation 2725/2000/EC of 11 December 2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention;

b) Council Regulation 343/2003/EC of 18 February 2003 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.

²⁹ Provision discontinued

c) Council Regulation 1030/2002 EC of 13 June 2002 laying down a uniform format for residence permits for third-country nationals and Council Regulation 380/2008 EC of 18 April 2008 amending Regulation 1030/2002 EC laying down a uniform format for residence permits for third-country nationals;

d) Commission Implementing Regulation 118/2014/EU of 30 January 2014 amending Regulation 1561/2003/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;

e) Regulation 604/2013/EU of the European Parliament and the Council of 26 June 2013, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

(3) The present Decree establishes provisions necessary for the implementation of the following Community legal acts:

a) Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention;

b) Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 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.

Annex 1 to Government Decree 301/2007 (XI.9.)

Document certifying the identity and entitlement to residence of the beneficiary of temporary protection

Format and content of the document: as specified in Council Regulation 1030/2002 EC of 13 June 2002 laying down a uniform format for residence permits for third-country nationals and Council Regulation 380/2008 EC of 18 April 2008 amending Council Regulation 1030/2002 EC laying down a uniform format for residence permits for third-country nationals.

Document format: ID-1 card including a data container.

Notes shall include

1. marking the “document certifying the identity and entitlement to residence of the beneficiary of temporary protection”,
2. surname(s) and first name(s) of the mother of the beneficiary of temporary protection at birth,
3. residence of the beneficiary of temporary protection.

Annex 2 to Government Decree No. 301/2007 (XI.9.)

DECLARATION

on the assets and income of persons requesting recognition as refugee, beneficiary of subsidiary protection or beneficiary of temporary protection, changes therein

A) Declaring person's

- a) surname and first name:
- b) address:
- c) number of residence permit/ID card:

B) Asset details

At the time of submitting the declaration I possess the following assets / do not possess any assets in Hungary:

- | | |
|---|-----|
| 1. property (property where I do not reside permanently): | |
| do not possess – possess, market value: | HUF |
| 2. vehicle: do not possess – possess, market value: | HUF |
| 3. cash: do not possess – possess, market value: | HUF |
| 4. others: | HUF |
| Total assets (1 – 4): | HUF |

C) Income data

At the time of submitting the declaration I possess the following income / do not possess any income in Hungary:

- 1.
- 2.
- 3.
- 4.

Total income: Ft

Date: _____, _____ 20____

Signature of declaring person (legal representative)

Declaration received by:

Date: _____, _____ 20____

Signature of representative of the Office

Each person seeking recognition as refugee, beneficiary of subsidiary protection or beneficiary of temporary protection shall fill in a separate declaration. The declaration shall be filled in with block letters.

Annex 3 to Government Decree No. 301/2007 (XI.9.)

DECLARATION

on the assets and income of refugee, beneficiary of subsidiary protection or beneficiary of temporary protection, changes therein

A) Declaring person's

- a) surname and first name:
- b) address of residence, place of stay/accommodation:
- c) number of residence permit/ID card/recognition decision:

B) Asset details

At the time of submitting the declaration I possess the following assets / do not possess any assets in Hungary:

- | | |
|--|-----|
| 1. property (property where I do not reside permanently): do not possess – possess, market value: | HUF |
| 2. vehicle: do not possess – possess, market value: | HUF |
| 3. cash: do not possess – possess, market value: | HUF |
| 4. others: | HUF |
| Total assets (1 – 4): | HUF |

C) Income data

At the time of submitting the declaration I possess the following income (in particular from employment, social supports for child care, regular financial assistance extended by social or labour authorities) / do not possess any income in Hungary:

- 1.
- 2.
- 3.

4.

Total income: Ft

Date: _____, _____ 20____

Signature of declaring person (legal representative)

Declaration received by:

Date: _____, _____ 20____

signature of representative of the Office

Each person seeking recognition as refugee, beneficiary of subsidiary protection or beneficiary of temporary protection shall fill in a separate declaration. The declaration shall be filled in with block letters.

Annex 4 to Government Decree No. 301/2007 (XI.9.)

PASS

Member State that issued the pass:

Reference number*:

This pass was issued pursuant to Article 26 of Council Directive 2001/55/EC of 20 July 2001 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.

This pass is valid exclusively for transfer from³⁰ to³¹

The person concerned shall present himself/herself by³² at³³.

Pass was issued at:

SURNAME:

FIRST NAMES:

PLACE AND DATE OF BIRTH:

For a minor name(s) of major in charge of him/her:

GENDER OF THE PASS HOLDER:

NATIONALITY:

Date of issue:

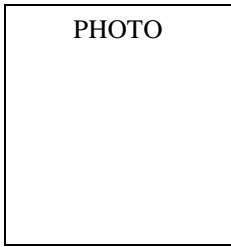
* The reference number is issued by the country from which transfer to another member state is made.

³⁰ The Member State from which transfer is made.

³¹ The Member State to which transfer is made

³² Deadline by which the persons concerned shall present themselves in the receiving Member State.

³³ Place where the persons concerned shall present themselves in the receiving Member State.



STAMP

Signature of beneficiary:On behalf of the competent authorities:

The holder of the pass was identified by the authorities on the basis of the following: ^{34 35}

Identity of the pass holder could not be established:

This document was issued exclusively pursuant to Article 26 of Directive 2001/55/EC and may not be used as equivalent of travel documents entitling to crossing external borders or ID documents used for identification of the person concerned.

³⁴ On the basis of the following travel or ID documents submitted to the authorities.

³⁵ On the basis of documents other than travel or ID documents.